

## **On the occasion of the election of the Prosecutor for War Crimes of the Republic of Serbia:**

### **No discussion on the future of war crimes prosecution**

On Monday, May 15<sup>th</sup> 2017, the National Assembly of the Republic of Serbia [elected](#) Snežana Stanojković, former Deputy Prosecutor, as the new Chief Prosecutor for War Crimes in Serbia. This position has been vacant since January 1<sup>st</sup> 2016. Human rights organizations are welcoming the election of a new Head of the Office of the War Crimes Prosecutor (OWCP), primarily because of the importance of continuity in the domestic prosecution of war crimes, which was threatened with disruption because the appointment of a new chief prosecutor had been delayed for almost a year and a half; and also because this occasion should indicate the final start of the implementation of measures designed to increase the efficiency of this office.

During the marathon three-day parliamentary sessions, the MPs discussed and voted on a total of [44 agenda items](#). The lawmakers did not engage in a reasoned discussion about the [two candidates](#) who the Serbian government had proposed to the Parliament, and the opposition MPs protested because they had not received beforehand the programmes of the proposed candidates, which in fact prevented them from making an informed decision (Snežana Stanojković's programme is available [here](#)). The lack of extensive parliamentary debate on important issues and decisions before they are voted on indicates the immaturity of democratic institutions in Serbia, as well as the persistent unwillingness of political representatives to speak about the obligations of the Serbian authorities as regards the investigation of past crimes and the punishment of perpetrators from within their own ranks. Human rights organizations believe that this was a missed opportunity for the Parliament to analyse the programmes for the organization and improvement of the OWCP's work, which were supposed to contain solutions to chronic problems in the functioning of this office, which have been pointed out in previous years by the [European Commission](#), the [European Parliament](#), the [Council of Europe](#), the UN [Committee for Human Rights, Enforced Disappearances](#) and the [UN Committee Against Torture](#), by [national](#) and [international organizations](#), as well as by the European Commission against Racism and Intolerance in its latest [report](#).

Of particular concern is the nationalist narrative that could be heard in the statements of the MPs of the largest ruling party during the parliamentary sessions, in which it was easy to observe not only the lack of political support for specialized judicial authorities, but also a form of pressure on - or even "work instructions" for the new prosecutor.

The new Prosecutor for War Crimes faces a great responsibility and numerous challenges, whose common denominator is, quite simply, the more efficient prosecution of war crimes. In this regard, she must be expected to attempt to compensate for the time lost, and then to implement effectively the [National Strategy for War Crimes Prosecution](#), adopt the prosecutorial strategy for investigating and prosecuting war crimes, and implement the activities envisaged by [the Action Plan for Chapter 23](#).

The new prosecutor's mandate of six years will be a crucial period in the fight against impunity. Although statutory limitations are not applicable to war crimes, two decades have passed since the wars in the former Yugoslavia, and the suspects are getting older, as are the victims and witnesses, which will make every investigation and prosecution increasingly difficult with the passage of time.

The new prosecutor will best show her commitment to this fight by raising the first indictments against high-ranking perpetrators and the first indictments for crimes against humanity and genocide; by increasing the number of indictments, as well as prosecuting crimes with a large number of victims (such as the [crimes](#) in the valley of Reka in Kosovo); and by raising the first indictments in "politically sensitive" cases (such as the cases of [Rudnica](#) and [Bytyqi](#)).

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