



YIHR Serbia Alternative report for UN Committee on Enforced Disappearance (CED)

I Legislative Harmonization and Institutional Framework

1. The Republic of Serbia is in the process of adopting a new law on missing persons, which aims to systematically and comprehensively regulate the responsibilities of state institutions and their communication. The proposed legislation seeks to define key concepts such as enforced disappearance, missing persons, and victims while also addressing the issue of reparations, including compensation for the families of missing persons. As of now, the specific details of the law remain undisclosed, as the working group tasked with drafting the proposal concluded its work on February 5, 2025.
2. Regarding the number of missing persons following the conflicts in the territories of Former Yugoslavia, the International Commission on Missing Persons (ICMP's database) currently contains records of 11275 missing persons from Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, and Serbia. The International Committee of the Red Cross (ICRC) reports a total of 34,325 missing persons from the post-war period, with more than 10,000 cases still unresolved.
3. The Republic of Serbia has ratified the Geneva Convention relative to the Protection of Civilian Persons in Time of War, i.e., the Fourth Geneva Convention of 1949 and the Additional Protocol 1 to the Geneva Conventions of 1977. They emphasize the right of families to know the fate of their relatives (Article 32 of the Protocol), but also impose the obligation of the parties to the conflict to search for the persons who have been reported missing by an adverse party (Article 33 of the Protocol). Serbia also ratified the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms by law. Article 3 of the European Convention stipulates the prohibition of torture, inhuman or degrading treatment or punishment, and it has been developed through the practice of the European Court of Human Rights, which subsumes enforced disappearances under this article.¹ Another important article that was also ratified by Serbia in 1971 was Article 7 of the International Covenant on Civil and Political Rights, which stipulates that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, is also important in relation to the prohibition of torture and inhuman treatment.
4. In 2011, the Republic of Serbia ratified and incorporated into its legal system another United Nations convention - the Convention for the Protection of All Persons from Enforced Disappearance. Article 1 of the Convention states that no one shall be subjected to enforced disappearance, and that even a state of war, the threat of war, or internal political instability are not a justification for enforced disappearance. Article 2 is particularly important because it explains that "enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or persons or groups of persons acting with the authorization of the State. Article 24 of the Convention defines the term "victim," stating that a disappeared person, as well as any individual who has suffered harm as a direct result of an

¹ Varnava i ostali protiv Turske, presuda Evropskog suda za ljudska prava od 18. septembra 2009. godine:

<https://hudoc.echr.coe.int/eng?i=001-117975>;

enforced disappearance, is considered a victim and is entitled to adequate compensation. Another diplomatic initiative was important for the cases of missing persons. In 2014, Angela Merkel, the chancellor of Germany, launched the Berlin Process, which seeks to improve regional cooperation between the countries of the Western Balkans, but also the process of their accession to the European Union. At the 2018 London's summit, the Joint Declaration on Missing Persons was signed, and a few months later, the Framework Plan to Address the Issue of Persons Missing from Conflicts on the Territory of the Former Yugoslavia.² This declaration emphasized the need to intensify work on finding and identifying missing persons, depoliticize the process, and actively engage national institutions with opening the archives and family member's rights.

5. In April 2020, Miroslav Lajčak was appointed EU Special Representative for the Belgrade-Priština Dialogue, a diplomat who was expected to restart negotiations interrupted by the tax increase that Kosovo introduced on goods from Serbia in November 2018. Negotiations have been launched, and the issue of missing persons has been in focus.³ Accelerating the work on solving the problem of missing persons is a point that was included in the Washington Agreement, which was signed in September 2020 by the President of Serbia Aleksandar Vučić, the Prime Minister of Kosovo Avdullah Hoti, and the U.S. President Donald Trump. In the Article 25 of the Constitution of the Republic of Serbia, Serbian Legislation prescribes the inviolability of physical and mental integrity, while Article 35 defines the right to rehabilitation and compensation of damage, material or non-material, inflicted on him by unlawful or irregular work of a state body.
6. The Law of Contract and Torts does not recognize the right of relatives to compensation for enforced disappearances, but exclusively for the death of a close person. Accordingly, Article 200 states that the court may award monetary compensation for physical or mental pain suffered due to reduction of life activities, for becoming disfigured, for offended reputation, honour, freedom, or rights of personality, for death of a close person, as well as for fear suffered. The Law on the Rights of Veterans, War Invalids, Civilian War Invalids and Members of Their Families, passed in March 2020, recognizes missing persons as civilian victims of war in Article 23, but does not state whether it is necessary for families to declare their missing relatives dead in non-litigious proceedings, as was previously the case.
7. As domestic law has so far not provided damage compensation for enforced disappearances, and because, despite binding judgments of the European Court of Human Rights and the United Nations Human Rights Committee (UN), cases of enforced disappearances have remained without positive outcomes, the families of the missing persons were forced to seek justice before international courts.
8. The national legal framework should be aligned with international conventions, particularly the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)

2 Treći izveštaj o sprovođenju nacionalne strategije za procesuiranje ratnih zločina, Fond za humanitarno pravo, Beograd, decembar 2018, p. 43-44: http://www.hlc-rdc.org/wp-content/uploads/2018/12/Treci_izvestaj_o_sprovođenju_Nacionalne_strategije_za_procesuiranje_ratnih_zlocina.pdf;

3 Lajčak: Lideri Srbije i Kosova postigli pun napredak u pregovorima, N1, 07. septembar 2020: <https://rs.n1info.com/vesti/a637321-miroslav-lajcak-dijalog-beograd-Priština-brisel/>



and relevant EU directives. Domestic legislation must establish enforced disappearance as an autonomous crime, with penalties proportionate to its gravity, while also ensuring that statutes of limitations do not apply, in accordance with Article 8 of the ICPPED. Special provisions should be incorporated to prevent enforced disappearance from being justified under exceptional circumstances, including war or political instability. Additionally, the process of searching for missing persons must be depoliticized, with legal consequences for those who attempt to politicize it. Furthermore, the implementation and compliance with all signed agreements and protocols between states must be strengthened to ensure effective legal cooperation in addressing enforced disappearances.

9. A single regional list of missing persons to be established for the territory of the former Yugoslavia, ensuring a centralized and standardized approach to data collection and case management. An independent national commission must be created with a mandate to investigate cases of enforced disappearance, working in coordination with international human rights bodies. Legal provisions must guarantee that families of the disappeared have direct access to judicial and administrative mechanisms for tracking cases. The National Bureau for Missing Persons to be reinforced with an expanded mandate, additional resources, and a commitment to transparent collaboration with victims' families. Additionally, a centralized DNA database must be created and maintained in compliance with EU forensic standards to facilitate the identification of missing persons. To ensure transparency and accountability, the opening of all domestic and international archives whose materials could contribute to resolving the fate of missing persons must be prioritized.
10. Robust anti-corruption safeguards must be established within law enforcement and judicial bodies handling enforced disappearance cases to ensure integrity and accountability. Regular independent audits and oversight mechanisms to be introduced to monitor state agencies dealing with missing persons, preventing misconduct and ensuring compliance with legal standards. Transparent reporting and data-sharing policies must be mandated, allowing civil society and international organizations to have oversight roles in tracking cases and holding authorities accountable. Additionally, enhanced whistleblower protections to be implemented to safeguard officials and civilians who report cases of enforced disappearance, ensuring they can come forward without fear of retaliation.

II Prosecution, Investigation, and Cooperation

11. According to the Humanitarian Law Center, the operation to remove the corpses of Albanian civilians from Kosovo and their burial was planned at the top of the state, and that today, people of repute in Serbian society - Obrad Stevanović, Petar Zeković, Dragan Ilić, Vladimir Aleksić, Desimir Radić, Goran Radosavljević Guri and numerous other officials from the Ministry of Interior of Serbia - participated in the implementation of the order to hide the remains of the bodies more than 940 Albanians from Kosovo are still not prosecuted. The Public Prosecution Office for War Crimes in Serbia must investigate these former officials and open investigations into the responsibility for the operation to hide the corpses from Kosovo to Serbia.
12. The State of Serbia still has an obligation under international law to investigate the responsibility of the commander and other superiors in the case of the murder of the three Bytyqi brothers in 1999, especially the role of Goran Radosavljević, who is responsible for the Training Center of the



Ministry of Internal Affairs in Petrovo Selo, where the three victims were secretly buried. Although Dr. Agnes Callamard, Special Rapporteur of the United Nations (UN) for extrajudicial executions, warned the government in Belgrade about this in 2020, the Public Prosecutor's Office for War Crimes has not opened investigations on this occasion for five years.

13. The judicial authorities in Serbia must ensure compliance with the standards of fair trial and satisfaction of justice for victims in cases of war crimes (Srebrenica- Kravica, Strpci), especially for trials in absentia (Petrovacka cesta), as well as the case against Vojislav Seselj and four of his associates who were accused by the International Residual Mechanism for Criminal Tribunals (IRMCT) of obstruction of justice and they will be tried in Serbia. The authorities in Serbia must arrest and extradite to IRMCT Petar Jovic and Vjerica Radeta who are also accused by IRMCT for obstruction of justice. The judicial authorities, after almost a decade of delay, must recognize the verdict from Bosnia and Herzegovina against Novak Djukic for the war crime in Tuzla.
14. The Interior and Justice Ministries should be held accountable for Rajko Kozlina, convicted of war crimes in Kosovo, evading imprisonment for more than 5 years, and take immediate action to intensify the search for him, ensuring he begins serving his 15-year sentence. In 2019, Belgrade court found Kozlina, former Yugoslav Army soldier, [guilty](#) of leading his unit into the Kosovo village of Trnje/Terne on March 25, 1999, shooting two civilians, who both survived, and ordering his soldiers to fire on other civilians in the village, causing the deaths of 15 people. Among the victims were elderly people and a four-year-old boy. Many of their bodies are still missing.
15. Establishing the truth about the fate of missing persons must be a priority in the investigation and prosecution of war crimes in Serbian courts. Domestic criminal law to explicitly recognize superior responsibility to prevent impunity for both state and non-state actors involved in disappearances. Additionally, mechanisms must be established to prosecute enforced disappearances as crimes against humanity where applicable, under Article 5 of the ICPPED.
16. Regional cooperation in the search for missing persons must be strengthened to facilitate the exchange of information and improve investigative procedures. EU-standard forensic protocols to be implemented for exhumations, identification of remains, and the handling of evidence in mass grave sites to ensure accuracy and reliability. Forensic units must operate independently from law enforcement agencies to prevent conflicts of interest and institutional cover-ups. Additionally, a national missing persons database must be developed, granting access to relevant authorities, victims' families, and international organizations while adhering to strict data protection laws. To enhance the effectiveness of investigations and prosecutions, specialized training must be introduced for judges, prosecutors, and forensic experts on handling cases, in line with UN and EU legal frameworks.
17. A unified regional framework for cooperation on missing persons must be developed to ensure joint efforts among countries in the region. Collaboration with the International Criminal Court (ICC), Interpol and regional judicial bodies are to be strengthened to facilitate cross-border cooperation in investigations. The effective implementation of UN General Assembly resolutions on missing persons must be ensured, particularly in cases involving transnational disappearances. Additionally, mutual legal assistance treaties should be facilitated with neighboring countries to



prevent escape routes for perpetrators and guarantee extradition when necessary. To enhance case resolution rates, an information-sharing framework must be implemented between law enforcement agencies and civil society organizations, fostering transparency and coordination in the search for missing persons.

18. The establishment of a state compensation fund for the families of the disappeared is essential, ensuring both financial and psychological support. Legal assistance should be provided to victims' families to help them navigate domestic and international legal avenues. Families of missing persons must have access to all available legal, forensic, and investigative mechanisms, guaranteeing their right to know the fate of their loved ones. Ensuring families' legal right to information regarding case progress, investigations, and identified remains must be prioritized. Additionally, specialized trauma-informed support units should be created within law enforcement to handle interactions with victims' families, preventing secondary victimization and ensuring sensitive treatment throughout the process.

III Search and identification

19. Even after almost 33 years, the bodies of 16 victims of the kidnapping and murder of Serbian citizens of non-Serbian nationality from Sjeverin – which occurred on October 22, 1992 – have not been found. The bodies of all the victims of the kidnapping and murder in Štrpci in Bosnia and Herzegovina on February 27th 1993, have not been found. The victims of this crime were also citizens of Serbia (then Federal Republic of Yugoslavia) of non-Serbian nationality, as well as one person whose identity is unknown. Authorities of Serbia and the Federal Republic of Yugoslavia were aware of a plan to commit this crime. Serbia must intensify efforts to find the bodies of the victims. On two occasions in 2022 and 2023, YIHR called on the Commission for Missing Persons to drain Lake Perućac, for which there are grounds for suspicion that the remains of victims of abductions in Sjeverin and Štrpci are located. Serbia need to establish a joint commission with Bosnia and Herzegovina and Montenegro to determine the truth regarding the institutions of the Federal Republic of Yugoslavia, the Republic of Srpska, the Republic of Serbia, and the Republic of Montenegro's responsibility for the war crime in Štrpci, and to compile and publish a report on that responsibility within two years.
20. In both of the above cases, the families of the victims cannot obtain the status of families of civilian victims of war due to the current Law on the rights of veterans, military invalids, civilian invalids of war, and members of their families from 2020. According to the Law, for some to be considered a civilian victim of war, they, as citizens of the Republic of Serbia, had to have died or disappeared on the territory of Serbia by the hands of enemy forces. Serbia should change the law to include those persons who were residents of Serbia and who died or disappeared due to the actions of „friendly” forces.
21. The archives of utility companies, cemeteries, hospitals, and public services that may have participated in the transfer and burial of mortal remains of missing persons should be opened and researched.

22. Serbia should adhere to the obligations from the Declaration on Missing persons signed by the President of Serbia Aleksandar Vučić and Prime minister of Kosovo Albin Kurti from February 2023, especially when it comes to close cooperation on identifying burial sites and the excavations, making available all domestic documentation of significance in determining the fate of the missing persons, enabling and encouraging active engagement of families of missing persons in the process of identifying their fates, and adequately ensuring the rights and needs of their families.

IV Memorialisation and commemorative practices for mass graves and war crimes sites

23. Due to current practices in which the removal of certain monuments is used as a nationalistic tool, as well as due to the wording in the Law on War Memorials from 2018 according to which memorials should be in accordance with the achievements of Serbia's war for liberation, the raising of memorials to the victims of the Serbian armed and police forces and their allied forces on the territory of Serbia is almost impossible, and those that already exist are at risk of removal. Amending the Law on war memorials is a necessary condition for adequate memorialization of victims of non-Serb nationality.
24. For years, there has been little or no talk about mass graves in Serbia, and sometimes their existence is even denied. Serbia should mark the known five mass graves in Batajnica, Petrovo Selo, Lake Perućac, and the Rudnica quarry and Kiževak quarry, where the bodies of more than 940 Kosovo Albanians were found, and stop ignoring and denying the Albanian victims. Data of YIHR report from 2023 on stands and attitudes of young people in wars from 1991-1999 shows that 90 % of youth in Serbia don't know about these five mass graves. Adequate commemoration of the victims is necessary. Changes in the law must enable the right to memory in such a way that all places of mass graves in Serbia get a monument where associations of the missing from other countries of the region can hold commemorations or have a memorial visit. Serbia must initiate the construction of a memorial center in Batajnica, given that there was a secret mass grave in that place for two whole years, in which 744 Albanians who were killed in war crimes in Kosovo were found.
25. Serbia should adequately commemorate the victims in Sjeverin and Štrpci, together with a proper memorial with the names of all the victims. The Government of Serbia needs to declare February 27 as the Day of Remembrance for the railway passengers who were kidnapped in Štrpci and, in collaboration with the governments of Montenegro and Republika Srpska government, entity of Bosnia and Herzegovina, perform an official commemoration for the crime victims on that day.
26. The members of the Council for the Cultivation of the Tradition of the Liberation Wars of Serbia, which is supposed to give an opinion on the proposal for the arrangement and removal of the war memorial, are exclusively civil servants and university professors. There are no members who come from, for example, associations of victims' families or civil society organisations. The Council should include the families of the victims, as well as citizens' associations that focus on transitional justice and a culture of remembrance.



27. Serbia should accept the Resolution on Genocide in Srebrenica, adopted by the UN General Assembly on May 23, 2024, and start adequately marking July 11th, with full respect for the victims of the genocide and their families of missing persons. As of June 2023, ICMP had received 7,745 reports of persons missing from the fall of Srebrenica and nearby places. The perpetrators in genocide of Srebrenica case used heavy machinery to remove the bodies from primary mass graves to secondary sites, sometimes 50 kilometers from the original execution sites. This orchestrated effort to conceal evidence of the crimes resulted in bodies being disarticulated. Typically, human remains of individual victims of the Srebrenica Genocide have been found in three to four different mass graves, often many kilometers apart.
28. The denial of war crimes and the glorification of war criminals must be criminally sanctioned by amending Article 387 of the Criminal Code, so that Serbia will be obliged to prosecute any form of denial of war crimes determined by the verdicts of ICTY and ICJ. By YIHR reports series "State of denial" from 2020 to 2024 12 war criminals (Vladimir Lazarevic, Nebojsa Pavkovic, Nikola Šainović, Dragoljub Ojdanić, Ratko Mladić, Zdravko Tolimir, Radovan Karadžić, Vojislav Šešelj, Vinko Pandurević, Pero Petrašević, Veselin Šljivančanin and Dragan Vasiljković) were glorified for various institutions in Serbia.
29. Additionally, local cultural institutions such as the Cultural center in Ćuprija must cancel the competition for the creation of a mural of the war criminal Nebojsa Pavković, which was planned to be completed by March 24th 2025. In May 2023, YIHR Serbia demanded from the Ministry of Education to determine the responsibility of Verica Letić, principal of "Đura Jakšić" elementary school in Kać, for the participation of convicted war criminal Nebojša Pavković in a public class organized by this school on April 20, 2023. Despite the inspection supervision of the Ministry, no one was responsible for the promotion of a war criminal in an elementary school. Deputy Prime Minister Aleksandar Vulin spoke at the promotions of books about Nebojša Pavković as a hero in September 2024. Pavković has asked several times for early release of the UN IRMC, but his request were rejected due to fact that he so far not shown remorse for the crimes or knowledge about the places of disappearances and mass graves where the remains of hundreds Kosovo Albanians are located.
30. Serbian government should build memorials and establish permanent exhibitions, as part of their main national museums and memorial centers, on the suffering of the Roma during World War II and the wars of the 1990s, developed by Roma experts. Also, authorities in Serbia need to establish small bilateral or multilateral youth reconciliation programs where young people from families of missing persons from different sides can jointly learn about reconciliation with psychological support to heal their traumas (e.g., Serbia-Croatia or Serbia- Kosovo).