

National Consultation with Civil Society Organizations on the Draft RECOM Statute

Zagreb, Croatia
June 1, 2010

Comments and Suggestions to the Draft RECOM Statute

General Comments and Suggestions

So, the first thing I notice here is that this Statute will obviously require the adoption of national laws on cooperation with RECOM – in other words, the Statute itself is not sufficient and we will have to write a new law to become compatible with the stipulations of the Statute. It is better to think about this sooner rather than later. (Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) I think it is extremely important that members of the Commission have access to classified information and I think that it has not been considered carefully here. The issue at hand is security clearance. (Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) the first thing I don't like here is that you call it a Statute, because when we talk about statutes, it means that the statute is supposed to be adopted by a body that has already been formed in order to regulate its operation. I think that [a body] is the main prerequisite because of the number of countries standing behind the documentt, which will be composed of an international agreement to be ratified by national parliaments of member states. According to the Constitution of all of these countries, that document will become a law, i.e. an international agreement which is beyond national laws. So, in my opinion, it should not be called a statute. (Ivan Novosel, Legalis, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

In my opinion this basic document, whatever it's called, should contain provisions of the mandate of the Commission, including the scope of work and the competences of the Commission, and maybe some other segments. On the other hand, this basic document must be carefully drafted because it will be expected to be legally relevant and at the same time it will have to be written in a language that both victims and the general public can understand. In the case it becomes law, the law of the state and this document have to be separated from the other document stipulating the technical details [of the Commission] such as the election procedure, and so on. (Ivan Novosel, Legalis, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Comments and Suggestions with Respect to Individual Articles of the Draft Statute

Article 1. –

I think that if we intend to make a register of human losses, we need to understand that many people lost their lives in situations which cannot be described as war crimes, and we have to make a distinction between war crimes victims and soldiers who died in combat. So, if we are going to be making a register of human losses, we need to rephrase this Article. (Mario Mažić, Youth Initiative for Human Rights, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) if the Commission starts dealing with the warmongering media, the political propaganda, and each and every armed conflict – who attacked who and where, who shelled what town or village and why... I think this is going to be time consuming and the Commission will exhaust its resources establishing the facts about the conflicts of the war. (Igor Roginek, Documenta, Croatia, National Consultation with Civil Society Organizations in the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

When the initiative was first launched it was all about victims, and our intention to make a list of victims of war crimes and other serious human rights violations. The intention to investigate the facts about armed conflicts has never been mentioned in our discussions until now. (Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) that our fundamental idea is to make a contribution to a better understanding of the number of victims of the wars waged in the 1990s, or to arrange for our governments to meet and agree on the number of victims – killed and missing, and on the number of serious war crimes... That's what we want and that will help us establish all other facts concerning the armed conflict – what the nature of the armed conflict was, and what exactly happened, so it should not be there. (Katarina Kruhonja, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 2. – Name

(...) there is a difference between the term “territory” and “region.” I think that the word “region” should be changed to the word “territory”. (Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 4. – Main Office

RECOM's Main Office is in Sarajevo, and I salute that. It's great. (Tin Gazivoda, Human Rights Center, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

The gravity of the project imposes a responsibility on those deciding where the main office is going to be located, and I think that main office should be in the state with the most stable political situation, and we all know that at the moment Bosnia and Herzegovina is very unstable.

(Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 5. - Timeframe for RECOM

Maybe we should analyse the experiences of other truth and reconciliation commissions in terms of the timeframe for RECOM. Or we can allow six months for preparations and a mandate that lasts two and a half or three years. There is no need really to impose such limitations. (Tin Gazivoda, Human Rights Center, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

I think that this timeframe is too short. It is two years plus six months, and compared to an average timeframe of twelve to eighteen years of other truth commissions, it is definitely too short. The territory that needs to be covered is quite substantial and there are several states involved in the project. I would at least add six more months to the base framework and leave the additional time optional, as stipulated in Article 5, point 2. (Ivan Novosel, Legalis, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

I think we should extend the timeframe as much as we can and that we should not limit it two or two and a half years. That may become a huge problem later on. (Slaven Rašković, Documenta, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) we should definitely keep point 2 – only I'm not sure if we should stipulate that RECOM can extend its own mandate. (Ivan Novosel, Legalis, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

I think that maybe the founders of RECOM should be allowed to extend RECOM's mandate, but no longer than six months. (Vesna Teršelič, Documenta, Zagreb, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Based on this stipulation, it may be concluded that this mandate also includes the period of preparations. So, it should be clearly stipulated that the mandate begins once a six-month preparation period is completed, to be clear that the mandate does not encompass the preparation period. (Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

I think that RECOM itself should decide on the extension of the mandate, and not its founders. (Mario Mažić, Youth Initiative for Human Rights, Zagreb, Croatia, National Consultation with Civil Society Organization on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

We also support the idea of a longer mandate, at least three years, and an additional six months for the creation of the final report. (Katarina Kruhonja, Center for Peace, Non-Violence, and

Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 7. - The Use of Language

(...) RECOM's official languages should be all the official languages of member states. And final report should also be translated into all of those languages. On a different note, RECOM will be interacting with international observers, partners, experts, and so on, from, let's say, Switzerland, Sweden, or The Netherlands, and this document should by all means include a clause allowing RECOM to communicate in all languages spoken by RECOM's partners. (Mario Mažić, Youth Initiative for Human Rights, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

When we say 'official languages' we may have a problem (...) We will have to take into consideration various dialects, even the ones limited to a small area, because it is much easier for victims to speak about their traumas and suffering in a language they are comfortable with. (Veselinka Kastratović, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 8. - Mandatory Cooperation of States with RECOM

So, if that's the case, then we have to insist on the cooperation of state organs – if from a testimony of a victim some facts become evident, we have to ask authorities to confirm whatever information they can confirm and duly note if they refused to do so. That in itself will be a fact. (Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute with Civil Society Organizations, Zagreb, Croatia, June 1, 2010).

Article 9. - The Goals of RECOM

9(...) there are certain issues here that should be contained in the Preamble instead of being listed as goals. (Katarina Kruhonja, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) it would be a smart idea to separate specific goals, such as establishing the facts, because in addition to conducting field research RECOM will also be organizing public hearings and similar things with political implications. (Mario Mažić, Youth Initiative for Human Rights, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

So, let's remove "wars/armed conflicts" under a), because it simply does not belong there. Further on b), c), d), and e) – let's just say that they are a wish list and it is not realistic to declare them the goals of RECOM. Goals must be defined more precisely and more specifically. (Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter,

Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

We believe that goals listed under b), d), c), and d) should be contained in the Preamble. Why? Because they can help solve the fate of the missing, help acknowledge the injustice. I also think that the content of Article 20 - Assignments of RECOM – which are very specific, should be listed as goals, or we can simply avoid defining the goals as such. (Katarina Kruhonja, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) point b) – to help clarify the fate of the missing – I think it's very important. I would like to keep it under goals, and we obviously need to make a distinction between what goes into the Preamble and what's listed under goals. (Vesna Teršelič, Documenta, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 10. - The Composition of RECOM

(...) I would like to hear more about the criteria used in determining that the Commission should be comprised of 20 members (...). (Tin Gazivoda, Human Rights Center, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) I think that it would only be fair for each state taking part in the creation of the commission to delegate an equal number of members, maybe four members each, if that is more acceptable for Bosnia and Herzegovina. (Slaven Rašković, Documenta, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

I think we need to have an uneven number of members for an easier decision making process. (Mirjana Bilopavlović, Delfin, Pakrac, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

The number of victims from a particular state should not be used as a factor in determining how many members of the Commission should be delegated from that state. Any debate on the number of victims and the scope of war crimes committed in a certain state is simply not a good idea. This contradicts my understanding that each victim is a victim and that all numbers of victims are equally important. So, if the Constitution of Bosnia and Herzegovina guarantees equal rights for all three constitutional entities, it means that Bosnia and Herzegovina must have three members and everybody else should comply and give the same number of members. (Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) Bosnia and Herzegovina should delegate more than three members. It is a very complicated region and the more members the better. People from the three BiH entities know their local

situation, they can do a lot of work together, and it's not that they are only going to be representatives, they are also going working hard. I don't quite know how to explain it to you, but I feel very strongly about it. (Katarina Kruhonja, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

I am more in favour of electing "persons fostering high ethical standards, respectable persons of integrity" who are representing states, and not ethnic communities. (Mario Mažić, Youth Initiative for Human Rights, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) are the Muslims from Sandžak or any other region, I say Muslims because that's what they call themselves, are they going to trust the Commission if they don't have their representatives there? Will they be confident that a Montenegrin or a Croat from Boka Kotorska are going to represent their interests in human rights violation cases that took place in Montenegro? What I am saying is, they may trust them, but the point is, in the end, it all comes down to a national aspect. (Veselinka Kastratović, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 12. - Election Criteria for RECOM Members

Point 2 reads "persons fostering high ethical standards, respectable persons of integrity" – what exactly does that mean? It should be either defined in a more precise manner or deleted altogether. It can be a rather relative criterion; what one person considers a high ethical standard, another may totally ignore. Also, this article calls for "at least a college degree" of prospective members, which is not justified because this is not a professional organization. The only criterion applicable here is the age criterion, which is 18 years in all of these states. (Ivan Novosel, Legalis, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Also, I would like to change "people" to "citizens" to avoid confusion. (Ivan Novosel, Legalis, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Point 3 should be removed altogether, because there is no justification for members to be required to have "at least a college degree" or to be "mentally and physically fit for the job." (Katarina Kruhonja, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) it must not appear as if we are excluding persons with disabilities (...) It is quite different to request a certain degree of business aptitude because it is clear what it implies. However, when it comes to a college degree, it is about the same as the sort of discrimination exercised against the population between the age of 18 and 21 – it is difficult to explain to someone who's not 21 that they can run for president of the state but that they can't become an army sergeant. (Mario

Mažić, Youth Initiative for Human Rights, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) points 1,2,3, and 4 – I don't know how many there are – they come from the point of view of a person dealing with human rights. Any way you look, it is going to be discriminating. (Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 13. - Election Procedure for Members of RECOM

In the context of the dilemma we have already mentioned, - the Election Panel submits a final list of candidates to the President or a Presidency of the member state – this issue should be regulated, by the law that I think must be adopted. So I am not sure if this should be here at all. It is a legal issue and it probably should not be here before the adoption of the law. (Tin Gazivoda, Human Rights Center, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

“Three members of the Election Panel are appointed by the Human and Minority Rights Minister or the Justice Minister, following consultations with members of the Parliamentary Human Rights Committee” – This is very good. (...) point 2. g) (...) Confirming – the Human Rights Ministry and the Minority Rights Ministry – in our country it would be the Ministry of Justice – they confirm the election of members to the Election Panel. It sounds to me as if we are trying to institute one step too many in the whole process. I would prefer a different wording – “approves” or something like that. (Tin Gazivoda, Human Rights Center, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) but I think it is very important to elect deputies immediately, because that can help us avoid delays in the work of the Commission - because it is unlikely that both will be unavailable for the same event. (Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

I think that the states should be given some space to object to some choices. The government should be allowed to veto a candidate. (Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 17. - Quorum and Decision Making

The quorum and the decision making process should be defined very clearly and directly. I think that the quorum and the decision making process cannot be tackled in one article. If according to option “A,” the Commission consists of 20 members, the quorum is approximately 14 and it takes two thirds of the 14 to make a decision – which is 9 approximately. That means that it would take less than 50% of the total number of members to make a decision. If we now read

point 2, it says “RECOM can decide in a two thirds vote that in order to adopt a specific procedural decision it is necessary to have a simple majority vote of all members of RECOM”. That’s in contradiction with point 1 because a simple majority is larger than one half of the membership – so it is 11 and two thirds of 11 is 7. In other words, 30% of the membership can make a decision and that’s absurd. I think that the quorum should be 90%, or a two thirds majority should be required for making a decision. That would mean that approximately 60% of members are required to vote for a decision. (Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 20. - Assignments of RECOM

(...) I think that RECOM should not be bothered too much with the context, and that it is going to be a huge thing if RECOM indeed does what it is expected to do – establish the facts. When discussing the context and the years, my first reaction is that it is properly determined - so, the 1980s for the context and the framework from January 1, 1991 to the end of 2001 for the armed conflict. (Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

We have already established in the course of various consultations that we cannot identify victims of war crimes with individuals who lost their lives in armed operations during the same period. Those who died in war operations have a separate register, and war crimes victims must be listed along with at least two independent sources verifying the crime, providing information about the time and place where the war crime took place. (Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) that our fundamental idea is to make a contribution to a better understanding of the events in the 1990s, or to arrange for our governments to meet and agree on the number of victims – killed and missing, and on the number of serious war crimes... That’s what we want, and that will help us establish all other facts concerning the armed conflict – what the nature of the armed conflict was and what exactly happened, so it should not be there (...) and we are really worried about suggestions to explore the context of the war, the motives, and everything that led to the armed conflict starting from the 1980s. I think that will definitely shift the focus to a whole new area in which we are not going to be able to agree. However, if we are going to be establishing the context, I think that it is quite all right to start with the year 1980, which coincides with the time we can identify as the time the disintegration began, but we want to see a more chronological approach, more turning points, without interpretation. I think it is too demanding and we don’t think that the Commission should be dealing with that. (Katarina Kruhonja, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 21. - Time Period and Territory RECOM is Mandated to Investigate

(...) for Croatia it is questionable if it should be January 1, 1991, because we have a law in Croatia defining June 1990 as the date the Homeland War began. The first victims fell in

Croatia in 1990 and not in 1991, and that is the reason we insisted that the investigation period includes the year 1990. (Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) we don't want the starting point of the investigation period to be the year Josip Broz Tito died. It is a political act because it is hard to determine with certainty if the death of a political figure could have indeed led to a change in the relationship between nations of this proportion. We can accept a political act, such as the year 1974, when the Constitution was adopted, as a milestone in political relations because that is when the former Yugoslav republics were granted the right to self-determination and sovereignty. It is a much more powerful act that the death of any person, no matter what that person represented in this region. (Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

I think that the period to be investigated should start from January 1, 1990 and include the entire year, because we all know that during that year crimes with a very strong ethnic background happened in Croatia. Those crimes may not have been listed as war crimes, since they obviously happened before the war, but they may have very well influenced the events that followed. If we designate January 1, 1991 as the beginning of the war period, it will mean that we have decided that everything that happened before that was an act of terrorism. (Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

I think that the January 1, 1980 compromise is a good thing. (Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

I am more in favour of compiling a list of historic facts going as far back into the past as January 1, 1980, with very little or no interpretation, because any interpretation may pose a risk of disagreement. (Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) we believe that we should really remove the facts about the armed conflicts of the 1990s. It is tied to the assignment listed under point 5. The truth is it is too overwhelming, equally in Article 1 as it is in Article 21. So everything in this sentence should be deleted after (SFRJ), because otherwise the victims will lose their spotlight and everybody will be busy establishing political and social circumstances. In other words, the victims will be forgotten. (Nikoleta Poljak, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

I think that if we are going to be making a list of human losses, we must remember that a lot of people lost their lives in situations other than war crimes or serious human rights violations. We

have a lot of soldiers who died in combat. If we are going to make a list of human losses, we need a more precise formulation of the goal. (Mario Mažić, Youth Initiative for Human Rights, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

(...) “the facts on war crimes” – I am afraid that it is going to be too wide. The Commission will have to deal with the warmongering media, the war propaganda, journalists, counterfeit information, and so on. I think that it is just going to be too much. It will be time consuming and it will completely waste the capacity of the Commission. (Igor Roginek, Documenta, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 23. - Deposition Taking

It does not say that statements will be also be taken from perpetrators and their accomplices (...) and they should also have depositions taken from them, just like everybody else. (Katarina Kruhonja, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 29. - The Methodology Applied in Taking Statements, Collecting Documentation, Organizing Public Testimonies of Victims and Other Individuals, and Organizing Theme Sessions.

I think that, in addition to public testimonies, it would be a good idea to make reviews of weekly activities and announcement of upcoming events. I think it should be included in this document, in Article 29, or elsewhere. Also, as it is stipulated in Article 29 point 3, the public hearing procedure should be regulated by the Rules of Procedure or by another document with more legal power. (Ivan Novosel, Legalis, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 32. - The Financing of RECOM

I would just like to add that with respect to the financing of RECOM – we all know that there is no statute of limitations for war crimes and we are now in Croatia pushing for the same principle in the cases of war profiteering. So, if the government seizes the money from those who made it during the war, it should go into RECOM. (Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 35. - The Character of the Findings of RECOM

(...) I don't really know what it means. Can you name a perpetrator, or do you submit your analyses of a possible war crime situation to the State Attorney's Office for investigation? Naming a perpetrator is a little too much, I'm afraid. (Katarina Kruhonja, Center for Peace,

Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).

Article 36. - The Role of RECOM in the Criminal Processing of Cases

Dilemmas:

How are you going to define the victims who lived in the occupied territory, stayed in the occupied territory, and who were killed while the territory was occupied, before this territory was recaptured by the Republic of Croatia? (Manda Patko, Mothers of Vukovar Association, Vukovar, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010).