

Proposal for a Resolution on Genocide^[1]

Република Србија
Народна скупштина
07. децембар 2021.г.
Београд

РЕПУБЛИКА СРБИЈА
НАРОДНА СКУПШТИНА
БЕОГРАД

ПРИЉЕБНО: 07.12.2021

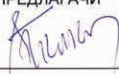
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ПРЕДСЕДНИК НАРОДНЕ СКУПШТИНЕ
ИВИЦА ДАЧИЋ


На основу члана 99, става 1. тачке 7. Устава Републике Србије, члана 40. став 1. тачка 1) Закона о Народној скупштини (Сл. гласник бр 09/2010) и члана 190. став 1 Пословника НС РС бр. 20/12 подносимо ПРЕДЛОГ РЕЗОЛУЦИЈЕ О УСТАШКОМ ГЕНОЦИДУ НАД СРБИМА, ЈЕВРЕЈИМА И РОМИМА У НЕЗАВИСНОЈ ДРЖАВИ ХРВАТСКОЈ (1941-1945) и проглашење 28. априла за Дан геноцида над Србима у 20. веку, са предлогом да се донесе по хитном поступку, баш на 80-ту годишњицу од када је 28. априла извршен масакр у Гудовцу код Бјеловара 1941. чиме је почело „ушташко коначно решење“ и ушташки геноцид, чак 6 месеци пре „нацистичког коначног решења“, а у знак сећања на жртве НДХ, ценећи напоре Удружења преживеле деце логораша из Јасеновца и других ушташких логора смрти, посебно оних који су били специјализовани за децу, залажући се да се ушташки геноцид, кроз аргументовани академски дискурс и кроз овај акт осуди и представи светској јавности као важан део историје геноцида и холокауста у Другом светском рату и колективне меморије човечанства.

Предлажемо да се, у складу са чланом 167. Пословника НС РС, предлог Резолуције усвоји по хитном поступку.

ПРЕДЛАГАЧИ


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Смиља Тишма
најстарији посланик,
преживело дете логораш Јасеновца,
оснивач удружења преживелих Јасеновца


Ана Караџић


Јованка Јовановић

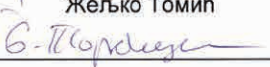
[1] This text is the translation of the Resolution on the Ustasha Genocide over Serbs, Jews and Roma in the Independent State of Croatia (1941-1945) that was proposed in the 12th convocation of the National Assembly of the Republic of Serbia on 7 December 2021 by Smilja Tišma, the eldest MP and camp survivor, and the MPS from different groups of that convocation of the National Assembly, at the initiative of the camp survivors and their associations.



Маријан Ристичевић



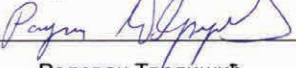
Жељко Томић



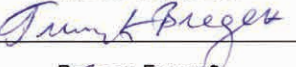
Бојан Торбица



Братислав Југовић



Радован Тврдишић



Владан Глишић



Ђорђе Комленски

**RESOLUTION OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA
ON THE USTASHA GENOCIDE OF THE INDEPENDENT STATE OF CROATIA
AGAINST SERBS, JEWS AND ROMA (1941-1945)**

Bearing in mind examples of the countries who achieved recognition of genocide committed against their people (such as Israel, Armenia, Namibia, Rwanda etc.) and the fact that this December 2021 marks the end of the marking 80 years since the beginning of the genocide against Serbs, Jews and Roma people which began with the founding of Independent State of Croatia (hereinafter: ISC), with this act National Assembly starts a process of international recognition of genocide over Serbs, Jews and Roma in the ISC,

Providing unconditional support to the long-term initiative of the still living Jasenovac prisoners-of-war-camp, who are now in their ninth decade of life and are tireless in their efforts to recognize the Ustasha genocide of the Independent State of Croatia over Serbs, Jews and Roma in the period 1941-1945,

Advocating to ensure the tradition of preserving a culture of remembrance, tolerance and coexistence in peace in the spirit of good neighbourly relations and contribution to international peace, stability and security, with a view to ensuring substantial peace and stability in the region through dealing with the past in order to raise future generations on the foundations of friendship and understanding: the National Assembly of the Republic of Serbia:

1. Condemns any denial of the Ustasha genocide in the ISC, the use of Ustasha symbols and the Ustasha salute "ready for home", as well as a revision of history

2. Indicates that the Ustasha crimes against Serbs, Jews and Roma during the Second World War in the ISC were planned and premeditated and committed genocide as defined by the Convention on the Prevention and Punishment of Genocide. adopted by the General Assembly of United Nations on 9 December 1948 and not to become obsolete;

3. Points out that the crime of Ustasha genocide in the ISC, due to its brutality and use of 57 methods of torture and killing in Jasenovac, as well as the essence and character of the Ustasha ideology, represents a significant part of the history of genocide and the Holocaust in World War II and the collective memory of humanity, therefore this Resolution also has a significance for world historiography, due to the fact that the history of genocide and the Holocaust in World War II is incomplete unless the Ustasha genocide and the Holocaust committed in the ISC are clarified and condemned and piety towards brutally murdered victims is preserved.

4. Emphasizes the necessity to include the study of the phenomenon of Ustashism in educational and scientific programs, as well as the "Ustasha final solution" started in Gudovac, 6 months before the "Nazi final solution" in Babin Yar, as an example of one of the deadliest ideologies of the 20th century that took about a million Serbian lives in the ISC

5. Especially emphasizes the fact that ISC was the only country during World War II that has specialized camps for children; In that sense, The National Assembly of the Republic of Serbia undertakes to proclaim 28 April as the **Day of Genocide over Serbs in the 20th century**, commemorating the day when the first massacre was committed in Gudovac, as part of the implementation of the genocide plan in the ISC.

6. The Day of Genocide over Serbs in the 20th century will be commemorated on 28 April, in a state ceremony that will take place on the river bank near Nebojša Tower, with the participation of the river flotilla, at the place where corpses coming from Jasenovac in the Sava River were buried.

7. All the Government bodies are obliged to start immediately legal, political and diplomatic activities for the international recognition of the genocide over Serbs in the ISC.

By this Resolution, the **National Assembly of the Republic of Serbia** supports the Declaration on Genocide over Serbs, Jews and Roma in the ISC adopted by the Parliament of the Republika Srpska, the Jerusalem Declaration on Jasenovac, the Petition of the World Jewish Congress, as well as the Decision of the Austrian Government to prohibit the use of the Ustasha symbols, and undertakes that the Resolution on Genocide over Serbs, Jews and Roma in the ISC, especially in memory of and reverence for the victims of Jasenovac in the period 1941-1945, should be submitted to the competent UN bodies and other relevant international institutions for adoption as an international act.

In order to ensure complete and unobstructed implementation of this Resolution, the National Assembly of the Republic of Serbia will enact a separate law on the construction of the *Memorial Centre about the ISC Genocide* in Belgrade, thus ensuring that the Government and the competent state bodies take proper care of preserving the remembrance culture regarding the genocide and the state narrative about the suffering of Serbs, Jews and Roma in Jasenovac, the ISC, because suffering is part of the identity of the Serbian nation that was victim to three genocides only in the 20th century.

This Resolution enters into force on the eighth day from the day of its publication in the "Official Gazette of the Republic of Serbia".

In Belgrade, _____ 2021

NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA

Ivica Dačić

Justification

I Constitutional basis for adoption

Article 99, Paragraph 1, Item 7, and Paragraph 2 of the Constitution of the Republic of Serbia represent the constitutional basis for the adoption of this resolution, which stipulates that the National Assembly enacts laws and other general acts within the competence of the Republic of Serbia and performs other tasks determined by the Constitution and law as well as in the Article 8, Paragraph 1 of the Law on the National Assembly, and Article 9, which, among other things, stipulates that the National Assembly adopts declarations and resolutions.

II Reasons for passing the resolution

The adoption of the Resolution on Genocide over Serbs, Jews and Roma in the ISC (1941-1945), with a special focus on the Jasenovac death camp, aims at pointing out the immeasurable victims and anti-fascist tradition of the Serbian people in the National Assembly, expressing commitment to spirit and norms UN Universal Declaration of Human Rights, The Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Additional Protocols to the Geneva Conventions for the Protection of Victims of International and Non-International Armed Conflicts, the Convention on the Prevention and Punishment of the Crime of Genocide and the ICC Statute and stability in the region and good neighbourly relations through dealing with the past in order to raise future generations on the foundations of friendship and understanding.

History obliges us to remember all the significant dates that marked the sufferings of all people during World War II, among which our people suffered enormous sacrifices.

Also, this Resolution has historical significance for humanity, due to the fact that the history of genocide and the Holocaust in World War II is incomplete, unless the Ustasha genocide and the Holocaust committed in the Independent State of Croatia are clarified and condemned and piety towards brutally murdered victims is preserved.

- *Providing* unconditional support to the long-term initiative of the still living Jasenovac prisoners-of-war-camp, who are now in their ninth decade of life and tireless in their efforts to permanently preserve the memory of the Ustasha genocide of the ISC over Serbs, Jews and Roma in the period 1941-1945. year, as a kind of contribution to the universal values of humanity - freedom, equality, life of a worthy man and unity in the differences of humanity that defeated fascism, Nazism and Ustashism in World War II, and on the occasion of 80 years since the establishment of the ISC and the Ustasha genocide and the Holocaust,

- *Bearing in mind* the fact that 2021 marks the 80th anniversary of the Nazi army attack on 6 April, 1941 by bombing Belgrade, as well as the 80th anniversary of the beginning of the "Ustasha final solution" which began on 28 April 1941 with the massacre of Serbs and Jews in Gudovac, near Bjelovar, 6 months before the "Nazi final solution" in Babin Yar, as well as 80 years since the establishment of Jasenovac, one of the most brutal and notorious death camps out of a total eight camps in World War II, the paradigm of suffering entire families in the ISC, of which 91 members of Nikola Tesla's family died in the ISC, 14 of them in Jasenovac, together with 13 relatives of Theodor Herzl,

- *Advocating* to ensure the tradition of preserving a culture of remembrance, tolerance and coexistence in peace in the spirit of good neighbourly relations and contribution to international peace, stability and security, with a view to ensuring substantial peace and stability in the region through dealing with the past in order to raise future generations on the foundations of friendship and understanding,

- *Warning* that the genocide against children in the ISC was the most drastic expression of the planned "Ustasha final solution" and the Ustasha genocide, before which the living wall of memory is represented by still living witnesses - the surviving children of the children's death camps in their ninth decade of life. Only in the Ustasha ISC there were specialized war - camps for children, and only in Jasenovac, one of the most brutal and notorious of a total of eight death camps in World War II, where as many as 57 methods of liquidation were identified, the lives of 19,432 children were brutally taken out of a total of 71,560 children killed in the ISC,

- *Recalling* that the Ustasha genocide in the ISC in the period 1941-1945 resulted the brutal murder of hundreds of thousands of people in the ISC, primarily Serbs, and tens of thousands of Jews and Roma and other minorities, with 84 massacres, 2,643 local crimes, 47 Ustasha war camps, 84 karst pits into which living people were thrown. Among other things, a special example of the Ustasha genocide is in the Serbian Orthodox Church in Glina, on 3 August 1941, when 1,030 people were slaughtered in one night, and in Petrova Gora, in March 1942, as many as 2,500 refugees were brutally slaughtered and killed.

- *Pointing out* that ideology of Ustasha, and thus the "Ustasha final solution", as well as Nazism and the "Nazi final solution", starts from the "voice of the blood of race and country",

- *Emphasizing* that the Ustasha genocide in the ISC was committed barbarically and brutally, mostly "by hand" (using 57 methods of killing), with knives, hammers, axes and special blades, the most famous of which is "Serb slaughter", and one of the examples of bestiality is slaughter Rabbi Isak Daniel Danon and Vukašin Mandrapa from Klepci, while the "Nazi final solution" in the death camps was characterized by destruction in gas chambers, where there was no direct contact between the killers and the victims,

- *Underlining* that the "Ustasha final solution" on 17 April 1941 already received a legal basis "in the legal provisions for the protection of the people and the state", and the persecution and destruction of Jews was legalized on 13 April 1941 legal provision on racial affiliation and the legal provision "**on Aryan blood and parts of the Croatian Aryan people**".

- *Pointing out* that the Ustasha Quisling's ISC was a kingdom of madness and darkness and began the Ustasha genocide, starting the "Ustasha final solution", on 28 April 1941 in Gudovac near Bjelovar, even 6 months before the "Nazi final solution", which followed in September Babin Jar in Ukraine, in order to achieve the same goal, "ethnically cleansed space".

- *Starting* from the Convention on the Non-Obsolescence of War Crimes and Crimes against Humanity of 1968 when genocide was exempted from the principle of obsolescence,

- *Expressing* commitment to the spirit and norms of the UN Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Additional Protocols to the

Geneva Conventions for the Protection of Victims of International and Non-International Armed Conflicts, genocide and the Statute of the International Criminal Court,

- **Condemning** unreservedly all forms of religious intolerance, discrimination, harassment or violence against people or communities based on ethnic or religious grounds, wherever they occur,

- **Noting** that no one born after 1945 is a criminal of the Ustasha genocide, although some may have been the sons and daughters of those who committed crimes against Serbs, Jews and Roma, appealing to present generations to have a responsibility to ensure that these crimes never happen again, and that the act of condemning Ustasha crimes is a departure from the Ustasha genocide committed in World War II, a defence against attempts to rehabilitate the Ustasha ideology, giving young generations a chance to grow in spirit good neighbourly relations, goodwill and friendship,

- **Ensuring** the victims and descendants the right to a dignified memory, children to grow up happily and safely in the spirit of good neighbourly relations and friendship,

- **Promoting** freedom and tolerance through educational programs that would indicate the danger of spreading the ideology of the Ustasha movement,

- **Pointing out** that the history of the Holocaust and genocide in World War II is not complete without studying, educating and condemning the Ustasha ideology and "Ustasha final solution", and in order to prevent "second victimization" of the Ustasha ISC victims, the devaluation of the victims of Serbs, Jews and Roma and their drastic reduction,

- **Committing** the Ustasha genocide and the Holocaust in the ISC to enter the collective memory of humanity, as a warning to people of the dangers posed by Ustasha ideology and hatred on ethnic and religious grounds, as well as Ustasha racism, Ustasha anti-Semitism, and the Ustasha anti-Serb sentiment.

III Funding

For the implementation of this resolution no additional financial resources are needed in the budget of the Republic of Serbia.

IV Reasons for adoption by urgent procedure

Marking the 80th anniversary of the uprising of the Serbian people against fascism, the 80th anniversary of the beginning of the "Ustasha final solution", genocide and the Holocaust in the ISC and the 80th anniversary of the establishment of Ustasha war camps, especially Jasenovac as a paradigm of suffering of Serbs, Jews and Roma and others in the ISC, and having in mind the fact that on 6 April 1941 there was a bombing of Belgrade, and that on 22 April there was a breakthrough of Jasenovac, we believe that it would be necessary to adopt this Resolution in April, more precisely on 22 April, the Day of the breakthrough of Jasenovac in memory of all the victims and genocide in the ISC.

Therefore, the National Assembly of the Republic of Serbia with this Resolution indicates the following:

1. It most strongly condemns Ustasha crimes and genocide against Serbs, Jews and Roma in the territory of the Independent State of Croatia in the period 1941-1945, especially

in the Ustasha war death camp Jasenovac, where 57 methods were used to monstrously kill detainees, especially children and even new-born babies.

2. It supports the Appeal of the World Jewish Congress for the condemnation of Ustasha crimes in the Independent State of Croatia and Jasenovac, as well as the decision of the Austrian Government from 2018 which prohibits the use of Ustasha symbols in Austria, on the occasion of annual events in Bleiberg.

3. It condemns any denial of the Ustasha genocide in the Independent State of Croatia and the use of Ustasha symbols and the salute "ready for home" and supports the initiative of the Coordination of Jewish Communities of Croatia to legally sanction the use of Ustasha iconography to prevent all forms of rehabilitation and promotion.

4. 28 April is proclaimed as the "**Day of Genocide over Serbs in the 20th Century**" on the occasion of the 80th anniversary of the first Ustasha genocide in Gudovac near Bjelovar, which marked the beginning of the "Ustasha final solution", six months before the "Nazi final solution" world historiography of genocide and the Holocaust in World War II. This date is marked every year and enters the calendar of important dates marked by the Republic of Serbia, as another expression of solidarity in preserving the culture of remembrance of the victims of the Ustasha genocide in World War II as one of the greatest genocides in the 20th century, which is at the same time a contribution to the fight against anti-Semitism, neo-Nazism, neo-Ustashism and a contribution to the marking of the International Holocaust Day, which was first marked on 27 January 2006 by the UN Resolution at the initiative of the State of Israel and it is marked on the day of the liberation of Auschwitz.

5. Empathy is expressed for the surviving children of the detainees, as well as for their families, and all countries are called upon, both in the region and around the world, to condemn the genocide committed in the Independent State of Croatia in the period 1941-1945.

6. Education and further improvement of understanding of historical facts that led to the Ustasha genocide in the territory of the ISC 1941-1945 is **encouraged**, since the Ustasha genocide is important for the history of genocide and the Holocaust, for the world historiography of World War II and the collective memory of humanity.

7. Ratification and full implementation of the Convention on the Prevention and Punishment of the Crimes of Genocide, War Crimes, Ethnic Cleansing and Crimes against Humanity and the adoption of additional laws against the use of hate speech based on ethnic and religious intolerance are **guaranteed**, and are necessary to fulfil the obligations under that convention and other acts, so that the crimes of ethnic cleansing, which, unfortunately, were repeated in 1995 in Operation Storm, would never happen again.

8. It undertakes to develop educational programs that will instil in future generations lessons learned from the Ustasha genocide, war crimes, ethnic cleansing and crimes against humanity in order to prevent them from ever being repeated and revitalized, in order to prevent the rehabilitation of the Ustasha ideology, which in addition to the Nazi ideology was one of the deadliest ideologies in the history of the 20th century.

9. It takes an attitude that violations of human and minority rights to a dignified culture of remembrance for the victims of the Ustasha genocide can be early indicators of the

possibility of a new genocide and in that sense commits to the adoption of additional legal and other legally binding acts.

10. The National Assembly of the Republic of Serbia supports the Declaration on Genocide against Serbs, Jews and Roma in the ISC adopted by the Parliament of the Republika Srpska, as well as the Jerusalem Declaration on Jasenovac and undertakes that the Resolution on Genocide against Serbs, Jews and Roma in the Independent State of Croatia, especially in memory and reverence for the victims of Jasenovac in the period 1941-1945, be submitted to the competent UN bodies and other relevant international institutions for adoption as an international act.

11. The National Assembly of the Republic of Serbia calls all relevant international institutions and UN member states, as well as organizations dealing with the study, memorialization and education on the Holocaust and genocide, to accept this Resolution and to include the Holocaust and genocide committed by the Ustasha Independent State of Croatia during World War II in their programs, as an example of one of the deadliest ideologies of the 20th century.