

OPEN LETTER TO
JOSEPH BIDEN, THE U.S. VICE PRESIDENT,
JOHN KERRY, THE U.S. SECRETARY OF STATE,
FEDERICA MOGHERINI, HIGH REPRESENTATIVE OF THE E.U. FOR
FOREIGN AFFAIRS AND SECURITY POLICY,
JOHANNES HAHN, E.U. COMMISSIONER FOR EUROPEAN NEIGHBOURHOOD
POLICY & ENLARGEMENT NEGOTIATIONS,
THE EUROPEAN UNION FOREIGN AFFAIRS COUNCIL,
THE U.S. SENATE COMMITTEE ON FOREIGN RELATIONS, AND
THE U.S. HOUSE OF REPRESENTATIVES FOREIGN AFFAIRS COMMITTEE

As former representatives of the United States government, authors, human rights activists, and academics who have closely followed the breakup of the former Yugoslavia and Serbia's subsequent efforts to resolve the many war crimes committed during that period, we are deeply concerned by the slow pace of Serbia's domestic war crimes prosecutions, including its failure to resolve the murders of Ylli, Agron, and Mehmet Bytyqi, three brothers who were executed and dumped on top of a mass grave seventeen years ago today.

Since the position's inception in 2003, the Serbian war crimes prosecutor has indicted no senior Serbian military or police officials, no government officials, and no persons of any rank involved in the removal from Kosovo and reburial in Serbia of more than 900 Albanian bodies – a deliberate “cover-up operation”. Prosecutors filed only seven indictments in 2014, the majority of which were the result of complete investigatory files transferred from prosecutors in Bosnia and Herzegovina. In 2015, they only issued two, neither of which was confirmed. This is not a record to be proud of.

In the Bytyqi case, a Serbian President and the two most recent Prime Ministers have repeatedly promised resolution since 2006, but have failed to take adequate steps to secure this result. Instead, reports indicate that a primary suspect has intimidated witnesses and remains close to senior members of the current government.

International and domestic NGOs, the Organization for Security and Cooperation in Europe, and the European Commission, have diagnosed numerous problems with Serbia's war crimes record. Uniformly, each cites a lack of political will and political interference as impeding accountability.

Similarly, witnesses will never come forward and cases will not be resolved when government Ministers host “welcome home” parties for returning convicts of the International Criminal Tribunal for the former Yugoslavia (ICTY) and suggest there be a political loyalty test when selecting the chief war crimes prosecutor.

Though the ICTY is winding down, the hard work for its countries of focus is nowhere near complete. Across the Balkans, tens of thousands of victims and their families deserve closure. Henceforth, only domestic prosecutions will have the ability to deliver them justice.

To date, Serbia's record has been a dismal one that is ultimately unacceptable. Therefore, we urge you and the entities you represent to take constructive steps to ensure better commitment and effort by Serbia's leaders and institutions to resolve war crimes cases, including the Bytyqi Brothers case. This issue should be raised as part of your continuing dialogue with the Serbian government, parliament and civil society leaders.

Sincerely,

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former U.S. Ambassador to Bulgaria and Indonesia
former Head of the OSCE Mission to Bosnia and Herzegovina

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