

*I think that it is up to the associations and their leaders to motivate people to testify. We should disperse our fears and develop awareness that they can help charge and sentence perpetrators of crimes committed against their loved ones and that no one else can do it for them.*

**Statement:** Gordana Đikanović, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.

## 29. Local consultation with civil society on the Initiative for RECOM

Niš, Serbia,  
April 25th 2009

The consultation was organized by the Committee for Civic Initiative (Serbia) and was attended by 30 non-governmental organization activists, lawyers, university professors, judges, and journalists from the Niš region. The discussion was moderated by Danijela Gavrilović (Committee for Civic Initiative, Serbia) and Andrej Nosov (Youth Initiative for Human Rights, Serbia) and Vehid Šehić (Citizens' Forum of Tuzla, BiH) opened the gathering. The following media reported on the event: Danas, TV Niš, Radio Niš, TV5, and TV Zona.

### Participants supported the initiative to create RECOM and they also advocated the Coalition for RECOM.

*I guess the whole idea behind this initiative is to make institutions take responsibility which is why they exist in the first place, from legislature to the executive to courts and media, etc. What is the situation like in the military and the police? Who has a final say in these institutions? Those who probably most often abused or manipulated their power in the recent wars. If they feel any remorse, they should come up with some kind of initiative to deal with the past and [establish] justice. What is the situation like in the Academy and our universities? What are the dominating topics at numerous gatherings organized at universities by students and their mentors? And it is not only at the Law School and the Faculty of Philosophy in Belgrade and Novi Sad, it is at all other universities. I cannot give you exact information because I don't do that kind of research, but based on the data I have, I can see what the prevailing topics are at the Faculty of*

*Philosophy and I can see who the participants are. We can hear discussion about the clerical-nationalist and fascist topic as well as rhetoric aimed at protecting war crimes and war criminals. From that perspective I see this initiative as a brilliant idea and I wonder what each one of us can do to help the process.*

**Statement:** Draško Bjelica, Faculty of Philosophy in Niš, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

*I understand this initiative as a response to a need to finally deal with the horrendous damage that was inflicted upon us in the period from early 1990s until the beginning of the 21 century.*

**Statement:** Nenad Popović, Committee for Civic Initiative, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

### It is important to prepare the public for the creation of RECOM and that job should be done by the media and non-governmental organizations.

*No matter how you want to do it, I think it is important to wait a little bit and gradually prepare the public, if possible (...) give it proper media attention and coverage, and then create this commission, not some other, but this particular one.*

**Statement:** Dragan Vesić, Al Kanal Media Agency, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

*If the only goal of the commission is to collect information about victims and motivate the Office of the War Crimes Prosecutor and the judiciary to start proceedings against perpetrators, then I think the public does not need it. I think that the goal of the commission is conceptualized to face the future (...) If the goal is to create conditions for living better in the future (...) then I think it will be difficult to win over the public (...) We need to have the public on our side somehow, and in accordance with that public position on this issue, we should define the operating procedure, election of members and participation, mandate, public relations, and main pillars of the entire process.*

**Statement:** Gordana Đorić, Committee for Civic Initiative, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

*Non-governmental organizations should organize an intensive networking of non-governmental organizations to motivate the public in terms of creating the regional commission.*

**Statement:** Semiha Kačar, Sandžak Committee for the Protection

of Human Rights and Freedoms, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

*We all agreed that this commission needs to be supported. However, as a journalist, I believe that the commission must build credibility with the public. It is going to be a wasted effort if the public is not informed and motivated to support the work of the commission.*

**Statement:** Bratislav Ilić, TV Leskovac and TV B92, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

**The armed conflict in the former Yugoslavia is specific and requires that the RECOM model be unique but based on the experiences of other similar commissions: it is essential that RECOM discover the facts about missing persons.**

*Conflicts in the former Yugoslavia happened along many different lines simultaneously. If you ask me, they were least of all ethnic conflicts. They were, in my opinion, conflicts of ex-Yugoslavs and nationalists; some even say they were conflicts between the urban population and peasants. Sreten Vujović believes that the war of the 1990s was an uricide. There is also the conflict of liberals and totalitarians, at the same time; I believe you can call it that. And the people who took part in these conflicts and who took sides this way or another did not do it based on one simple dilemma, here or there, but based on very different criteria, value systems, interests and what not. It all complicates matters significantly and makes them more difficult to solve. For that reason I think that this commission should not be tasked with too many different issues and the task put before the commission should be sized up properly.*

**Statement:** Nenad Popović, Committee for Civic Initiative, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

*The conflict was indeed very complex and now you say that the commission will be dealing with investigating and disclosing the truth. And when we say that this many people were killed in Croatia and this many in Serbia or elsewhere, it may be counterproductive (...) I think that this commission should deal with establishing the facts about what caused the war and try to discover the missing. That should be its main task, not making some figures public. I am convinced that the general public would have mixed reactions. It will be counterproductive.*

**Statement:** Igor Pančić, Pi Channel Newspaper, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

**It is necessary to adopt a law on establishing RECOM within national Parliaments. Because RECOM would represent and inter-state commission, it is necessary to find a suitable legal mechanism for its establishment.**

*I think that we will not lack political will to create this commission simply because no political party will dare say they are not interested in the fate of the victims. We should also not be afraid of the parliamentary commission or the parliamentary debate because they would not dare demonstrate a lack of interest in the victims.*

**Statement:** Biljana Adamović from Niš, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

*I think that a Presidential Decree would not be the right act with the right amount of power with respect to the Parliament. What can the President do with such a decree? What should it say? I order this commission to be formed?! For that reason I think that it would better serve the purpose to have the Parliament pass the appropriate law, regardless of doubts about the lack of political will that it may be impossible. I think that, contrary to that opinion, there is enough political will. Just remember the 1990s when no one ever talked about these things. I think in time there will be more and more political will. Once the discussion is initiated and we hear some good suggestions, once the parliamentary debate starts and when all that is in the media, the law is sure to follow. Once the Parliament passes the law, the commission will be given its mandate and authorizations.*

**Statement:** Radomir Mladenović, Niš District Court, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

**Participants believe that RECOM should establish the facts about war crimes and human rights violations that occurred outside armed conflict zones but within the context of the conflict.**

*I am not in favour of a selective approach of the commission's mandate. I think that they should deal with all crimes and all serious human rights violations that took place in the 1990s - not only outside the territory of one country, but within the territory of countries which were engulfed in war in those regions which, for example Sandžak, inside Serbia, paid a high price for peace during war where everything happened, too. Many people*

*know nothing about it.*

**Statement:** Semiha Kačar, Sandžak Committee for the Protection of Human Rights and Freedoms, Serbia, Local consultations with representatives of civil, Niš, Serbia, April 25th 2009.

**RECOM should forward all established facts about war crimes to the office of the prosecutor who will initiate investigations accordingly.**

*Political and moral responsibility, not guilt, yes, but in spite of my distrust in the legal system, I believe that should be left to the courts. And we will establish the facts and forward them not only to courts but to sociologists, psychologists, and historians who will use it as a starting point for writing about certain events but for establishing criminal responsibility, too.*

**Statement:** Vehid Šehić, Citizens' Forum of Tuzla, BiH, Local consultations with representatives of civil, Niš, Serbia, April 25th 2009.

**RECOM members should be prominent human rights defenders, experts, and trusted advocates of efforts to document human rights abuses.**

*I think that the criteria for selecting RECOM members should be just that: proven track record and experience, and if you want, expertise, in documenting crimes and human rights abuses that happened on the territory of the former Yugoslavia.*

**Statement:** Nenad Popović, Committee for Civic Initiative, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

*Maybe it would be better if they [RECOM members] are not recognized by the public as people involved in this kind of story. Maybe they should be new people, without any stigma, any awards, or prejudices, but with moral integrity.*

**Statement:** Danijela Gavrilović, Committee for Civic Initiative, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

*I believe that the commission should include all those famous human rights defenders and have them at least as members of the commission because of the enormous reputation they have.*

**Statement:** Semiha Kačar, Sandžak Committee for the Protection of Human Rights and Freedoms, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

**RECOM members should also be representatives of the police and military.**

*I think that members of the police and military should also be included as members or even given*

*a higher status, along with politicians and representatives of non-governmental organizations. That will give more credibility to the commission, although I am not too thrilled to watch some politician or a member of the Army, but people will find the commission more credible if they are involved.*

**Statement:** Bratislav Ilić, TV Leskovac and TV B92, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

*The public would be able to place more trust in RECOM if its members included politicians and members of the police force and the army. A study involving 1,000 people from Serbia conducted two years ago indicated that after the judiciary, police structures were trusted most by the public.*

**Statement:** Maja Pešić, Women in Black, Serbia, Local consultations with civil society, Niš, Serbia, April 25th 2009.

**RECOM should make a register of human losses during the armed conflicts, all cases of human rights abuses such as rape and torture, a register of displaced persons in the former Yugoslavia, as well as a register of perpetrators.**

*This commission should make an inventory of all losses which occurred in this region in the last ten or 15 years. I don't mean material losses, I mean human losses. Somebody should finally count all the dead, missing, tortured, displaced, and make a final balance of all atrocities committed in the period between 1990 and 2000. It would make me very happy if victims are not categorized according to their national background and their address.*

**Statement:** Nenad Popović, Committee for Civic Initiative, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

*I'm not saying that we should deny differences in figures, but I think that maybe, that commission could show all victims from BiH, Serbia, and Croatia without ethnic or territorial divisions, not in order to conceal the figures, but because these differences don't mean anything. In the name of our future I simply think we should not promote equality.*

**Statement:** Danijela Gavrilović, Committee for Civic Initiative, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

**RECOM should not include perpetrators in its work.**

*I think that this commission should not have anything to do with perpetrators. Whether we like it or not, investigations should be conducted by courts and what we should really try to do is empower*

*institutions, make a better judiciary. If we try to hijack the authority that belongs exclusively to courts, we may end up paving a road for everything that happened to happen again.*

**Statement:** Nenad Popović, Committee for Civic Initiative, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

*I think that the commission should not deal with potential suspects. The name of the project itself implies 'truth seeking' about crimes, victims, and all that. So, we are dealing with victims and we should agree that victims are victims without first and last names, we should agree that they are all equal and that they all have the same legal status, so to speak.*

**Statement:** Radomir Mladenović, Niš District Court, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

**Public hearing of victims and witnesses is supported as an important RECOM activity, but it is important that statements are documented by several sources.**

*Victims need to be allowed to say what was said before, but their testimony should not be considered equal with facts about what happened. Victims also have their, so to say, distorted vision, their objectivity. That does not mean that they should not be heard. They should be heard by all means, they should say what they had been through, but that should be kept separately from what I would like to mandate this commission and that is to establish the figures.*

**Statement:** Nenad Popović, Committee for Civic Initiative, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

**RECOM should have access to the ICTY archives and state institution archives.**

*I was a witness in the case of five generals tried before the ICTY and I learned some things on that occasion. At the ICTY they have a lot of information about possible suspects, enough for example, to mention Petar Petrović as commander of a unit, and that is enough to create a reasonable doubt. Also, the Republic of Serbia, in addition to the War Crimes Trial Chamber in Belgrade, as far as I know, intends to form another War Crimes Trial Chamber in Niš and Novi Sad. So, there will be enough court capacity and enough people trained and ready to process this. Let's not worry about whether our judiciary*

*personnel is qualified or not, we will deal with that.*

**Statement:** Radomir Mladenović, Niš District Court, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

**RECOM should make recommendations with respect to reparation for victims and their family members in order to satisfy their public recognition. A Memorial Day should be determined to celebrate all victims in all states created on the territory of the former Yugoslavia.**

*Is it possible to organize all former SFRJ states to designate one day to be a memorial day to the victims? To mark it by lighting candles or any other activity, but to make sure it is one day of each month. We have to put pressure on people to understand the idea. Do you think it is possible to show all victims, from all sides, not only our victims, but all victims together? Is it possible?*

**Statement:** Igor Pančić, Pi Kanal Newspaper, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

*When it comes to reparations, I think the best satisfaction for victims would be to simply recognize them as victims. And I think that the commission can help a lot in that respect.*

**Statement:** Nenad Popović, Committee for Civic Initiative, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009.

### **30. Local consultation with associations of victims and NGOs on the Initiative for RECOM**

Bosnia and Herzegovina, Srebrenica,  
April 26th 2009

The Citizens' Forum of Tuzla (BiH) organized the second consultation in Bosnia and Herzegovina. A total of 35 representatives of associations of victims and victims' family members, local non-governmental organizations, one representative of youth organizations, one student, and one journalist participated in the work of the consultation. An imam from Srebrenica also participated in the consultation. Participants were mainly from Srebrenica, Bratunac, and Zvornik. One victims' representative came from Vlasenica. Vesna Teršelić (Documenta, Croatia), Bogdan Ivanišević