



# THE REPUBLIC OF S E R B I A

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UNITED NATIONS GENERAL ASSEMBLY  
THEMATIC DEBATE:  
*ROLE OF INTERNATIONAL CRIMINAL JUSTICE IN RECONCILIATION*

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## STATEMENT

by

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PRESIDENT OF THE REPUBLIC OF SERBIA

New York, 10 April 2013

Ladies and Gentlemen,

The question to which we have to give an answer today is essential to many small and unprotected countries, such as Serbia, of which I am the president.

The question is:

Has justice, as epitomized in laws, civilization achievements and equality, disappeared from the face of the Earth? Are those pulling all the strings of power and might on earth behaving justly? Or perhaps they think they do not have to, because the God of the mighty and powerful, whom they worship, has not provided justice for the weak and the poor but "the right of the stronger."

Is it justice, as Simone Weil would say, a fugitive from the winning camp, because the winner is not the one who is better and more just, more humane and tolerant, but the one who is simply stronger?

I am posing this question today not only in the name of my country but in the name of all countries having reconciliation and life together in forgiveness as one of their countries' priorities. Has the International Criminal Tribunal for the former Yugoslavia contributed to peace in the Balkans and how far reaching have been the judgments handed down by the Tribunal in the context of the mission of reconciliation and promotion of law and justice in the world? Are we all equal before this Tribunal as we are all equal before God?

Twenty years ago, the United Nations Security Council established by res. 827 (1993), the International Tribunal for the prosecution of those held accountable for serious breaches of international humanitarian law in the territory of the former Yugoslavia after 1991.

The need for establishing such a body was argued by the political position that its establishment "will contribute to reconciliation and return and maintenance of peace" in "special circumstances" of the former Yugoslavia. Desirous of achieving these goals and believing that the purpose of its establishment was justice and reconciliation, and having nothing to hide, Serbia was among the first countries which supported the Tribunal's establishment and has been cooperating with the Tribunal to the present day.

Serbia now feels that it has unfairly given legitimacy to the Tribunal in the hope that by applying the same benchmarks, justice will be served for all the victims of the conflict. Unfortunately, the sense that justice was not satisfied is now present among the Serbian people. The rulings of the Tribunal have made old wounds open because justice has not been done since the Second World War, when in Croatian infamous camp of Jasenovac 700, 000 Serbs and many Jews, Roma and others, including 50, 000 children, were murdered, thus creating the gap of mistrust that will burden the future generations.

1. The official name of the ICTY contains also the word "prosecution" or "criminal prosecution", which is absolutely out of character with the European legal tradition. As a matter of fact, the ICTY can not be an instrument of prosecution (that is the role of the prosecutor) but, on the contrary, an independent body which impartially and without any discrimination weighs arguments of both the prosecution and the defendant as the other equal party. The Hague trials have from the very beginning shown that there is no such even-handedness because the prosecution has been favoured at the expense of the defendants in all the cases and in every respect.

The Prosecutor has various advantages over the defendant. For example, the Prosecutor has exclusive access to the media to explain his case and comment the trial from his angle of view; the Prosecutor has much more numerous team and far greater technical and financial resources, using all these to prevent the defendant to answer the charges against him in an appropriate manner; hence, the Prosecutor submits applications to the defendant in a foreign language without a proper translation; the defendant is being deprived of the possibility to defend himself but is imposed a legal counsel against his will.

If the Prosecutor brings an indictment and accompanied documents in hundreds and thousands of pages, even millions of pages, so that it will take an average individual several years just to go through them while the trials are being limited by short periods of time, it becomes clear to any reasonable man that this is an abuse of the trial rights by the prosecution, resulting in the obstruction of the right of the defendant to defence, amounting to the material denial of the right to defence.

If, in addition to it, the defendant is held in detention for years, essentially in prison, whereby a provisional measure has become a penal sanction (Witness the case of defendant Vojislav Seselj who is being held in detention 11 years without trial, unprecedented in the world's history, because the prosecution was unable to gather evidence for their undocumented indictment issued beforehand), so it would not be highly difficult to deduce and prove that these are the most flagrant violations of human rights of the accused committed both by the prosecution and by the ICTY itself.

On the other hand, the legal fees of defence before the ICTY are very high and not a single defendant is capable of paying them himself. Therefore, the ICTY is paying the attorneys from a roster compiled by it. This means that the defendant's counsels at Hague trials are financially controlled by the ICTY, raising a question of their independence and impartiality. This is all the more so because there were cases where some attorneys have been subsequently taken off the roster.

2. It is not in dispute that all present-day rights and the international legal system insist on the independence of the judiciary (that is why power is divided into executive, legislative and judicial). The ICTY has been financed since its establishment from the budgets of the countries concerned; in other words, its operation and even its very survival has been directly dependant upon the interests of the "countries concerned"!

3. The document establishing the ICTY limits its jurisdiction also in respect of the time: only for events after 31 December 1991. The reason for this is solely of a political nature because in this way crimes against peace have been excluded. Logically, crime against peace precedes all other crimes committed in a conflict. That is why it is more serious and more dangerous. However, the crime against peace committed against the former Yugoslavia, no doubt, implicates also the great powers. Therefore, a trial that would also involve a crime against peace would definitely shed light on the role of the great powers which are mainly responsibly for the establishment of the ICTY.

4. One of the legal civilization rules is that in any event an objective and unconditional impartiality of each and every judge must be ensured. We wonder what kind of impartiality is that when a systematic atmosphere of lynch against everything that is Serbian is being created in an environment where a trial is to take place.

The influential western media have created an image of a presumed Serbian guilt. This is evident in every TV show, article or statement made by public figures. The same is also true of the number of those indicted of war crimes and those arrested or, more precisely, kidnapped indictees.

5. American rules of procedure are strict: on the one hand, unlawful arrest automatically implies release of a suspect; on the other hand, evidence gathered in an unlawful, illegal manner can not be admissible either even though they prove the guilt of the defendant beyond a shadow of a doubt. Glaring examples of unlawful arrest or kidnappings and unlawful gathering of evidence are a rule when Serbs are concerned.

The ICTY has even introduced a totally new institution of trial criminal law, the so-called preventive arrest. Namely, a witness may be brought in without any previous summons, which actually amounts to kidnapping rather than summoning. Many have been arrested without a court warrant, detained, subjected to torture and psychological pressure through interrogations lasting even 20 hours per day. Inhumane treatment continued in the course of the trial; hearings and presenting of evidence have been conducted for extremely long periods, even involving the detainees of seriously damaged health, which resulted in all cases in reduced capacity for defence and in several cases even in death of the accused.

In many instances the evidence has been gathered without a prior consent of a court or other authority and this has been qualified by the Tribunal as only a minor offence. Rules of civilized world do not apply to Serbs and the ICTY does not make inadmissible the evidence gathered in an unlawful way. However, the ICTY deems that the administration of justice would find itself in front of a dangerous obstacle if due to some minor breach of procedural rules whose application is not even binding on the Trial Chamber, the ICTY could not admit as proof a material having relevance and proof value. In this way, the ICTY has given rise to unlawful gathering of evidence, encouraging those resorting to such practices to act illegally.

6. The greatest antinomy concerns the presentation of witness accounts. All evidence against the Serbs is based on witness accounts. Every time a witness is being heard, the basic question is whether

he/she has a quarrel with a defendant. In this case it is not a matter of an ordinary quarrel but a war, so that it is possible to prove almost anything by witness accounts. One of the basic rules also includes the possibility of confrontation of the defendant and the witness. This is impossible in the ICTY, since the defendant neither knows the witness nor can he see him behind the screen!

Let me just mention that the inter-American Commission in its report on the human rights situation in Colombia, considering that there was a possibility of basing the judgement on the statements of secret witnesses, was "concerned by the fact that this system is still part of the law of Colombia", and welcomed the decision of the Colombian Constitutional Court by which the decree allowing this was declared unconstitutional. The Commission said that the system was inconsistent with Article 14 of the International Covenant on Civil and Political Rights, in particular its paragraphs 3(b and e).

Cross-examination of a secret witness is essentially impossible, let alone refuting claims that the witness was able to find out and know facts of the case.

7. One of the basic rules of a criminal trial (and law in general) is the rule of legal certainty. The Tribunal Rules of Procedure are being changed even while the trial is ongoing (so far, these rules have been changed more than 20 times!), which is literally unparalleled in the history of legal civilization.

8. Until the ICTY was established no lawyer could even dream of punishments being passed on the basis of 'sub-legal' acts or unilateral decisions not having any legal basis, and even retrospectively! The ICTY hands down sentences on the basis of its Statute and Rules of Procedure that it adopts itself, the Statute and Rules of Procedure that did not even exist at all at the time of alleged perpetration of crimes!

9. The notion of "joint criminal enterprise" the ICTY introduced six years after it started its work when it realized that the Prosecutor, despite all the advantages given to him at the trial, is unable to prove the responsibility of the highest officials who fought secession and who stood in defence of the people (it should be noted that many of these political and military officials were not Serbs).

To make the parody even greater, the JCE at the Nurnberg Trials held against German political and military leaders was used only in the sense of acts of crime against peace, namely the planning, preparation, starting or conduct of a war of aggression, an act which at the ICTY trials has been excluded from ICTY jurisdiction! The construction of "joint criminal enterprise" has been taken over by the Tribunal from the Anglo-Saxon commercial law (joint enterprise), which is related to financial responsibility and which has no legal basis whatsoever in criminal matters.

10. It should be added that the ICTY has also introduced command responsibility as a kind of objective criminal responsibility, according to which every high-level politician or military leader could be held accountable. Article 7 of the ICTY Statute refers to individual responsibility, and joint criminal enterprise or command responsibility naturally refer to collective responsibility. The purpose is more than obvious: to make the State, or State entity, if not directly, at least indirectly, via implication of the highest government and military officials, responsible, which are, in the case of ICTY trials, only the Republic of Serbia and Bosnian Republic of Srpska. The evidence is simple: these were the grounds on which only Serbian officials have been convicted, while the others, if they were indicted, had been eventually acquitted. Nonetheless, the ICTY has been working and instituted proceedings against more than 160 individuals.

These facts have been known to some extent to the international public. There is no citizen of the Republic of Serbia who has not heard of the ICTY or the Hague Tribunal, as it is commonly referred to according to the city where it is located. As if there were more kinds of justice, the Serbian language has coined an expression "the Hague justice", for the unjust legal decision based on untruths and rendered under political pressure.

The critical view of the ICTY formed in Serbia is not politically motivated. The cooperation of my country with ICTY has not been politically conditioned either or prompted by the desire to get something out of it. The work of the ICTY has been seen in Serbia as partial, which is viewed by certain international quarters as the result of a nationalist approach and the desire to downplay the seriousness of the crimes committed.

The Republic of Serbia and its leadership – in spite of two decades of the Tribunal practices which were in sharp contrast to the standards applied in the Serbian justice system, more exactly, not meeting those standards – nevertheless believed and continue to believe that criminals should be punished. For this

reason only, the Republic of Serbia handed over to the ICTY 46 indictees, including two former Presidents, members of government, three Chiefs of General Staff of its Army and a number of police and military generals.

Cooperation with ICTY came out of our sincere wish to contribute to the reconciliation in the territory of the former Yugoslavia; it has not been the result of any pressures. For this reason, Serbia, often compromising its own national interests, has fully complied with almost all requests for assistance made by the ICTY Prosecutor Office or by the defendants; none of the requests for access to archives has been denied either. Like almost no other country in the world, Serbia has literally renounced its own sovereignty by granting waivers to 750 witnesses to give evidence in ICTY involving classified information. Serbia even delivered a director of its intelligence service to the ICTY, which is a unique case in the world.

Hague trials are being conducted in the name of highest human values, expressed nowadays through the so called human rights.

The application of law which is actually leading into anti-law has been justified in the past from the church pulpits, and, with the technological advances, through the press, newsreels and film, all the way to TV shows of local or global character. The inquisition burnt at the stake in order to satisfy "divine justice", which requires that Satan's followers be purified through fire, because it was for their own good!

The proceedings against Serbs are mainly motivated by punishment and revenge, and revenge, especially in modern law, can never be justified as being fair.

One can not be just to some and unjust to others. In equal cases one must act equally; otherwise not only will justice be lacking, but injustice will take over all the space voided.

How is it otherwise possible to explain that no one, save in one case in Bosnia and one case in Kosovo, has been sentenced for crimes against Serbs? David Harland has been proven right when he wrote in the New York Times in December 2012, and I quote: "It's not fair that only Serbs bear the responsibility for crimes in the wars of Yugoslavia. The judgements handed down only to Serbs have no sense either in terms of justice or in terms of reality or politics. It's very bad to be a Serbian victim of a crime committed in the territory of the former Yugoslavia. In the past Balkan wars, Serbs have been displaced or ethnically cleansed more than any other community. Most Serbs have remained ethnically displaced even today. Almost no one has been held responsible for it, and as things stand now no one will".

This will in no way contribute to the truth and to genuine reconciliation in the territory of the former Yugoslavia. Among Croats and Bosniaks such judgements rendered by the ICTY encourage exaltation and triumphalism, threatening that such acts could be repeated some time in the future, whereas among Serbs such judgements cause frustration and depression.

Statistical evidence of the number of those indicted and convicted by the ICTY is another story. Although an official UN expert submitted to the ICTY a finding, an opinion, saying that there is no apparent great disproportion in the number of killed in the wars, the number of indicted and in particular the number of convicted for crimes where victims were Serbs, is very small.

The total duration of the punishment imposed so far on Serbs is some 1150 years, while the representatives of other nations have been sentenced to a total of 55 years for the crimes against Serbs.

We are talking about true reconciliation, and very often reconciliation, even when it is based on truth, on true facts, can be faked, insincere and hypocritical. Especially when before reconciliation we failed to arrive at real and whole truth. "Hague trials", it seems, will largely fail to come to the real and whole truth, so that reconciliation too will be imposed and insincere.

One can say that truth in general may not lead to reconciliation, even though it is true that reconciliation not based on truth but on delusion, is usually not lasting long and is false and hypocritical.

The truth can also be purifying catharsis, but at the same time a burden for the future. Nevertheless, one can not deny that the wish for the "truth and reconciliation" as well as the desire to establish individual criminal responsibility for war crimes is something which is positive in principle. Putting it simply, it is a question whether or to what extent the ICTY in its work has been objective and impartial, and whether and how much it has succeeded in coming to the "truth" and consequently to "reconciliation" later on.

Has it managed to prevent future crimes and have justice done, justice sought by thousands of victims and their families, but also to contribute to the establishing of an enduring peace in the territory of the former Yugoslavia?

Virtually all ICTY judgements show that the officially identified tasks have not been fulfilled and failure to institute proceedings against some individuals proves that, perhaps, the accomplishment of the mission for which the Tribunal was reportedly created, was not desired after all.

Serbia does not wish to deny that in some cases before the ICTY incontrovertible facts have been established and that those responsible for serious violations of international law have been deservedly punished. Bringing them to justice has really prevented them from committing any further crimes.

The inhabitants of the states which have emerged in the territory of the former Yugoslavia, as well as the inhabitants of Serbia should, taking all this into account, treat their victims with reverence and respect.

Serbia does not deny that Serbs committed crimes in the war and I point out the crime in Srebrenica. Serbia condemns the crimes of its fellow Serbs, but this should also be done by the states in the name of which horrible crimes too have been committed against the Serbian people.

The contribution made by the ICTY is evident in some cases. However, a serious and long shadow has been cast on the work of the whole Tribunal by the fact that political leaders of only one side, the Serbian one, have arrived in The Hague as indictees and left it as guilty ones.

That shadow has been cast over the reputation of the ICTY in particular following the clearing of all charges of Croatian generals Ante Gotovina and Mladen Markac, as well as the commander of the so-called Kosovo Liberation Army Ramus Haradinaj and Bosniak military leader of eastern Bosnia Naser Oric. The work of the ICTY in these cases serves only to support the building of the culture of impunity, of pointing to the criminals at all quarters that, if they enjoy someone's political support, they may freely kill, expel, rape, set fire to, destroy, plunder...

When I said that Serbia believes that criminals should be punished, I had in mind that all perpetrators, organizers and sponsors should stand trial. Regrettably, the ICTY, it is quite clear now, was not of the same view. No Croatian, Bosniak or ethnic-Albanian political figure or any senior officer of the Croatian Army, of the former Bosnia and Herzegovina Army or the so-called KLA have been indicted or convicted of crimes against Serbs.

Serbia has completed its cooperation with the ICTY. We have given the ICTY more than any other country was willing to give, but after the judgements of acquittal of Gotovina, Markac, Oric and Haradinaj, the frustration and indignation of the entire Serbian public, irrespective of their party differences and ethnic or religious affiliation of its citizens, has brought the Serbian Government to decide to cooperate with the ICTY only at the technical level.

In my capacity as President of Serbia, I am bound to defend my people. On the other hand, I do not wish nor am I under the obligation to protect those Serbs who violated the law in the wars in Croatia, Bosnia and Herzegovina or in Serbia. My country, during its glorious past, fought long and hard to defend its own, and not only its own, freedom.

Never has any doubt been cast over its struggle that it was unjust or that Serbian soldiers endangered the lives of innocent people in conflict or that they acted in an undignified manner either towards the enemy or the civilians on the other side. When, for the first time in its history, there has been doubt that crimes have been committed by some members of its army and police or their civilian commanders, Serbia has, as soon as it was possible to do so, arrested them and handed over to the ICTY. Some of them have surrendered voluntarily.

As President of Serbia I do not have the right, however, not to point out that former leaders of Croats, Bosniaks and Kosovo Albanians are also responsible for the suffering of Serbs.

Thousands of those killed, displaced and humiliated seek justice and truth that the ICTY did not want to show to the world.

Croatian generals Markac and Gotovina have been cleared of their responsibility for the killing and expulsion of civilians from the Serbian Krajina, though crimes against them have been proven even in the

ICTY itself. If they are not guilty of these crimes who is, the international observers have asked themselves after the Appeals Chamber rendered its judgements.

Croatian troops drove out more than 300,000 Serbs from the territories which their ancestors inhabited for centuries. Reconciliation without the return of those wishing to return to their homes - which are in large measure, unfortunately, destroyed – can not be realized, while impunity and, which is even more dangerous, glorification of criminals does not contribute to reconciliation, a task which the ICTY largely had in mind.

More than 2000 victims from Bratunac, Kravica and other surrounding villages in eastern Bosnia, where the Bosniak forces commanded by Naser Oric operated, are waiting for at least someone to be found guilty of these crimes.

The Serbs of Kosovo and Metohija have been kidnapped in an organized way, their organs have been harvested and sold on the black market. History knows of no such crimes. Instead of prosecuting these crimes, the ICTY destroyed the evidence.

Hundreds of thousands of displaced people, thousands of killed and kidnapped in Kosovo and Metohija have not been reason enough for the ICTY to punish KLA commanders and soldiers, but during his trial allowed Haradinaj, in an unprecedented manner, to be active in politics. In fact, the ICTY allowed him to kill and intimidate witnesses.

The Information on whether Croats have been tried for crimes against Serbs or by and large (only) for crimes against Bosniaks and vice versa, whether Bosniaks have been tried only for crimes against Croats or have they been tried also for crimes against Serbs, and how much and how frequently this has been the case, sounds disastrous. Serbs as victims of crimes tried by the ICTY are almost nonexistent, namely, even when the ICTY tried Croats or Bosniaks, it tried them because Croats killed Bosniak Muslims or because Bosniak Muslims killed Croats. Only in a few cases like Haradin Bala in Kosovo, he was convicted of crimes against Serbs and sentenced to 13 years in prison; Zdravko Mucic was sentenced to 9 years in prison, Hazim Delic, 18 and Esad Landzo 15 years in prison.

These facts can suggest the following conclusion: among the perpetrators of war crimes in the territory of the former Yugoslavia there are almost exclusively Serbs, and, which is particularly interesting, among the victims of war there are almost no Serbs. Someone is trying to buttress the statement that the Serbian side bestially and orgiastically killed and committed genocide, whereas the other side set back and went about daily tasks and did humanitarian work.

In that war that destroyed us all, it was not that some only got killed, and the others did the killing.

Perhaps it all was a prelude to the wresting away of Kosovo and Metohija from Serbia which is now at work, where an organization of the most advanced and, by definition, most just countries is involved. And yes, also the most powerful countries, from which justice has escaped.

It is clear that with regard to victims, the number of killed, even all war crimes, there had been very many exaggerations in the media, and not only in the media, domain. Media demonization of Serbs has been carried out very fast and with an unparalleled uneven-handedness and uncritical spirit of the western media which has not allowed for full two decades any different opinion or interpretation of events to emerge.

If a future researcher or historian were to make conclusions only on the basis of the number of the accused and convicted Serbs, Croats and Muslims about the war in Bosnia and Herzegovina, he would conclude that only Serbs killed Croats and Muslims (Bosniaks), that there were practically no killed Serbs, that here and there Croats killed Bosniaks and that Bosniaks killed very few Croats.

This very graphically paints the picture of the actual situation as far as the non-objectivity and partiality of the ICTY is concerned.

The ICTY was supposed to play, at least formally, the main role in bringing to justice war criminals in the territory of former Yugoslavia. International participation in this task should have assured impartiality. If the ICTY failed in this task, the Council of Europe was successful in it, to some extent.

The Special Rapporteur of this oldest European organization, Dick Marty, a senator from Switzerland, has proven, and the Parliamentary Assembly of the Council of Europe confirmed that some of the present Albanian leaders of Kosovo and Metohija organized at the end of the 20<sup>th</sup> and the beginning of the 21<sup>st</sup> centuries, kidnappings and killings of Serbs whose organs had been removed and sold. When

Serbia, prevented from instituting legal proceedings for those crimes, which have not yet been seen anywhere in the world, requested that the Security Council, founder of the ICTY, be responsible for the investigation, the international community was not sympathetic. Probably because the victims were members of my people, Serbs, and it seems that it is allowed to take out their hearts and kidneys and trade them as if they were merchandise.

I appeal to you, dear friends, to support Serbia in its efforts to unveil the truth about these and other crimes, and that the guilty ones receive just punishment.

It is never too late for reconciliation. Almost 70 years after the end of the Second World War, I have agreed with the President of Hungary, in a symbolic manner, to be the initiators of the historic reconciliation between Serbs and Hungarians, neighbours that have found each other on the opposite sides during that conflict. We will erect monuments for the victims and pass a message to this and future generations to live in peace with their neighbours.

Serbia and I are ready not to wait for 70 years to reconcile with neighbours with whom we once lived in the same country or with whom, and I refer to Kosovo and Metohija, we still live in the same country. I am deeply convinced that the ICTY did nothing to help that process and that it probably delayed it unnecessarily for the future generations. It certainly delayed and made it more difficult, to a large extent. If one side is dissatisfied with the work of ICTY, the real truth and reconciliation will not come.

In order to come to truth and reconciliation, that is, genuine reconciliation, it is necessary for all three sides to be at least equally satisfied and dissatisfied.

With such verdicts, this type of balance, and balance is the basis of justice, has in no way been established. But who in the ICTY cares about all of that? Has the Tribunal, by provoking in one people a feeling of doing injustice and enhancing triumphalism in the other, led to reconciliation and removed the anxiety that the civil war from the 1990s could repeat?

Concealing the historical truth comes to bad fruition. No one is mentioning that on this day, 10 April 1941, pro-Nazi "Independent State of Croatia" was established. In the turmoil of the Second World War, Croatian fascists, with the help of the Third Reich, created a criminal order that, in four years, killed more than a million Serbs, Jews and Roma. That truth had been concealed for the sake of false brotherhood and unity of the Yugoslav peoples and, 50 years later, history had repeated itself in the Yugoslav wars.

International tribunals should, therefore, establish the truth. Without the truth there is no reconciliation. And, most often, you don't get to the truth by outvoting, as the judgments and other decisions were passed in the ICTY, as a rule. In that effort, the political pressures, blackmail, intimidation and bribery – regardless of whether it concerns witnesses, accused, prosecutors or judges, it is all the same – help even less.

Maybe it was expected that Serbia, busy with its concerns, devotes less attention to the work of other international judicial institutions such as the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the Special Panels of the Dili District Court, Special departments of the Courts of Cambodia, the Special Tribunal for Lebanon and, in particular, the International Criminal Court.

As a responsible member of the United Nations, Serbia is monitoring and supporting the work of the entire international jurisprudence, but, as it has itself experienced the imperfection of the international judiciary, it is also willing to hear the critical arguments presented by our friends from other parts of the world. As a matter of fact, those coming from Africa, with which countries Serbia is bound with decades-long friendship, based on cooperation, understanding and mutual respect. It seems that international justice has decided to overlook the crimes on other continents and to punish only some. It qualifies as discrimination, to which we have been so often exposed.

We hope that there will be no more crimes, but we expect that the investigations will be also continued into crimes so far committed outside Africa or the Balkans, against all offenders, regardless of their nationality, colour, wealth or political position.

I repeat that I sincerely advocate punishing the guilty, not forgetting the crimes and reconciliation, but emphasize that selective justice, which applies only to a few – be they from the former Yugoslavia or from Africa - which bypasses some, does not contribute to peace and stability. Only equal treatment in equal circumstances and punishing all those responsible for breaking the law will show the world public and the



citizens of the countries where the crimes were committed that the international courts were established to help, and not to achieve the interests of the mighty ones.

The Republic of Serbia has confirmed its commitment to respect international law, by signing the Rome Statute of the International Criminal Court as early as 2000. The role of international justice and, in particular, the International Criminal Court, should not be only in taking over jurisdiction of national courts, but also in assisting national courts to prosecute serious violations.

That is why the International Criminal Court, whose work Serbia strongly supports and in whose mission it believes, should bear in mind the needs of different parts of the world, and also the fact that there are criminals among the "enlightened" nations, and - given the many system lapses and structural errors, but also the wilful failures and overlooking made by ad hoc international tribunals - be truly both international and independent, as it should be.

The purpose of punishment, however, should not be retaliation. Enlightened nations have long since ceased to think of punishment as revenge. Revenge, just like mercy, comes from God. The punishment, if just, should prevent the criminal from committing the crime again. And to point out to others that they will face justice if they commit war crimes. But the purpose of punishment is also the re-socialization of offenders. Not pardon, but, to the extent possible, return to normal life.

Serving a prison sentence in a foreign country, away from one's family, in an unfamiliar environment and without knowing the local language, is not conducive to the designated tasks.

My country guarantees that the Serbs convicted by the ICTY, if they are allowed to serve their prison sentences in Serbia, will have no privileged treatment and is willing to accept international supervision. No individual would be released on parole without the decision of the ICTY, the International Residual Mechanism for Criminal Tribunals or some other United Nations body that would be responsible for these issues.

I appeal, therefore, to the ICTY and the Secretary General of the United Nations, to find a formal way and allow convicted Serbs to serve their prison sentences in Serbia.

We did not find full justice in the ICTY for the abused, expelled and killed Serbian victims. And they exist, as do their families without solace and justice, as exist those who have committed crimes against Serbs. There are victims and there are no penalties that we rightly expected the ICTY to impose on these criminals.

Contemporary international relations certainly require international justice. The ICTY did not meet the primary stated goal - reconciliation in the region, and therefore cannot be the future of international justice, but only its ugly past. The benefit of the ICTY exists only insofar as it is now clear that the manner of its establishment, its overall work (the application of substantive and procedural law, measuring and execution of sanctions) shows that it must never do the job in that way again.

International justice is badly needed today, but the one which is legal and legitimate. International justice may be carried out exclusively by the permanent International Court of Justice.

Proof of this is, among other things, also the absence of the President or any representative of the ICTY today. If they do not respect the most ancient legal rule "Audiatur et altera pars" (Let's hear the other side) how can we expect of them minimum of rights and justice?

Ladies and gentlemen,

The anthem of my country – the Republic of Serbia – is a prayer. Each time we sing it, we turn to the justice of God, to save us and hear our voice of truth.

Serbia is nowadays criticized that it is too dedicated to history and too inclined to patriotism. We do not feel the need to apologize for having history. To justify ourselves for having historically been on the side of the truth, on the side of the allies, defending the homeland? We have nothing to be ashamed of, but we have something to be proud of.

Yes, we were mocked, ridiculed, insulted... We are opposed to such an unfair image as best we can. Our strength is in the truth we are fighting for and we do not want to give up that fight. Justice may be blind, slow and perhaps its cymbals are sometimes up, sometimes down, but it is our duty to constantly add facts and evidence to the cymbal of truth, which will help the truth to be reached.