

Serbian perception of the International Criminal Tribunal for the former Yugoslavia

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This text explores the relationship between the International Criminal Tribunal for the former Yugoslavia (ICTY) and Serbia. The development of the activity of the ICTY has been in parallel with the recent history of Serbia. The relation between Serbia and the ICTY has been controversial since its inception. This article concludes that Serbian political activity has been impacted by the ICTY, considered by the Serbian public opinion as a political organ rather than a judicial body. The main political leaders were expelled from the government, but the way they were banned from the Serbian institutions increases the level of nationalistic identification. The ICTY has acted politically in order to achieve its statutory objectives, sacrificing its credibility as a judicial institution.

Introduction.-

“The severest justice may not always be the best policy”

Abraham Lincoln

The International Criminal Tribunal for the former Yugoslavia (ICTY) is a United Nations court of law dealing with war crimes. In May 1993, the Tribunal was established during the wars in response to mass atrocities having taken place in Croatia and Bosnia and Herzegovina (1992-1995). It is the first *ad hoc* tribunal to be launched since the Nuremburg trials after the World War II. The ICTY seeks to hold individuals accountable for crimes committed during the wars, because *«one of the major tasks of the Tribunal is that those suspected of bearing the greatest responsibility for atrocities committed can be called to account, as well as that guilt should be individualized, protecting entire*

*communities from being labeled as collectively responsible¹». The creation of the ICTY was burdened with a number of obstacles: the difficulty in promoting peace, the problems of collective action within the international community, the reliance on national governments involved in the war, the lack of an independent judicial police that would capture the criminals throughout the international map, and the ineffectiveness of the United Nations institutions; but principally ICTY instead of being considered as a judicial institution, it is considered by the Serbian public opinion as a political one. Stover and Weinstein stated: «*These tribunals have limited mandates and resources, restricted powers of subpoena, and no authority to make arrests. With such limitations, they can never come close to meting out justice to all war criminals, let alone serve as a beacon for reconciliation in countries torn apart by ethnic cleansing and genocide²».**

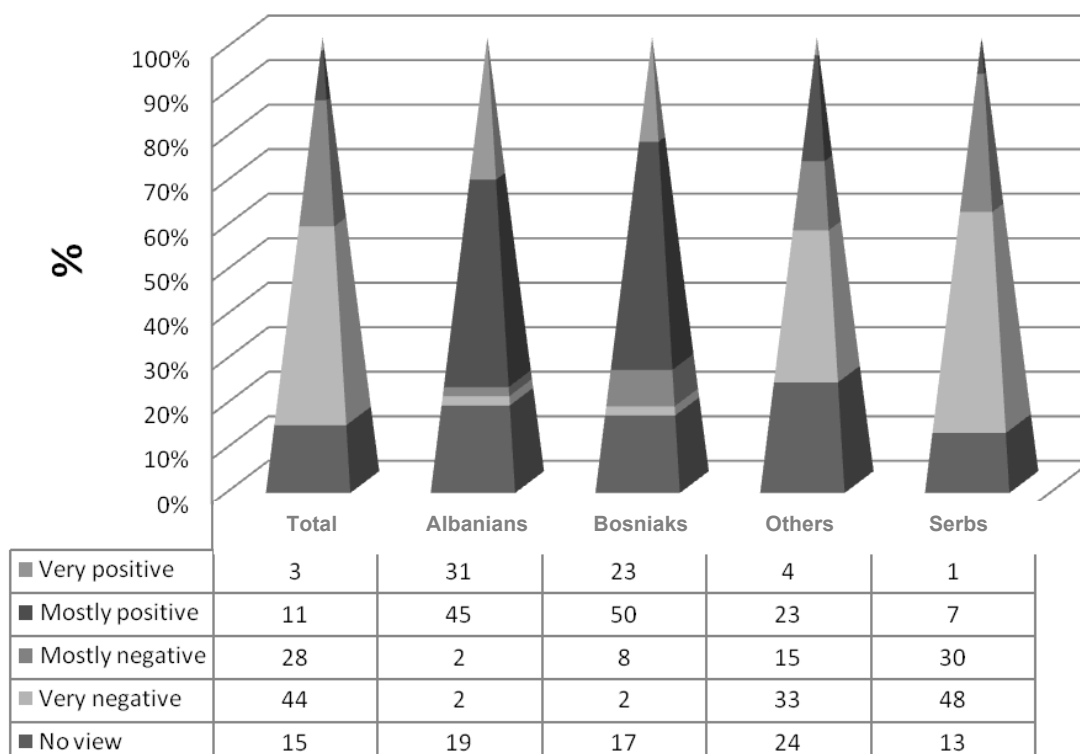
One of the most difficult problems that it failed to overcome was achieving legal legitimacy as an impartial and independent judicial organ. In fact, the thesis of this paper is that the success of the ICTY was not in promoting peace in the region and reconciliation between nations, but that the ICTY succeeded in expelling those leaders who could control the power in Serbia, such as Serbian military officers and politicians who participated as criminals in the wars of Yugoslavia (Slobodan Milošević, Vojislav Šešelj, Radovan Karadžić, etc.), from state structures. Among the factors that explain these results are: 1) the political actuation of Chief UN War Crimes Prosecutor to achieve its objectives through international pressure on the Serbian government, 2) the existence of the ICTY during the wars and NATO bombing of Yugoslavia (1999), 3) a continuous appearance of Serbian and Bosnian-Serbs political leaders at The Hague when the atmosphere of conflict was not nearing its end.

Public perception in Serbia of the ICTY³

¹ <http://www.icty.org/sections/AbouttheICTY>. Consulted 15.9.2010.

² Stover, Eric & Weinstein, Harvey. 2004. *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, p. 11.

³ Belgrade Centre for Human Rights, Organization for Security and Co-operation in Europe (OSCE) and IPSOS Strategic Marketing. 2009. "Public perception in Serbia of the ICTY and the national courts dealing with war crimes", p. 8.



Politics of blackmail.-

The end of the Bosnian war in 1995⁴ opened the doors to finding and prosecuting those indicted for war crimes, and the ICTY assumed the jurisdiction in this matter. Although the relation between Serbia and the ICTY has had different stages, it has always been marked by Serbian population's belief that the Tribunal is an «*anti-Serbian institution*». The general perception is that some of the Serbian political goals (EU membership, financial compensation, international support...) are only possible if Serbia collaborates with the ICTY, which is interpreted by most of the Serbian society as an international institution that uses different forms of blackmail. The international pressure to guarantee that Serbian government would hand over war criminals has made the ICTY become a political actor. If, on the one hand, the ICTY has managed to prosecute the great majority of the criminals, apart from Ratko Mladić and Goran Hadžić, on the other hand, its action has damaged the image of the court. In April 1995, Commissioner Olli Rehn visited Belgrade

⁴ The Security Council of United Nations decided to establish this tribunal in May 1993. SC Res 827 (May 25, 1993), UN Doc S/RES/827 (1993).

and Podgorica and declared: *«I am glad that Serbia and Montenegro has finally made significant progress in co-operating with the Hague Tribunal. This trend must continue and be ... Accession negotiations proper cannot even be considered until the country has achieved full co-operation with ICTY»*⁵. Serbia's cooperation with the ICTY has been an intermittent sore spot in its foreign relations. Serbia is one of the potential candidates in the Western Balkans the EU has to establish relations with. The cooperation with the ICTY, and in particular the extradition of suspected war criminals, has been one of the most conflict-ridden and politically sensitive topics in Serbian politics with respect to the European integration. Anastasakis and Bechev define conditionality *«as a one-way process»*, whereby the EU establishes conditions which have to be fulfilled unreservedly by the countries⁶. The ICTY has played an important role since the implementation of the Dayton Peace Agreement in 1995⁷, through the NATO bombing in 1999, until the overthrow of Milošević in 2000. This historical background has contributed to shaping the Serbian perception of the Tribunal as a pseudo-legal weapon for international intervention in the region. It is not strange that many Serbian citizens interpret the relationship with the ICTY as a blackmail-type condition for joining European integration. Kostunica articulated this line of thinking in June 2006, when he declared *«EU's policy of a permanent setting of conditions, that has been conducted for a while towards Serbia, is deeply wrong... From our point of view and by any reasonable standard [partnership] means one neither sets conditions nor puts pressure on a partner but cooperates with him...»*⁸. This leads to a debate of the role of the ICTY particularly in its relationship with and dependence on the European Union, the United States, and NATO, which are also committed to the maintenance of peace in the Balkans.

⁵ http://www.europa-eu-un.org/articles/en/article_4571_en.htm. Consulted 8.9.2010.

⁶ Anastasakis, Othon & Bechev, Dimitar. 2003. "EU Conditionality in South East Europe: Bringing Commitment to the Process", South East European Studies Programme, European Studies Centre, St Antony's College, University of Oxford. Consulted 10.09.2010. <http://www.cespi.it/STOCCHIERO/dossierBalceni/conditionality.PDF>, p. 13.

⁷ Dayton Peace Agreement marked the end of the war in Bosnia and Herzegovina.

⁸ Agence France Presse. 2006a. "EU policy towards Serbia is wrong: PM", summarizing an interview with FoNet, June 18, via Lexis-Nexis Academic Universe, in Ramet, Sabrina P., 2007. "The Denial Syndrome and Its Consequences: Serbian Political Culture since 2000", Communist and Post-Communist Studies, p. 41–58.

A main issue in a trial for war crimes is the will of the prosecutor to find evidence to prove the involvement of a subject in the commission of war crimes. Chief UN War Crimes Prosecutor, Carla Del Ponte (preceeded until 1999 by Louise Arbour), sought to prove that Milosevic pursued a criminal campaign in Kosovo, but Milošević was also indicted for war crimes in Bosnia and Herzegovina and Croatia (1992-1995). According to the public opinion in Serbia, the charges against Milošević were a consequence of his international status of *pariah*, and therefore a political punishment, instead of being a legal indictment. The question for many Serbs is: Would Milošević have been indicted for war crimes in Bosnia and Herzegovina if the NATO bombing over Yugoslavia had not occurred? In June 2001, the Serbian Constitutional Court suspended the decree that allowed sending Milošević to The Hague. Afterwards, reformist Prime Minister Zoran Đinđić annulled that decision without consulting President Kostunica, with whom he had political disagreements. Serbia was later rewarded with 1.3 billions dollars at a donor conference. Many Serbian citizens have argued that the death of Đinđić in March 2003 is linked with Serbian government's political relations with the ICTY. In their opinion, the assassination of Prime Minister Đinđić by members of the Army and the «Zemun clan», potential accused for war crimes, could have been avoided if the international community had not pressured Serbian reformist political class so soon, which lacked the capacity and sufficient authority to accomplish these goals.

The United States suspended portions of bilateral assistance to Serbia in 2004, 2005, 2006, based partly on the reports of the Chief UN War Crimes Prosecutor, Carla del Ponte. Serbia and Montenegro had long been denied entry into Partnership for Peace, until the 2006 NATO summit; in that moment the Chief UN War Crimes Prosecutor, expressed her surprise and opposition in the media, an attitude that emphasized the political character of the ICTY. The ICTY cooperation issue also affected Serbia and Montenegro's path toward EU accession. In May 2005 the EU opened the Stabilization and Association Agreement (SAA) as a preliminary step for Serbia's accession to the European Union. At the same time, the EU institutions kept insisting that Serbia could not join the EU unless all Serbian war criminals were captured. In

May 2006, after a series of negative reports from the Chief UN War Crimes Prosecutor about the level of cooperation from Serbia, EU Enlargement Commissioner Olli Rehn suspended Serbia's SAA talks. In spite of Serbia's failure to fulfill requests by the ICTY, Brussels deliberated the signing of the SAA with Serbia before the end of January 2008. On 7th February 2008 the EU offered a package of measures for Serbia to move closer to the EU, but a week after Kosovo declared itself independent, with all the political and social impact that this decision had on the Serbian public opinion. The government crisis triggered by Kosovo's declaration of independence forced the holding of parliamentary elections on 11th March 2008. Prime Minister Kostunica argued that the agreement with the European Union involved compensation for Kosovo's independence, while President Tadić strove to show that there was no relation between the SAA and Kosovo's decision.

Nationalism and victimization.-

Milošević's nationalist rhetoric, opposing the action of the ICTY, was extended among the Serbian political class, even after Milošević's extradition to The Hague. The way in which the politicians and government could deal with the ICTY depends on many factors (social support, electoral perspective, economical aid from international community, etc.), but from the point of view of Serbian nationalism the politicians can cooperate with the ICTY or not (patriot/traitor). In the case of Serbia, political ethnic nationalism remains a main political force, and its opposition to the ICTY receives social support, regardless of whether nearly all war criminals have been delivered⁹. Rangelov observes that «*with EU conditionality focusing exclusively on co-operation with the ICTY the wider process of transitional justice in the societies of Former Yugoslavia has been largely ignored*»¹⁰. Payam Akhavan affirms that co-operation with the ICTY had become a factor in the struggle between

⁹ The politician Goran Hadžić and the commander Ratko Mladić have not yet been delivered to The Hague.

¹⁰ Rangelov, Iavor, "EU Association Conditionality and Transitional Justice in Former Yugoslavia", European Policy Conference 2006, London School of Economics (LSE) and King's College London, p. 2, in Kasapas, Georges. 2008. "An introduction to the concept of Transitional Justice: Western Balkans and EU conditionality". UNISCI Discussion Papers, n° 18, p. 13

nationalist forces and democratic elements loyal to liberal reforms. The resistance towards the ICTY hides a built-in connection between, as Akhavan stated, «*supposedly patriotic concerns about war heroes and the self-preservation of political forces that exploited the conflict for their own ends*»¹¹. In this respect, it must be taken into account that the ICTY proceedings undermine the political parties aligned with ethnic chauvinism, even at the expense of the judicial character of the ICTY, which acts in the international scene as a political actor. Therefore none of the major parties wants to get an unpatriotic image by affiliating with the Tribunal. This nationalistic perspective views the Serbs as the victims while most outsiders, including the ICTY, see them as the victimizer (*Balkan victimization*).

The ICTY has had insignificant transforming effect on Serbian political life, due above all to the staying power of traditional Serbian nationalism. Nevertheless Akhavan declared: «*the removal of leaders with criminal dispositions and a vested interest in conflict makes a positive contribution to post-conflict peace building. In concert with other policy measures, resort to international criminal tribunals can play a significant role in discrediting and containing destabilizing political forces. Stigmatizing delinquent leaders through indictment, as well as apprehension and prosecution, undermines their influence. Even if wartime leaders still enjoy popular support among an indoctrinated public at home, exclusion from the international sphere can significantly impede their long-term exercise of power*»¹². Although the main political leaders were expelled from the government, they were not stigmatized as war criminals by Serbian public opinion because of their involvement in the war, as demonstrated by surveys. In 2004, the Strategic Marketing and Media Research Institute (SMMRI) in Belgrade surveyed 1245 individuals¹³ to give their opinion on which was the main goal of the war crimes trials in The Hague, and 74% stated some sort of conspiracy in the ICTY. On the other hand, 12% of the respondents believed that the main purpose was to establish

¹¹ Akhavan, Payam. "Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?", *The American Journal of International Law*. Vol. 95:7, p. 21

¹² *Ibidem*. op. cit p. 7.

¹³ Clark, Janine Natalya. 2008. "The three Rs: retributive justice, restorative justice, and reconciliation", *Contemporary Justice Review*, 11, p. 331 - 350.

a new world order headed by the United States, while 30% declared that the main idea behind it was to convict Serbia in order to justify the 1999 NATO bombing caused by the conflict between Serbian police and UCK¹⁴. In addition, 32% stated that the main objective was to condemn Serbs for all massacres that had occurred during the wars. Five years after, in 2009, the Belgrade Centre for Human Rights, Organization for Security and Co-operation in Europe (OSCE) and IPSOS Strategic Marketing surveyed 1400 individuals in Serbia about the ICTY: «*while most Albanians think that Radovan Karadžić is responsible for the crimes he is charged with, only 16% of Serbs share this view*»¹⁵. Fifty-four percent of Serbian citizens think that in the ICTY proceedings against Milutinović, Šainović, Ojdanić, Pavković, Lazarević and Lukić, Serbian politicians and military officers, the truth was not demonstrated. In contrast, the majority of Muslims/Bosniaks and Albanians think that the trials have verified that there was an organized killing of Albanians¹⁶.

Since the end of the wars political parties have been permanently ambivalent in their public statements, presenting themselves as patriots who defend the interests of the nation and being partly forced to cooperate with the ICTY, because of the main goals of Serbian diplomacy (accession to international institutions). As McMahon and Forsythe have stated: «*there are some progress or liberalization in Serbian politics, but not much relatively speaking and little of this change can be linked directly to the ICTY*»¹⁷. The Truth and Reconciliation Commission, established by the President of Yugoslavia Vojislav Kostunica, falls into this category. The Reconciliation Commission, set up in 2001, had a three-year term of office. Most of the appointees were Serbian nationalists, which, as Kostunica himself did, opposed the work of the ICTY and refused for years to extradite Milošević and others criminals to The Hague, as former Chief UN War Crimes Prosecutor

¹⁴ Kosovo Liberation Army or Ushtria Çlirimtare e Kosovës.

¹⁵ Data in Belgrade Centre for Human Rights, Organization for Security and Co-operation in Europe (OSCE) and IPSOS Strategic Marketing 2009. Public perception in Serbia of the ICTY and the national courts dealing with war crimes, p. 22.

¹⁶ Ibid. 17.

¹⁷ McMahon, Patrice & Forsythe, David. 2008. "The ICTY's Impact on Serbia: Judicial Romanticism meets Network Politics". Human Rights Quarterly 30, p. 414.

mentioned several times in her autobiography¹⁸. For this reason, the Commission was commonly considered as a *smoke screen*, whose function was to weaken or neutralize pressure over the Serbian government from international institutions to investigate awaiting cases and contribute towards regional reconciliation. The Commission itself, not unexpectedly, failed to bring any result and proved the lack of real interest by Kostunica's government in this issue.

Ethnic framework.-

According to the official data, out of 161 individuals indicted by the ICTY, 67.7% were ethnic Serbs. A total of 44 of the 66 convicted by the ICTY were ethnic Serbs. But only 13% of the indicted were citizens of Serbia, meaning that only 21 of the 161 accused were citizens of the Republic of Serbia in the time they committed the crimes¹⁹, while the rest were mostly born in Bosnia and Herzegovina or Croatia. At the same time, the accusation of lack of cooperation has been directed almost exclusively at Serbia. This argument does not condone the criminal liability of the defendants, but it has a double (negative and contradictory) effect. First, it strengthens the ethnic factor, instead of citizenship, as a criterion of social identification (Serbian-Bosniaks-Croatian). Second, the fact is that part of Serbian society does not identify with the Serbian political class or with the Bosnian-Serb society. Serbian citizens go through the negative consequences of this membership, but on the other hand, predictably, collective guilt will not be allowed by them, because they belong to both Serbian and Bosnian-Serb nation.

The first accused at the ICTY did not serve in positions of high responsibility.²⁰ As it is stated by a research of the International Center for

¹⁸ Del Ponte, Carla. 2009. "Madame Prosecutor: Confrontations with Humanity's Worst Criminals and the Culture of Impunity". Hardcover.

¹⁹ Orentlicher, D. F. 2008. "Shrinking the Space for Denial: The Impact of the ICTY in Serbia, Open Society Justice Initiative, p. 30.

²⁰ In 2003, the Law on Organization and Jurisdiction of Government Authorities in Prosecuting Perpetrators of War Crimes was passed, which was a breakthrough in the objectives of the ICTY. This law extended the jurisdiction of the War Crimes Chamber (WCC) of Serbia for all Serbian citizens and foreign nationals suspected of committing war crimes, while the tribunals in Serbia, established in 2003, have been avoiding prosecuting masterminds of the war. The

Transitional Justice (ICTJ) «of the 60 ethnic Serbs indicted in nine cases for crimes against Croats, Bosnian Muslims, and Albanians, two were mid-level superiors in the police, one was mid-level superior in the former Yugoslav People's Army (JNA), while all the others are former police officials or paramilitary leaders at the local level, JNA reservists, or, most often, ordinary members of the police or paramilitary groups»²¹. The low ranking of the accused in The Hague at the beginning of the ICTY activity²² extended the fear among all the members of Serbian administration, especially in Bosnia and Herzegovina, alarm easily exploitable by the nationalistic forces. The perception of the ICTY as a political tool and the bipolar nature of the conflict lead to interpreting the release of Nasir Orić, commander of the Muslim garrison in Srebrenica, and Ramush Haradinaj, commander of the UCK during the war against Serbia, as a political decision, since many of the Serbian and Bosnian-Serbs military leaders remained in jail²³. In May 1999 NATO speaker Jamie Shea declared: «NATO countries are those that have provided the finance to set up the Tribunal, we are amongst the majority financiers, ... we want to see war criminals brought to justice, and I am certain that when Justice Arbour goes to Kosovo and looks at the facts, she will be indicting people of Yugoslav nationality. I don't anticipate any others at this stage»²⁴.

Since its inception, the ICTY has failed to gain support from Serbian society for promoting regional peace. Among other factors, the same Tribunal that charge politicians of Serbian nationality is financed by countries that were involved in the NATO bombing of Yugoslavia. The decision to charge several members of the Serbian political class during and immediately after the war

criticisms are based on the incapacity of the Office of the War Crimes Prosecutor (OWCP) to charge the masterminds of war crimes.

²¹ International Center for Transitional Justice and Bogdan Ivanisevic. "Against the Current: War Crimes Prosecutions in Serbia". Consulted 6.9.2010.
<http://www.ictj.org/images/content/7/8/780.pdf>.

²² It is one of several critical comments in Del Ponte's book.

²³ This argument is just one of many that are used by some Serbian political sectors to discredit the objectivity of the Tribunal. Another is that judgments from the ICTY were not translated into the languages of former Yugoslavia until 1999, and were not translated into Serbian until 2000. It could also be mentioned that Serbian society does not feel it has been compensated for the disproportionate number of refugees generated by the Yugoslav wars. Many experts conclude that the biggest loser of the media battle is the Serbian society.

²⁴ <http://hir.harvard.edu/credibility-and-legitimacy-of-international-criminal-tribunals-in-the-wake-of-milosevics-death>. Consulted 8.09.2010

has contributed to the ICTY being perceived as an international organ that seeks collective accountability instead of the individual one²⁵. Since the end of the war, the Serbian public opinion has become aware of many war crimes committed by military officers and paramilitary groups, some of which have been explicitly reported by local television. In December 2004 the OSCE office in Belgrade criticized the Serbian media for publishing some explicit pictures of the crimes committed by Ramush Haradinaj in Kosovo i Metohija in 1998-99. At that time some OSCE representatives complained that by publishing such dramatic reminders of crimes committed against the Serbs, the media was responsible for perpetrating hatred and intolerance, whereas its duty is to look ahead towards peace and reconciliation; in fact one of the goals of the ICTY is to generate social self-criticism and prevent more atrocities in the future. Nevertheless, during the last years several documentaries about massacres of Serbian military army in former Yugoslavia (especially about Srebrenica, where around 8.000 Muslims were killed by the Serb-Bosnian troops led by Ratko Mladić) have been showed continuously on television. One known example is Scorpion's sentence – A video showed four member of a paramilitary unit taking out from a truck six people, three of them minors. The recording ends with the murder of the tortured people one by one, killed with gunfire²⁶.

The political culture of the region is filtered through the understanding of ethnic political relations. In predominantly multi-ethnic states, such as those in the Southeast Europe, coexistence is still understood in an inter-ethnic way of life, hindering the formation of broad political identities, and the creation of more inclusive relations with other ethnic groups in the neighboring states, with all the problems this will involve in the construction of unified states

²⁵ According to a publication of the Humanitarian Law Center «*the basic characteristic of all war crimes trials has been the attempt of the prosecutor to conceal evidence of the involvement in war crimes of the institutions of the Republic of Serbia and the Federal Republic of Yugoslavia and of the individuals who hold important positions in these institutions*». International Center for Transitional Justice and Bogdan Ivanisevic. "Against the Current: WarCrimes Prosecutions in Serbia", in <http://www.ictj.org/images/content/7/8/780.pdf>. Consulted 6.9.2010

²⁶ http://setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2007/04/11/feature-02, Consulted 10.09.2010

(Serbs in Bosnia and Herzegovina, Bosniaks and Muslims in Serbia, Albanians in Serbia, Croats in Bosnia and Herzegovina, Albanians in Macedonia, and other cases). The context of armed conflict, and particularly if we bear in mind for example NATO's bombing, entrenches ethnic affiliation of social groups and approaches the situation from a bipolar perspective (*we-they*)²⁷. The image of the members of the Serbian political class, as international criminals, charged with crimes related with their political positions, marching in front of the judge, when the conflicts are still fresh, impedes not only the exercise of self-criticism, but also reconciliation. It could have the opposite effect: *«To the extent that large numbers of people in a society come to see themselves collectively as «the victim», then those who criticize them for crimes are false accusers, dissemblers, the real villains. This, in turn, feeds into feelings of collective national solidarity, which is to say a fierce nationalism which those imbued with it believe to be a defensive form of nationalism»*²⁸.

Conclusion.-

In May 1993 the Security Council of United Nations decided to establish the International Criminal Tribunal for the former Yugoslavia (ICTY), during the wars of Yugoslavia, in response to massacres having taken place in Croatia and Bosnia and Herzegovina (1992-1995). ICTY was born with limited competence from the UN, and no authority to make arrests. The Tribunal was established to bring justice to the former Yugoslavia and overcome not only the resolution of the war but also dealing with the reconciliation between regional nationalities and compensation of the victims. ICTY has undeniable achieved very positive results in finding and prosecuting war criminals, like the arrest of Radovan Karadzic in July 2008 or the creation of some tribunals for prosecution of these crimes under the ICTY in Serbia. The strategy of

²⁷ When, while attending a ceremony commemorating the killing of 8,000 Muslims by Bosnian Serb troops, held in July 2005 in Srebrenica, Serbian President Boris Tadic declared that *«all innocent victims must be respected, because only by remembering and respecting the victims of others in the same manner as ours, we can move towards a prosperous and secure future that would not be burdened with war crimes»*, in <http://www.seebiz.eu/sr/politika/boris-tadic-svi-zlocinci-moraju-u-haag,50699.html>. Consulted 7.09.2010.

²⁸ Ramet, Sabrina P., 2007. "The Denial Syndrome and Its Consequences: Serbian Political Culture since 2000", *Communist and Post-Communist Studies*, p. 2.

pressure over Serbian government by the ICTY to fulfill its goals has been succeeded, taking into account the removal of leaders like Slobodan Milošević or Vojislav Šešelj from the state structures. The creation of the ICTY during the wars, and before the NATO bombing of Yugoslavia (1999), meant a confirmation of the international commitment to controlling the situation in region, but for the majority of the Serbian public opinion the ICTY also became an «*anti-Serbian institution*».

Although the main political leaders were arrested, they were not stigmatized as war criminals by Serbian public opinion. ICTY failed to achieve legal legitimacy as an impartial and independent judicial organ among Serbian society. ICTY has been placed more on the political aspect than on the judicial one, through its public reports regarding the cooperation of Serbia in the capture of the war criminals. ICTY activity have had negative impact on the Serbian society: complaining because of the entry of Serbia in NATO's Partnership for Peace or, in the contrary, awarding the country with financial aid, EU integration and international support, giving the impression that the Tribunal was trying to blackmail Serbian government rather than achieve individual accountability of the war criminals. ICTY strategy of pressure has been contribute to extend among Serbian citizens the lack of credibility of the international law, as an expression of the hierarchies of power in the international community, dominated by the interests of EU and United States. The political culture of the region is understood in terms of ethnic political relations. Bearing in mind the probable disappointment of the Serbs watching their leaders in The Hague and the likely satisfaction of the others nationalities, due to the magnitude of the nationalistic forces in former Yugoslavia, ICTY should have been involved just in the judicial process.

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