



**Republic of Serbia**

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Meeting of the Security Council

Agenda Item: MICT

**STATEMENT**

By

H.E. Mr. NEMANJA STEVANOVIC

Permanent Representative  
of the Republic of Serbia to the United Nations

New York, 13 December 2021

Mr. President,  
Distinguished Members of the Security Council,

Thank you for the opportunity to speak to you on behalf of the Republic of Serbia and to present the most important instances of its cooperation with the Residual Mechanism.

At the outset, I would like to recall the Decision on the Application for Early Release of Mr. Sreten Lukic reached by President Carmel Agius on 7 October. We believe that this Decision has shown that the efforts made by Serbia have born fruit. Our Government issued binding and unequivocal guarantees for early release of Mr. Lukic, itemized and in accordance with indicated requirements. Furthermore, the final decision reached by the ICTY was entered in the criminal records of Mr. Lukic in Serbia. It is evident that Mr. Lukic, as well as the others who requested early release, was closely investigated by other institutions as well, primarily by the Office of the Prosecutor of the Mechanism and by the Association of Victims and Witnesses. I would like to express our gratitude to President Agius and to present our firm assurances that Serbia will comply with the requirements listed in the above-mentioned Decision.

I would also like to point out that it is necessary to respond to all requests submitted to the Mechanism by the citizens of Serbia who meet the requirements for early release as soon as possible.

In addition, I wish to emphasize the importance of the meetings between the President of Serbia and Minister of Justice with Chief Prosecutor Serge Brammertz during the reporting period. Being in close contact with Mr. Brammertz and taking into consideration extraordinary circumstances due to COVID-19 pandemic, exceptional results were achieved and almost all requests, which the Office of the Prosecutor presented to the Government of Serbia, were responded to.

Mr. President,

During the past six months, two judgments were rendered by the Mechanism, both in June: the second-instance judgment in *Ratko Mladic* case, and the first-instance judgment in *Stanisic/Simatovic* case. We would like to request that a humanitarian aspect be taken into consideration when selecting a country for Mr. Mladic to serve his sentence. We are talking about an elderly individual who suffers from a number of serious health ailments. We are witnesses that in certain countries, convicted persons are being incarcerated in inadequate facilities, in spite of standard minimum rules of humane conditions of imprisonment established by the United Nations (Nelson Mandela Rules), and even though formal requirements have been met before the Mechanism for the convicted persons to be handed over to those countries.

**Mr. President,**

I would like to recall Serbia's initiatives which, so far, have not been supported either by the Security Council or by the Mechanism. One of them is our request that **the sentences passed by ICTY and the Mechanism be served in Serbia**. A large number of the convicted persons who are currently serving their sentences are either of the Serbian nationality or the citizens of Serbia. I would like to repeat that Serbia is ready to assume obligations and responsibilities for sentence

serving of its citizens who were convicted by the Tribunal. We accept the international supervision and, therefore, are ready to offer strong guarantees that the convicted persons will not be released early without corresponding decisions of the Mechanism, in case they serve their sentence in Serbia.

Another unresolved issue is the **fate of the archives of the Tribunal**. Serbia submitted a large number of documents to the Office of the ICTY Prosecutor, defense attorneys and trial chambers of the Tribunal as well. Our position is that the documents which were submitted to the Office of the Prosecutor, but were not used as evidence during the ICTY and MICT proceedings, should be returned to source institutions. It is extremely important not only because of the responsibility to record the events that happened in former Yugoslavia in 1990s, but also because of its enormous volume. We are talking about millions of pages according to professional assessment.

**Mr. President,**

I wish to address two specific current issues: the harassment of convicted persons and witnesses.

Namely, two of our citizens who are incarcerated are currently facing a **harassment by the representatives of the so-called “Republic of Kosovo”**. I am referring to the interrogation attempt of Mr. Pavkovic and extradition attempt of Mr. Djordjevic. I take this opportunity to plead with the Security Council not to allow those acts to happen. The doctrine *non bis in idem* is one of the fundamental postulates of the civilized society, and as such, it can be found in Article 7 (1) of the Statute of the Mechanism. We find it unacceptable that they should be tried twice for the same crime, especially by the Provisional institutions of Self-Government in Pristina.

The second issue is related to **threats and intimidation of the witnesses in the Jovic/Radeta case**.

On 3 September 2021, Single Judge reached the Decision on preservation of evidence by special deposition for the purposes of future legal proceedings. *Amicus Curiae* Prosecutor was obliged to file an ex parte submission including a list of witnesses whose evidence she seeks to preserve, prior witnesses' statements, and a summary of topics for which the proposed witnesses are expected to provide evidence. In September, team of three individuals arrived in Belgrade, authorized by the Mechanism to assist *Amicus Curiae* Prosecutor.

However, on 21 October one of the witnesses made a request for urgent assistance to our Ministry of Justice. The witness provided a detailed description of an incident which took place on 29 September 2021 involving the above-mentioned individuals. The witness stated that he was exposed to threats, blackmails and verbal assaults and that he was ordered to testify against Jovic and Radeta.

Allow me to remind you, back in 2018, a Single Judge ordered that the case against Jovic and Radeta be referred to the judicial authorities of Serbia for trial. The *Amicus Curiae* Prosecutor appealed the Decision based on the issue of witness protection, i.e., on witnesses' fears for their safety and safety of their families, especially after their cooperation with the Prosecutor. The incident on 29 September entirely devalues the sole foundation of the request that this case should

be processed before the Mechanism. Such actions of the Amicus Curiae Prosecutor's team must be disclosed and sanctioned.

Mr. President,

I would like to emphasize that the commitment of the Republic of Serbia has been demonstrated through years of effort striving to ensure that all parties responsible for war crimes are brought to justice. Serbia prosecuted many war criminals before its courts as well as in cooperation with the ICTY and Residual Mechanism.

Our new National Strategy for war crimes proceedings (2021-2016) aims to strengthen all mechanisms for combating war crimes impunity, to protect and support victims, to establish the fate of missing persons and to build a social environment for tolerance and reconciliation.

I am confident that the above-mentioned objectives will be realized through an efficient implementation of this strategic document while contributing to resolving other remaining and painful issues from the time of dissolution of Yugoslavia. The burden of armed conflicts and their devastating consequences for the citizens, regardless of their nationality, ethnicity or religion, has been obstructing the improvement of good-neighborly relations and regional cooperation for many years now.

At the same time, in order to continue the process of reconciliation, to foster good-neighborly relations, and to maintain lasting peace and stability in the region of former Yugoslavia, it is essential to invest additional efforts to nourish the culture of remembrance and dialogue.

War crimes proceedings represent one of the especially important issues within our European integration process.

Mr. President,

during the reporting period, the Office of the War Crimes Prosecutor of Serbia was intensely working on strengthening the cooperation with regional prosecutors. Regional conference of the prosecutors took place in Belgrade on 21 - 22 September 2021 and was supported by the UNDP and the UK Government, with active participation by the representatives of the prosecutor's offices of Bosnia and Herzegovina, Croatia, Montenegro, as well as by the representatives of the prosecutor's office of the Residual Mechanism presided over by Chief Prosecutor Serge Brammertz.

Serbian and Bosnian Prosecutors met in Sarajevo in November to further discuss cooperation regarding the reciprocal referral of criminal cases and concrete steps to be taken the near future.

Mr. President,

Distinguished Members of the Security Council,

We believe that it can be concluded that the cooperation between Serbia and the Residual Mechanism has been successful. Therefore, we expect that the Security Council of the United Nations will be actively engaged in the matters it initiated.

Thank you, Mr. President!