

Report

about The Consultative Process on Instruments of Truth-
Seeking About War Crimes and Other Serious Violations of
Human Rights in Post-Yugoslav Countries

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Introduction

Even 14 years after the armed conflicts in Croatia and Bosnia and Herzegovina and ten years since the end of the conflict in Kosovo, victims have not yet been named and recognized, and only a small number of the perpetrators have faced justice.

The discussion on truth-seeking and truth-telling mechanisms about the recent past was initiated in September 2005 by three human rights organizations, the Humanitarian Law Center (Serbia), Documenta (Croatia) and the Research and Documentation Center (Bosnia and Herzegovina), and with participation of experts from the International Center for Transitional Justice. The participants in the discussion, representatives of ten leading human rights organizations in the region, expressed their support for war crime trials as the most important (judicial) mechanism for establishing individual responsibility. They especially emphasized that cooperation between the prosecutors' offices and courts in the region had enabled the voices of war crimes victims from other ethnic communities to be heard. Bearing in mind that criminal trials focus on defendants, the three aforementioned organizations initiated a regional debate about instruments of truth-seeking and truth-telling mechanisms about war crimes in which victims would be in focus and which could contribute to

the comprehensive picture about events from the past. The debate, a consultative process on mechanisms of truth-seeking and truth-telling about war crimes, is designed as a group of regional, national and local debates, or consultations, in small groups of about 30 participants with representatives of various civil society groups. Regional forums on transitional justice, the gatherings with a large number of participants (about 250), where representatives of states and international organizations were invited as guests, became part of the overall process. The objective of the consultative process from its very beginning has been to create a public platform for victims and representatives of civil society to express their needs regarding human rights violations and other types of injustices committed in the past. The other equally important objective has been to strengthen support for accepting a regional truth seeking and truth-telling initiative about war crimes and other serious violations of human rights among both citizens and governments in all countries in the region. In May 2008 the initiative developed into a proposal to establish a regional commission for investigating and disclosing the facts about war crimes and other serious human rights violations committed in the former Yugoslavia. Since then, the consultative process has adopted a third objective: developing a draft statute or model of the regional commission (RECOM).

1 May 5th - 6th 2006,
Sarajevo, BiH.

2 After the Fourth Regional Forum on Transitional Justice, RDC stepped out of the Coordination Council and ceased further engagement and representation of the initiative on establishing the regional commission. See more about this in the Official RDC press release dated January 14th 2009 and the HLC Response dated February 19th 2009. <http://www.korekom.org>.

3 The Statute of the Coalition for RECOM which regulates the functioning of the Coalition, Assembly, and Coordination Council is available at <http://www.korekom.org>.

4 Stefan Priesner, Deputy Resident Representative, UNDP BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006. Annex I, p. 17

5 Refik Hodžić, International Criminal Tribunal for the Former Yugoslavia, Outreach program, BiH Office, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006. Annex I, p. 17

6 May 5th - 6th 2006,
Sarajevo, BiH.

1. Development of consultative process

The consultative process consists of two phases. The first phase is characterized by the debate on the needed types of mechanisms of truth-seeking about war crimes in the region. This phase began with the First Regional Forum on Transitional Justice¹ and it lasted until the first regional consultation with representatives of associations of victims and war veterans held Podgorica, Montenegro, on May 9th 2008. During this period, a total of nine consultations (five regional and four national) and three regional forums on transitional justice were organized. At the Third Regional Forum on Transitional Justice held in Belgrade, the debate on non-judicial mechanisms became concrete – discussion on the need of establishing a *regional body* for fact-finding about war crimes was initiated. Participants of the forum supported the initiative of HLC, Documenta and the RDC for establishing a *regional body* (regional commission), as well as the fact that the mandate, activities, and objectives of the body should be shaped through consultation with the civil society. A public hearing of victims was organized for the first time at this forum. Participants described this public hearing as an important activity of the future regional commission which can evoke compassion for victims from other ethnic communities.

The aforementioned regional consultation with representatives of victims' associations and war veterans in Podgorica was of key importance: HLC, Documenta and RDC presented their proposal for establishing the *Regional Commission for Truth-Seeking and Truth-Telling About War Crimes and Other Serious Violations of Human Rights in the former Yugoslavia* – RECOM. Immediately afterwards, on May 10th 2008, the initiators together with invited members established a Coordination Council. The task of the Council was to establish a Coalition for RECOM and to provide conditions for the transfer of authority in managing the consultative process to the Coalition. By October 28th 2008, when the Fourth Regional Forum on Transitional Justice was opened in Prishtinë/Priština, 100 organizations and associations whose representatives participated in consultations in Croatia, Montenegro, Serbia and Kosovo expressed their support for establishing RECOM.

During the aforementioned forum, the *Coalition for RECOM* was officially established, by which the

initiative for establishing the regional commission became the property of the *Coalition for RECOM*, while HLC and Documenta² assumed the role of providing technical and administrative support in the consultative process.

1.1. Organization of consultative process

Since May 2008, when the second phase of the consultative process began, the process is characterized by a series of intensive debates. Some 31 gatherings had been organized by June 2009: ten local, 18 national and one regional consultation, as well as two regional forums on transitional justice.

During January, February and March 2009, the Coordination Council held preparatory meetings with representatives of human rights organizations and associations of victims in countries in the region. During the meetings, consultation coordination groups at the local and national levels were created. In March 2009 the Coordination Council appointed national coordinators in all countries, tasked with assisting Coalition members in organizing consultations and regularly reporting to the members about the consultative process. Their task was also to ensure that the process is recorded and documented. During the period from April until June 2009, consultation coordination groups organized 20 local and national consultations in Bosnia and Herzegovina, Croatia, Kosovo, Montenegro and Serbia.

The first Assembly meeting of the Coalition for RECOM was organized as part of the Fifth Regional



Fifth Regional Forum on Transitional Justice,
Budva, Montenegro, May 29th - 30th 2009.

Forum for Transitional Justice in Budva from May 29th to 30th 2009. During the meeting, the Coalition Statute was adopted and members of the Coordination Council were selected.³ This concluded the process of establishing the formal authorities of the Coalition for RECOM.

The consultative process will last until June 2010, when the process of collecting one million signatures of citizens in support the establishment of RECOM will begin in all countries on the territory of the former Yugoslavia. The one million signatures and the proposal for RECOM's mandate, which will be developed during the consultative process, will then be submitted to national parliaments for adoption. It was understood that consultations are an important instrument for ensuring the credibility of the initiative and the support of various civil society groups.

*What is the real meaning of the consultation process? I think that there are two equally important parts. First is public support. Such an institution [a commission] is unsustainable if there is no public support because it should feed of information provided by the public.*⁴

*We need a debate within civil society about the need to create a commission and then we need to discuss different models.*⁵

During the period from the First Regional Forum on Transitional Justice⁶ until July 1st 2009,⁷ a total of 43 gatherings had been organized as part of the regional consultation: 23 national, nine local and six regional consultations, along with five regional forums on transitional justice.⁸ A total of 2,185 individuals participated in these consultations – representatives of human rights organizations, associations of victims, concentration camp prisoners, associations of war veterans and disabled war veterans, youth organizations, women groups, historians, journalists and artists. The majority of participants supported the regional approach in truth-seeking. In that context, they support the establishment of a regional commission for truth-seeking and truth-telling about war crimes and other serious violations of human rights – RECOM.

As of July 1st 2009, the Coalition for RECOM has 376 members including 165 human rights non-governmental organizations, youth organizations and other organizations, 36 victims' associations

of victims and victims' family members, prisoners of war, associations of war veterans and disabled war veterans, families of missing persons, and other associations, 167 individuals and eight media houses.⁹

2. Regional approach in truth-seeking about war crimes

From the beginning of the consultative process, the participants have given concrete examples of why the regional approach in truth-seeking about war crimes is important.

*We in Croatia simply cannot know the truth about the Serbs who fled after the Storm military operation in August 1995 if they no longer live in Croatia and we know that many of them live either in Bosnia and Herzegovina or in Serbia.*¹⁰

*What could we possibly know about the deportation of Bosniak refugees from Montenegro without a regional approach? What could we possibly know about 30 Kosovar refugees killed by the army [Army of Federal Republic of Yugoslavia] in Montenegro without a regional approach? Or about a tragedy of ethnic cleansing conducted in one part of Montenegro, in Bukovica?*¹¹

Prosecutors supported the regional approach, stating that regional cooperation between prosecutors has a decisive impact in hearing the voices of victims when it comes to war crimes trials.

*The establishment of multilateral contacts, signing a memorandum on cooperation, information exchange, enabling witnesses from one country to visit another, enabling the acquisition of statements used during in trial proceedings, constitute a step forward in the process of establishing the truth and identifying perpetrators.*¹²

Human rights activists believe that the regional approach decreases chances of telling lies and manipulation,¹³ contributes to objectivity,¹⁴ and enables establishing facts about the past which cannot be disputed.¹⁵ Historians point out the possibility of exchange of information about human losses,¹⁶ while all participants who support the regional approach expect this regional body to make a contribution to achieving more efficient results in finding out more about the fate of the missing.¹⁷

⁷ See proposals, opinions, and recommendations from consultations and forums during the monitored period in Annex I.

⁸ Film RECOM Initiative which talks about the history of the consultative process is available at <http://www.korekom.org/news/read/17>

⁹ Table reviews of the consultative process are available at <http://www.korekom.org/webpage/108> while Coalition members can be found on <http://www.korekom.org/webpage/52>

¹⁰ Vesna Teršelić, Documenta, Croatia, National consultation with associations of victims, Pristine/Priština, Kosovo, October 4th 2008. Annex I, p. 59

¹¹ Esad Kočan, Monitor Magazine, Montenegro, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2006. Annex I, p. 17

¹² Mladen Bajić, State Attorney of the Republic of Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th – 9th 2007. Annex I, p. 23

¹³ Marko Veličković, Civil Resource Development Centre, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October 10th 2008. Annex I, p. 61

¹⁴ Aleksandar Zeković, a researcher of human rights violations, Montenegro, Regional consultation with academics, Zagreb, Croatia, January 10th 2009. Annex I, p. 78

¹⁵ Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008. Annex I, p. 64

¹⁶ Igor Graovac, Croatian Institute for History, Regional consultation with academics, Zagreb, Croatia, January 10th 2009. Annex I, p. 78

¹⁷ Mato Ežegović, a returnee to Pelagićevo, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009. Annex I, p. 85

18 Ante Nazon, Croatian Memorial-Documentation Centre of the Homeland War, Regional consultation with academics, Zagreb, Croatia, January 10th 2009. Annex I, p. 78

19 Srdan Dvornik, Croatian Helsinki Committee for Human Rights, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007. Annex I, p. 39

20 Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th – 12th 2008. Annex I, p. 42

21 Amir Kulagić, Citizens Association Women of Srebrenica, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th – 12th 2008. Annex I, p. 42

22 Marko Veličković, Civil Resource Development Centre, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October 10th 2008. Annex I, p. 61

23 Stjepan Mesić, President of the Republic of Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th – 9th 2007. Annex I, p. 23

24 Oliver Dulić, Speaker of the National Assembly of the Republic of Serbia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th – 12th 2008. Annex I, p. 42

25 Nekibe Kelmendi, Kosovo Minister of Justice, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th – 29th 2008. Annex I, p. 71

26 Ranko Krivokapić, Speaker of the Parliament of the Republic of Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro May 29th – 30th 2009. Annex I, p. 119

27 Mark Freeman, International Centre for Transitional Justice, Seminar on Truth Commissions, Belgrade, May 26th 2008, the transcript is available on www.korekom.org: *Reconciliation, as is described by most truth commissions is related to the idea of a need for rebuilding civic trust, in order to create some level of inter-group empathy.*

Some participants are afraid of having *one truth for all*,¹⁸ while others are sure that the regional approach is not imposing a common view. They believe that it is rather the only way to determine precisely what really happened.

*The regional cooperation isn't some kind of enforced common standpoint, rather it is the only way to establish the truth in a very complex situation such as ours and in that respect it will be pointless to make any nationalistic remarks since we will be demonstrating in practice what it means to accept responsibility, even if we are not guilty we will accept responsibility that crimes committed on behalf of our nations are established once for all.*¹⁹

During the Third Regional Forum on Transitional Justice²⁰, participants materializing their support to the regional approach indicating that the regional body, that is, regional commission, would be the most reliable instrument of truth-seeking and truth-telling about everything that happened during the armed conflicts in the former Yugoslavia.

*I'm in favour of the regional approach and I support the creation of a regional body for one very simple reason – the things that happened across the former Yugoslavia were interdependent. Because there are many who came to Bosnia from different places in the former Yugoslavia, to Srebrenica for example, and committed crimes. They are now geographically separated, so to say, they live in different countries, and it is different to obtain information about who did what and where.*²¹

Activists of youth organizations vigorously support the regional approach. The regional approach represents a method that prevents the manipulation and abuse of victims.

*And if the victims, associations of victims (...) leave their ethnic space and join the regional framework and realize that all victims want the truth, they want to exercise their right to make their suffering public, the space for manipulation is definitely narrowed.*²²

2.1. Support of representatives of authorities and institutions

At the opening of the regional forums on transitional justice in Bosnia and Herzegovina, Croatia, Serbia, Kosovo and Montenegro, the highest representatives of authority in these countries deli-

vered speeches. They all supported the regional approach in establishing facts about war crimes.

*We have to know the truth, the truth must be established and it must be dealt with – whether we are willing or not, no matter how bad it is, and no matter if some people like it or not. And the truth is that there is only one truth. Naturally, different people may experience the truth in different ways because there are many ways to look at it and many ways to interpret it. But, the truth remains what it is – a collection of facts telling us what happened and it is non-negotiable and it certainly cannot be relativized.*²³

*Offering an opportunity to victims of war crimes to speak and to us to hear them, you are giving an invaluable contribution to the process of healing our societies and I believe that all of our societies, post-conflict societies are still in the middle of the healing process, and I hope that for future's sake, our future together, our regional future, that the healing will be fast and successful.*²⁴

*I believe that the concept of regional approach in solving this problem is extremely important also because of the fact that only all of us together can establish the facts that have not yet been clarified. I personally think that the most pressing need is to solve the fate of the missing, regardless of their nationality. I am not saying that there are not missing persons from other ethnic communities living in Kosovo, but I do not wish to deny that most of the missing persons belong to the majority community in Kosovo.*²⁵

*The main goal is for it to become part of our textbooks and part of our educational system and our culture. The time has come for us to learn about our defeats and our mistakes, not any less than we learn about our victories. When we succeed in doing that, I think we will be able to succeed as a society to understand our defeats and mistakes from the early 1990s which would be the protection in human spirit in order to prevent it from recurring.*²⁶

2.2. The dilemma about reconciliation²⁷

During the consultative process, participants periodically gave answers to the question whether reconciliation should be one of the objectives of the regional commission. At the time of wri-

ting, however, it is still not possible to speak of a crystallized position on this issue. It is obvious that victims have a need for compassion and solidarity from people of other ethnicities. Some activists from non-governmental organizations see reconciliation as a long-term objective, while others strongly oppose having reconciliation as part of the mandate of the regional commission.

*We will empower this movement, this project, by unleashing our pain and by feeling pain for all victims in general.*²⁸

*French and Germans waited for thirty years and we might also reconcile after a certain period of time.*²⁹

*It will be wonderful if we can achieve reconciliation, but I think reconciliation should not be part of the mandate of the regional commission.*³⁰

Besides, some participants point out that the time has come for self-critical questioning of personal responsibility.³¹

2.3. Support to national truth commissions

During the consultative process, the issue of national commissions as a possible model for establishing facts about what happened in the former Yugoslavia was initiated four times in open debates.

During the First Regional Forum on Transitional Justice, prosecutors of the Special Department for War Crimes of the Prosecutors' Office of BiH and judges from Court of BiH warned that war crime trials are not sufficient for establishing the entire truth about all events that happened in the past. They stated that in the case of Bosnia and Herzegovina, truth commissions can help create a more comprehensive picture about the past. In this context, the BiH Chief Prosecutor, Marinko Jurčević, stated:

It is of exceptional importance to understand that each court-established truth has its limitations. Since only a limited number of victims get an opportunity to participate in court proceedings, a mechanism like this [BiH truth commission] could also represent the main forum for victims to speak about their suffering. Truth commissions and court proceedings can complement each other.

Prosecutor Jurčević's opinion was supported by the members of the former Working Group responsible for making a draft Law on The Truth and Reconciliation Commission in Bosnia and Herzegovina.³²

*The truth about the events that unfolded in BiH in the period from 1992 to 1995 is being written by the ICTY, the International Court of Justice, the Court of BiH, various courts across BiH, but it is quite certain that this truth will not encompass all events, all facts, and it is clear that in BiH we should follow a different track too, in order to establish complete truth about everything that happened in BiH.*³³

The aforementioned Working Group stopped working on May 17th 2006 when all the activities leading to the adoption of the law and founding of the commission seized. The Working Group changed several articles in the inherited draft law. There was no official explanation why the Working Group aborted its work.³⁴

Three years later, representatives of an Albanian victims' association, contrary to the youth activists and activists from non-governmental organizations in Kosovo, again initiated an issue of establishing a national commission. They advocated establishing a Kosovo commission which would represent the state of Kosovo in the regional commission.

*The proposal of the association is to start the initiative first at the local level and then the countries in the region should connect (...) RECOM cannot hide behind what we used to call brotherhood and unity. The Commission is necessary but it should be first at the national level and then at the regional level.*³⁵

During the consultation of civil society in Montenegro, two participants supported the idea of establishing a national commission which would then cooperate with the regional commission.

On May 21st 2009, during the consultation with women's groups in Zagreb, one participant expressed her stance that alongside the establishment of RECOM it would be useful also to call for the establishment of a national commission.³⁶

2.4. Support of the international community

Participants of the consultative process expect that the European Union support (for the RECOM

28 Ana Kvesić, European House Vukovar, Croatia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th – 29th 2008. Annex I, p. 71

29 Atdhe Berisha, Kalaja Association, Kosovo, Local consultations with civil society, Pejë/Peć, Kosovo, June 26th 2009. Annex I, p. 140

30 Tea Gorjanc-Prelević, Human Rights Action, Montenegro, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th – 29th 2008. Annex I, p. 71

31 Aleksandar Stojanović, Civil Society Development Center, Kosovo, National consultation with civil society, Mitrovicë/Mitrovica, Kosovo, June 26th 2008. Annex I, p. 53

32 Transitional Justice in Post-Yugoslav Countries, Report for 2006. Authors: HLC, Documenta and RDC, p. 23: *At the end of 2005, the USIP offered its expertise to the three members of the Chairing Committee of the BiH Parliamentary Assembly, Šefik Džaferović, Nikola Špirić and Martin Raguž. The Chairmen forwarded a letter to the parliamentary groups with a proposition to appoint representatives for a working group to work on the draft law. According to the decision by the three Parliament Speakers, in November 2005, the working group was established without any public announcements.*

33 Šefik Džaferović, first deputy of the Chairperson of the House of Representatives of the Parliamentary Assembly of BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2006. Annex I, p. 17

34 There were rumours in the public that it happened because their members finally understood due to the discussion at the First Regional Forum on Transitional Justice that, without public support and involvement of victims' associations in the shaping of mandate, no commission has a chance to succeed.

35 Bajram Qerkini, Kujtimi Association, Kosovo, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

36 Aida Bagić, Documenta, Croatia, National consultation with women's groups, Zagreb, Croatia, May 21st 2009. Annex I, p. 116

37 Petrit Çarkaxhiu, Oxygen, Kosovo, National consultation with artists, Prishtinë/Priština, Kosovo, May 10th 2009. Annex I, p. 110

38 Ivan Novosel, Youth group of the Croatian Helsinki Committee for Human Rights, Regional consultation with young people, Belgrade, Serbia, October 21st 2007. Annex I, p. 36

39 Koča Pavlović, Member of Parliament of the Republic of Montenegro, National consultation with civil society, Podgorica, Montenegro, October 25th 2008. Annex I, p. 68

40 For example, Adisa Tihic from Skelani, BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2006, but numerous other statements were given as well.

41 Ivan Pšenica, Alliance of associations of the families of imprisoned and missing Croatian homeland defenders, Croatia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th – 12th 2008. Annex I, p. 42

42 Most consultations were held with associations of victims and associations of victims' family members – 12 of them. Besides, they participated in a great number of consultations with other groups and organizations. The last three regional forums on transitional justice had special sessions/workshops dedicated to the needs of victims.

43 Kada Hotić, Association Mothers of Srebrenica and Žepa Enclaves Movement, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009. Annex I, p. 101

44 Hakija Smajlović, Association of family members of detained and missing persons from the Zvornik Municipality, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009. Annex I, p. 101

45 Ljiljana Stojanović, Centre for Democracy and Development of Southern Serbia, Serbia, Local consultation with civil society, Leskovac, Serbia, June 11th 2009. Annex I, p. 134

initiative) will encourage national governments in the region to adopt decisions to establish the regional commission.

In May 2009, Petrit Çarkaxhiu in Prishtinë/Priština spoke about the need for international community's support:

*The European Union, the Office of the United States of America [in Kosovo] should exert pressure on our governments to help create a commission like this (...) These issues cannot be solved without a government decision and the western powers should use a little arm-twisting and tell Tadić, for example, well, we are not going to give you the money or you can't go to Europe until you do this, and they will have to do it. That's the way things are done.*³⁷

Several participants underlined that confronting past crimes is important not because of the European Union but rather because of the responsibility towards our societies.

*We have to solve these issues before we become members of the EU. We have to do it on our own and finally for the first time since the fifth, sixth century, or since before Christ, we must be responsible for our own societies.*³⁸

Several participants stated that the strength of the initiative is its regional character.

*I also think that a very important aspect is the fact that it is a regional commission. Its regional character will help us overcome our local barriers.*³⁹

3. Victims' needs and expectations

During the First Regional Forum on Transitional Justice, representatives of associations of victims stated that the need of families to find the mortal remains and to bury their family members according to their customs is of the greatest importance.⁴⁰

Ivan Pšenica, from the Alliance of Associations of the Families of Imprisoned and Missing Croatian Homeland Defenders, believes that the European Union should keep in mind how important the issue of missing persons is to the families:

*We have reached a consensus to appeal to the international community to block the access to Euro-Atlantic integrations to each country which has not resolved the issue of imprisoned and missing persons.*⁴¹

Finding information about the fate of the missing persons was one of the regular requests of the participants at over forty gatherings organized so far.⁴²

3.1. Definition of victim

Participants believe that the precondition for RECOM's success is to have a precise definition of the term "victim". Representatives of some victims' associations believe that a person that carried weapons cannot be considered a victim under any circumstances.⁴³

*Persecution of the civilian population can't be compared to the persecution of those who bore rifles and were members of a military formation. Today, these numbers are being made equal. It is impossible to make a balance in this war: they are trying to make it up with the previous war. (...) This means that a civilian is a civilian, a soldier should not be mentioned because after all he was a member of the army, those are separate issues. However, here we exclusively speak about civilians, people who were taken and killed at their doorsteps or a bit further depending on where one was killed.*⁴⁴



Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.

I think it is very important not to forget about refugees, who were just hunted down in Macedonia and taken back to the frontlines in Croatia and Bosnia. I also think we should pay some attention to those people, who did not want to go to the frontlines, but were forced in various ways or ended up in prisons.⁴⁵

Lawyers point out to the standards of the international law (Geneva Conventions) and say that a victim is a protected person against whom a war crime or serious violations of human rights have been committed, including war crimes against prisoners of war.⁴⁶

3.2. Problem of families of missing persons

The issue of missing persons⁴⁷ is primarily related to the discovery of concealed mass gravesites and individual gravesites.

What is very important is that the families get the mortal remains of their loved ones. What is difficult to understand is that even after 16 years, we are still searching for the mortal remains of approximately 500 victims in the Zvornik municipality alone.⁴⁸

This issue, however, is followed by numerous other issues that victims and victims' family members say should be in the mandate of the regional commission. Victims expect to have information about victims' execution sites and to also, besides finding mass gravesites, investigate the circumstances under which bodies were transported from primary to secondary and tertiary mass gravesites.⁴⁹ There are also numerous problems even after the bodies are found and given to the family members. For example, requests are sent to families to state the date of the death, even in cases when the person was kidnapped, in order to resolve the issue of property inheritance. Another example are requests to write in the obituary that a person died from natural causes even when a person is kidnapped, killed and later on found.⁵⁰

They ask me, a child, what is the date of death. I just shrug my shoulders (...) I don't know (...) They put the date when he was kidnapped. And what about a seven-year-long search? (...) The cause of death in the UNMIK generated documents and in

the documents issued by the Institute for Forensic Medicine in Kosovska Mitrovica is not the same. And the date is different. So, the date he was declared missing - 2000, date found - before 2004. It is a long period, and I found out he was dead on February 8th 2007. Until then I suspected he might be dead but without any proof or facts.⁵¹

Requests of victims' families are identical throughout the region - RECOM needs to help families of the missing to resolve numerous problems which they are facing during the search for the mortal remains of their loved ones and after the mortal remains are found.

3.3. Material and symbolic reparations

Victims expect that recommendations on compensation, memorials and marking of the day and place of crime, which RECOM will recommend to the governments in the region, will be achieved.

I hope that we will all benefit from the work of this commission. First of all, we need to find real instigators of this tragedy and discover the truth about the destiny of our loved ones. Secondly, our families who have suffered enormously should at least partly use the pecuniary aspect of compensation.⁵²

Participants emphasized that financial compensations should be given to women victims of sexual violence, which must be morally supported and equally treated like all other civilian victims.

3.4. Recognition of all victims

Representatives of associations of Serb victims from Bosnia and Herzegovina, Croatia and Kosovo demand that RECOM treat all victims and recognize them equally.

I think that we in Croatia must recognize all victims because when Serbian victims are mentioned most people in Croatia believe that they are possible war crimes perpetrators who deserved whatever they got.⁵³

There is no truth without respect and equality for all victims and on the territory of Bosnia and Herzegovina.⁵⁴

46 Ibro Bulić, Prosecutors' Office of BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009. Annex I, p. 119

47 There are still about 17,000 to 18,000 missing persons in the region of the former Yugoslavia.

48 Mevludin Lupić, Association of family members of the detained and missing persons from Zvornik Municipality BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008. Annex I, p. 42

49 Dževad Bektašević, Association Families of War Victims Vlasenica '92 - '95, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009. Annex I, p. 101

50 Nataša Šćepanović, 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. Annex I, p. 93

51 Snežana Zdravković, 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. Annex I, p. 93

52 Saša Ristanović, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, office in Shtërpce/Štrpce, Kosovo, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009. Annex I, p. 93

53 Ružica Spasić, Association of the families of missing and forcefully taken Serbs, Croatia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008. Annex I, p. 42

54 Smilja Mitrović, Association of families of missing fighters and civilians from Semberija and Majevica, BiH, Local consultation with association of victims, Bijeljina, BiH, April 11th 2009. Annex I, p. 85

55 Lidija Zeković, a human rights activist, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

56 Kada Hotić, Association Mothers of Srebrenica and Žepa Enclaves Movement, Third Regional Forum on Transitional Justice, Belgrade, February 11th – 12th 2008. Annex I, p. 42

57 Sonja Biserko, Helsinki Committee for Human Rights in Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007. Annex I, p. 39

58 Ivo Goldstein, Faculty of Philosophy in Zagreb, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009. Annex I, p. 78

59 Ibro Bulić, Prosecutor's Office of BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

60 Slavoljub Pejić from Vozuća, BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2009. Annex I, p. 17

4. RECOM mandate

Discussion about RECOM's mandate started at the Regional Consultation with Representatives of Associations of Victims and War Veterans held on May 9th 2008, in Podgorica. The recommendations, proposals and opinions expressed at that consultation indicate that the majority of participants believe the mandate of the regional commission (RECOM) should be truth-seeking about war crimes and other serious violations of human rights (what happened). However, there are renowned historians who consider that the commission should, besides documenting crimes, explain the causes and create victims' records. Also, representatives of some human rights organizations and associations of victims' family members insist that RECOM should first give an answer to the question "why did it happen" (the causes of the war). Everybody agrees that RECOM should deal with war events in Slovenia and Macedonia as well.

*When speaking why we need RECOM, among other reasons, we need it because I think that we need a joint book, a joint document about what happened in the past and about which we will more or less agree.*⁵⁵

*We talk very little about what caused the war crimes that occurred here. No one has been sentenced so far for causing the war and when justice is not served victims remain victims. We always talk about consequences and discuss the consequences.*⁵⁶

*When speaking about victims, the level at which it has all been done for years by some human rights organizations is very important. Facts are another important issue, but not only war related facts, but the facts about what preceded the war. Biljana [Kovačević-Vučo] talked about a political context, policies that caused the war. When I say that, I think about Serbia in the first place because that is the most complex and I would say the most significant issue. And also, that interpretation of facts which will differ depending on the angle and which will be a topic for discussion in the decades to come. I think we are only about to have a debate.*⁵⁷

The real job must be done at three different levels: I understand the first level as a discussion about what caused it all and attempts to explain it, sort of a narrative approach to what happened in the past. The second level is an effort to document all war

*crimes committed in the recent past, while the third level is a list of victims. Having said that, I really think the regional commission needs to be understood as a form of regional cooperation.*⁵⁸

4.1. Establishing the mandate

Almost all participants of consultations agree that Parliaments of the successor states to the former Yugoslavia should have the most important role in establishing RECOM. In that case, the mandate of the commission would be defined by law.

4.2. Subject of investigations and analysis of RECOM

In consultation about the commission's mandate, it was stated that RECOM should use facts established by the Hague Tribunal i.e. facts on which the Hague Tribunal based its verdicts. However, it remains a moot point what should be done with the legal conclusions of local courts regarding the character of the armed conflicts. It was also stated that RECOM should establish facts which have not yet been established – which are related to the conflict in the region, which would then result in facts that relate to individually committed crimes and individual responsibility.⁵⁹

All participants of the consultation support the suggestion made by the associations of victims' family members that RECOM's responsibility should be to determine the fate of the missing, regardless of their nationality:

*I say: "Just give me information so that I can find and bury that part of my life", which means, so to speak, go to the cemetery and tell my children who their grandfather was (...) I would like the truth to come out, and all the missing to be found, Serbs, Croats, Bosniaks, all those who were killed, to be found, to be buried, to know once for all who did what, where and how.*⁶⁰

Participants suggested that RECOM deals with murders, rapes, concentration camps and ethnic expulsions of large proportions.

I would definitely note mass gravesites as a main priority: those are the most serious crimes (...) followed by forcible disappearances (...) I think that these things should constitute the entire mandate of

*RECOM: the fates of these people, possible places where their bodies could be concealed, the way in which they disappeared. Killings come next; I mean other sorts of killing not related to mass graves, that we know of, and then camps, (...) and large scale ethnic persecution.*⁶¹

*Rape as a war crime must be in the mandate of the commission. I believe that it is important and that without it the commission would not be authentic and that there is a gender dimension to the war.*⁶²

*These commissions should only deal with crimes committed in the recent past because the focal points of the work of these commissions are statements of witnesses, victims, and war crimes perpetrators. In order to be fast, accurate, and efficient, the commission should have precisely defined tasks and a precisely defined time and location framework for its research. The commission should only deal with mass crimes where there were many victims and not with individual crimes.*⁶³

Participants of the consultation from Slovenia suggested that RECOM should also deal with the issue of citizens whose Slovenian citizenship was erased⁶⁴, while individuals from associations of Serb victims recommended for victims of the NATO bombing also being in RECOM's mandate.⁶⁵ There are suggestions for RECOM to deal with the responsibility of institutions, especially the media and the police.

*I would entrust RECOM with a mandate to deal not only with acts committed by individuals, but also to deal with the activities of institutions and the authorities. Why shouldn't RECOM deal with crimes instigated by media agencies, i.e. their editors in chief, journalists, and so on; why shouldn't RECOM deal with the fact that certain police authorities and entire police forces in some countries in the region were perpetrators in some way, i.e. perpetrators of crimes that were committed in camps, prisons, and so on.*⁶⁶

4.3. List of human losses

Representatives of associations of victims, human rights activists, the youth, historians and other participants of consultation consider that establishing a list of all killed and missing should be in RECOM's mandate. Considering the fact that several human rights organizations are working

on lists of human losses, participants believe that this will contribute to the more efficient work of the commission. However, it is important that RECOM verifies these lists.

*Each victim has a first and last name, each victim has dignity and personality. And we can't let people say one or two hundred thousand, they can't say one or two hundred people, one hundred or one hundred and one victims. Simply, victims must have a first and last name. They must be here, they must be recognized.*⁶⁷

4.4. Naming of perpetrators

Discussions on whether RECOM should publish the names of persons considered to be responsible for war crimes and serious violations of human rights, is considered in the context of experiences of other societies and victims' requests to identify those responsible.

*Is it appropriate to name the perpetrator? I'd say no during public reporting, during public testimony. However, since not all testimonies will be public, I think the commission should be in possession of this information.*⁶⁸

*If RECOM establishes enough evidence on the basis of factual background in this situation, it may name perpetrators and I believe that it should do so in such situations.*⁶⁹

Some participants believe that RECOM should create a list of perpetrators.⁷⁰

4.5. Amnesty

Amnesty is discussed superficially. However, it is obvious that families of the missing are not sure if it is moral to support the amnesty of perpetrators in order to find mortal remains of their dearest.

*Reducing the sentence of those who would step forward and tell where the bodies of the missing are buried and so on: It is a legitimate topic for discussion. If a majority of us say that we do not want any sentences to be reduced, that is all right, but that should be further discussed.*⁷¹

All those who do good, those who should be rewarded, should be amnestied. I think that our families

61 Salem Čorbo, Povratak i održiv opstanak Association, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

62 Suzana Kunac, B.A.B.E. Association, Croatia, National consultation with women's groups, Prishtinë/Prishtina, Kosovo, June 25th 2009. Annex I, p. 138

63 Avni Melenica, 22 maji Association, Kosovo, National consultation with civil society, Prishtinë/Prishtina, Kosovo, May 9th 2009. Annex I, p. 106

64 Aleksandar Todorović, Civic Initiative of Erased Persons [from citizenship of Slovenia], Slovenia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

65 Olivera Budimir, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

66 Ibro Bulić, Prosecutor's Office of BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

67 Ivan Novosel, Legalis, Croatia, National consultation with students, Prishtinë/Prishtina, Kosovo, April 15th 2009. Annex I, p. 87

68 Ljupka Kovačević, Anima, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

69 Tea Gorjanc-Prelević, Human Rights Action, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

70 Nenad Popović, Committee for Civic Initiative, Serbia, Local consultation with civil society, Niš, Serbia, April 25th, 2009. Annex I, p. 97

71 Tea Gorjanc-Prelević, Human Rights Action, Montenegro, Fourth Regional Forum on Transitional Justice, Prishtinë/Prishtina, Kosovo, October 28th – 29th 2008. Annex I, p. 71

72 Verica Tomanović, Family's association of kidnapped and missing person on Kosovo and Metohija, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

73 Teki Bokshi, an attorney from Kosovo, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

74 Olivera Budimir, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

75 More about proposals on selection of RECOM members in Annex I.

76 Andrej Nosov, Youth Initiative for Human Rights, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

77 Gordana Đikanović, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

78 Ana Kvesić, Europe House Vukovar, Croatia, Fourth Regional Forum on Transitional Justice, Prishtinë/Prishtina, Kosovo, October 28th – 29th 2008. Annex I, p. 71

79 Eugen Jakovčić, Documenta, Croatia, Local consultation with civil society, Livno, BiH, May 9th 2009. Annex I, p. 104

80 Included are Serbia, Croatia, Bosnia and Herzegovina, Montenegro and Kosovo and there is also a plan to include Slovenia and Macedonia.

81 Nataša Ščepanović, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, National consultations with associations of victims, Belgrade, Serbia, April 25th 2009. Annex I, p. 93

82 Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with associations of the families of the missing and homeland defenders, Vukovar, Croatia, October 24th 2008. Annex I, p. 66

*should have an exclusive right to decide about whether to grant amnesty or not. God will punish all those who did evil and every perpetrator has a name.*⁷²

4.6. Temporal mandate

There are different opinions regarding the time period which should be covered by RECOM. Members of the Coordination Council of the Coalition for RECOM believe that the mandate should cover the period from 1991 until 2001. However, Albanian participants recommend that time period covered should start with 1981, while Kosovo Serbs believe that the period after 2001 should also be covered.

*In Kosovo we should focus on the time after March 11th 1981, when a student in a student canteen in Prishtinë threw a tray at the time Tito's baton relay arrived in the centre of Prishtinë, and there was a request for Kosovo to obtain the status of a republic. The student yelled 'Down with Tito' (...)therefore, the armed conflict in Kosovo practically began on March 11th 1981, and in my opinion, it ended on June 9th 1999 when the Kumanovo Agreement was signed.*⁷³

*The situation in Kosovo and Metohija has not been defined and completed: crimes are still happening there. Nothing can be closed with 2001 when people were kidnapped in 2006 and we still have no information about them.*⁷⁴

4.7. Selection of commission members

Participants suggest that RECOM should be a representative commission and for all the countries in the region to be involved in establishing the commission: each country should have its representative; victims, women and human rights activists should also be represented, and members of the commission should be respectable and prominent individuals from all post-Yugoslav societies.⁷⁵

As for the criteria, I think that in any case we should take into consideration those basic criteria, if someone was convicted of a felony, and after this, when we come to the structuring of commissioners, we should take into account the representation of all interested groups, including human rights defenders, civil society organizations, victims, and all

*other groups that could contribute to the credibility of the commission.*⁷⁶

4.8. Need for solidarity and compassion

Participants of the consultative process believe that one of RECOM's objectives should be to stimulate solidarity and compassion towards victims from other ethnical communities.

*I must say thank you to the (Coalition for) RECOM for teaching us to listen to each other and to cry for others' sufferings.*⁷⁷

*We will empower this movement, this project, by unleashing our pain and by feeling pain for all victims in general.*⁷⁸

4.9. Commission's powers

There is no clear stance on the powers that RECOM should demand from state institutions. Some participants indicate that powers on the paper do not guarantee that RECOM will have power to implement them. There are recommendations that RECOM should have the right to invite, according to their own choice, even potential perpetrators and representatives of institutions, to appear before the commission regardless of the fact that the commission cannot force them to speak the truth.

*This commission should at the same time represent an investigative body authorized to interview any persons possessing relevant information on war crimes and which can also collect information on institutions and individuals and their role in the recent wars and everything else that happened.*⁷⁹

5. Structure of RECOM

The RECOM initiative is unique in the sense that it covers five countries, and there is a plan to include two more countries.⁸⁰ The most frequent suggestion is for RECOM to have sub-commissions⁸¹ or offices in all post-Yugoslav countries whose task would be to conduct activities defined by the regional commission.⁸²

A proposal was made, as part of the workshop at the Fifth Regional Forum on Transitional Justice,

to have not only one central and several national offices but also to have branch offices in towns where large numbers of crimes were committed.

*I think it is necessary to have one central office, which would collect information from regional and field offices. It was planned that each country should sponsor the work of its offices; I think it has its positive side because there is a possibility for the network of regional offices in each of the countries to be expanded to a lesser or greater extent depending on the needs.*⁸³

6. Public hearings of victims

Public hearings of victims are very much supported by participants of the consultative process⁸⁴ and a great number of participants require that public testimonies become a special component of RECOM. In public testimonies, victims see their chance to tell their story in an official environment and before an official body, before the audience of the country from which the perpetrators are. Other participants of the consultations believe that the public testimonies of victims can evoke solidarity and compassion in the public with other victims who in the past were perceived as enemies. Associations of victims and victims' family members proposed to help the work of the commission by encouraging victims to give public testimonies.⁸⁵

*There is a big difference between a public hearing and a hearing of victims, as organized within this commission and forum. (...) The atmosphere is somehow sad and all, but relaxed. It is not at all to what it looks in a courtroom because here they are all together, the Serbs, the Albanians, the Croats, the Muslims, everybody. If we are ready to do such a thing, whether we are safe at that moment or not, I think we are doing the right thing, fulfilling a goal we set for ourselves.*⁸⁶

At the consultation, participants have discussed what should happen when witnesses name perpetrators during testimonies. Human rights activists believe that the accused should have the opportunity to respond; otherwise this can be seen as a violation of human rights. RECOM was asked not to make testimonies and fact equivalent.⁸⁷

The fact is that lately many people have been accused on the basis of spoken words: it is then disco-

*vered two or three years later that the accusations derived from a certain interest and were not supported by any factual evidence. How can we prevent these things? I personally know several people from various nations who spent two or three years in detention for being falsely accused. Satisfaction cannot be gained for such things: public hearings deal with very sensitive issues and can often counteract the problem.*⁸⁸

It was emphasized at the consultation in Trebinje that RECOM enables victims' testimonies to be recorded and heard in public.

*I haven't met a single victim that didn't have a need to have his or her story heard (...) The establishment of this commission for war crimes and human rights violations is a gift from the heavens for victims of war. This is the last chance for their stories to be heard, to be noted down, because when these national oligarchies of ours make an agreement, no one will need us anymore.*⁸⁹

7. Relationship between War Crimes Trials and RECOM

Without exception, participants of the consultative process believe that the commission (RECOM) should provide support to war crimes trials. The commission is not a substitute for the court, or subordinated to the prosecution, and it cannot put anyone on trial. Both instruments, according to the majority of participants, should have complementary roles: it is prosecutors and judges that show limitations and deficiencies that trials have. They see the truth commission as a public platform for the victims' voice in order to build compassion among different ethnic groups which is not the task of courts.

*It is of exceptional importance to understand that each court-established truth has its limitations. Since only a limited number of victims get an opportunity to participate in court proceedings, a mechanism like this could also represent the main forum for the victims to speak about their suffering. Truth commissions and court proceedings can complement each other.*⁹⁰

It is true that a court established fact is a little too factual and lacks an emotional dimension with respect to victims. These are some shortcomings of

83 Žarko Radić, Republic organizations of the families of the detained, killed, and missing soldiers and civilians of Republika Srpska, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009. Annex I, p. 119

84 Public hearings of victims are one of the most important components of transitional justice. Public hearings were organized for the first time as part of the Third Regional Forum on Transitional Justice in Belgrade, February 11th and 12th 2008. All the testimonies can be found on www.korekom.org

85 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. Annex I, p. 93

86 Snežana Zdravković, 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. Annex I, p. 93

87 Nenad Popović, Committee for Civic Initiative, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009. Annex I, p. 97

88 Nedeljko Simić, Srebrenica Youth Council, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009. Annex I, p. 101

89 Izo Rokolj, a returnee to Trebinje, BiH, Local consultation with associations of victims, concentration camp prisoners and NGOs, Trebinje, BiH, June 27th 2009. Annex I, p. 142

90 Marinko Jurčević, chief prosecutor, Prosecutor's Office of BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2006. Annex I, p. 17

91 Miroslav Alimpić, Novi Sad District Court, Serbia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th – 12th 2008. Annex I, p. 42

92 Vesna Teršelić, Documenta, Croatia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008. Annex I, p. 49

93 Ibro Bulić, Prosecutor's Office of BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th – 12th 2008. Annex I, p. 42

94 Sonja Radošević, independent journalist, Montenegro, National consultation with civil society, Podgorica, Montenegro, October 25th 2008. Annex I, p. 68

95 Negovan Mavrić, Family's association of kidnapped and missing person on Kosovo and Metohija Serbia, office in Hočë e Madhe/Velika Hoča, Kosovo, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008. Annex I, p. 54

96 So far, one national and one regional consultation with journalists were conducted, but media representatives are regularly present at all consultations, as participants or as reporters from the gatherings.

97 Daily Magyar Szó, newspaper Republika, Independent Society of Vojvodina Journalists, TV Kragujevac. Newspaper House Libertatea and Kikinda newspapers from Serbia, Radio Fontana-Istog/Istok from Kosovo, and ZaMirNet from Croatia.

98 Naim Maxhuni, a student, Faculty of Political Science, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009. Annex I, p. 87

99 Dragan Vesić, Al Kanal Media Agency, Serbia, Local consultation with civil society, Niš, Serbia, April 25th 2009. Annex I, p. 97

*the court-established truth. On the other hand, the testimonies given before the truth and reconciliation commissions are far more sincere. I am sure that much more witnesses told the truth before these commissions than when testifying in court.*⁹¹

*Courts in Croatia, Bosnia and Herzegovina, Serbia, and in Kosovo process on average 25 to 30 trials. That is an insignificant number compared to the number of those killed, missing, tortured, imprisoned, and forcibly displaced? We need a mechanism which will be able to complement court proceedings.*⁹²

Participants, mostly prosecutors and judges, emphasize that a regional body can collect new relevant evidence, to conduct investigation of characteristic crimes, to organize files of perpetrators, and therefore improve trials in progress and initiate new trials:

*We need to form a regional body which will create an atmosphere of reconciliation, a climate in which it will be possible to uncover more evidence, and more witnesses, and it will certainly effect the ongoing trials making them more efficient. If something like this does not happen, war crimes trial will be slowed down, very few war crimes perpetrators will be sentenced although they are highest-ranking officials holding prominent civil and political functions. And that regional body would definitely be able to offer a multitude of evidence which could be used by war crimes trial chamber and regular courts as well as prosecutors.*⁹³

8. ICTY Archive

The Hague Tribunal possesses the most relevant archive relating war crimes committed on the territory of the former Yugoslavia, about those who gave orders and about perpetrators. The majority of evidence on which the final verdicts are based is available at the Tribunal's *web site*, while the archive of the ICTY Office of the Prosecutor is closed to the public and partially open to national prosecutors offices and courts when it comes to documents relevant to ongoing trials. The UN Security Council will decide how the archive will be used and where it will be located. Participants of consultations believe that the Hague Archive is the most reliable support to RECOM.

*It would be very useful if ICTY archives, and that is something Carla Del Ponte wrote about, are readily available to journalists, researchers, and citizens who are willing to find out more about the essence of the events that unfolded in our region. Information contained in ICTY archives would also be useful for the commission.*⁹⁴

Further, participants of the consultative process believe that the regional commission can obtain documents from other sources which are not yet publicly available.

*I believe that the regional commission can obtain a large number of documents we have all been trying to get but without success.*⁹⁵

9. Media

Media representatives are important partners in order to obtain public support for establishing RECOM. On the other hand, participants of consultations asked questions about the responsibility of the media for spreading hatred among the ethnic groups of the former Yugoslavia, and for instrumentalization of the public in the service of politics which was producing and justifying war crimes.

Journalists who participated in consultations supported the initiative.⁹⁶ Eight media houses from the region have so far joined the Coalition for RECOM.⁹⁷

9.1. Attaining public support for establishing RECOM

There is a need to prepare the public for activities of the commission and to explain the objectives of the commission⁹⁸ in order for public support, primarily support of victims and victims' family members, to be so strong that authorities in any of the countries cannot obstruct it or ignore it.

*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.*⁹⁹

One of the recommendations for the change of environment of crime denial in Serbia is to change the law which would enable media to broadcast

from courts.¹⁰⁰ Journalists agree that the public broadcasting services are obliged to report on RECOM initiative, but also the support of local and all other media is also very important. Furthermore, it is important to obtain the support of programme editors.¹⁰¹ Participants in the consultation, as well as journalists, believe that reporting on war crimes is biased and that it does not contribute to reconciliation.

*Media outlets in one part of the country can only report on the crimes committed by the other side and murderers and criminals are always on the other side. For that reason I believe that it is very important to be able to overcome these barriers regardless of whether they are drawn between entities, states, regions, or municipalities, etc.*¹⁰²

9.2. Informing on RECOM's work

Informing the public on the work of the regional commission is of crucial importance to the success of the commission. Participants see the media having a very important role in encouraging victims to publicly testify and help the commission in collecting data about witnesses and perpetrators.

*Facts and arguments are in place, but they exist in silence, they seem to be unable to find a way out. Victims' family members are the determining factor in collecting these facts and they don't even know that this process is underway, that it is going on. In a way, the fact that we can speak openly and have a place to have these debates is a sure step forward, but the cooperation with the media can probably have the most significant impact on the families of victims because they still have a feeling that their stories are just an echo.*¹⁰³

The media should also report on positive war stories because such stories contribute to improving relations in the region. In order for that to be possible, it is necessary to make them available to the media. One of the ways for positive stories to be heard more is that they become part of the public hearings of victims, which should be broadcasted on TV stations.

9.3. RECOM and assessment of journalists' criminal and moral responsibility

During the regional consultation with journalists,¹⁰⁴ a great number of participants expressed

their doubt that processing journalists who took part in war propaganda reporting would be possible, even though there is a huge need for it.

*When it comes to punishing those who spread the war propaganda, it is unrealistic to expect that it will happen. It has not happened in the last 15 years and it is more likely to expect that General Veljko Kadijević will be tried for war crimes in Vukovar than to see any of them indicted.*¹⁰⁵

One of the stances expressed in the consultation was that journalist associations must "clarify the situation with their colleague journalists who were spreading war propaganda".¹⁰⁶ Two years later, one can hear different opinions, and one of the opinions is that RECOM should deal with journalists who participated in war propaganda reporting,¹⁰⁷ and that this role of journalists which they accepted in the 1990's is exactly why the media have the responsibility in the healing of the society.

*Television stations are responsible in more ways than one. They clearly helped introduce fascist reasoning into the Montenegro society in the 1990s and they should now carry an additional burden in the process of undoing the damages caused in the 1990s and in the effort to establish European values.*¹⁰⁸

10. Final Remarks

The current progress of the consultation process shows that the vast majority of participants support the regional approach in truth-seeking and in establishing RECOM. Since May 2008, when participants on the consultations started talking about RECOM, quality progress has been made in the debate: participants freely and in an interested manner express their opinions, proposals and recommendations regarding the mandate and activities of the commission. In cases when there are conflicting opinions, the discussion is non-confrontational and respectful of the opinions of others. Participants indicate that thanks to the regional debate, they have learned to listen to each other and that they have been convinced that others have undergone great sufferings as well.

Associations of victims have been very active in the consultative process; even those which are not yet members of the Coalition for RECOM regularly participate in debates. All participants agree

100 Gordana Petrović, Radio Television of Serbia-RTS, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008. Annex I, p. 64

101 Nadira Avdić Vllasi, Radio television of Kosovo-RTK, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007. Annex I, p. 33

102 Borka Rudić, BH Journalists, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th – 12th 2008. Annex I, p. 42

103 Florentina Hajdari, a student, Faculty of Political Science, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009. Annex I, p. 87

104 September 29th 2007, Sarajevo, BiH.

105 Hrvoje Zovko, Croatian Radio Television – HRT, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007. Annex I, p. 33

106 Borka Rudić, BH Journalists, BiH, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007. Annex I, p. 33

107 Srdan Vezmar, Youth Dialogue Programme, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009. Annex I, p. 136

108 Daliborka Uljarević, Centre for Civic Education, Montenegro, National consultation with civil society, Podgorica, Montenegro, May 18th 2009. Annex I, p. 114

109 Marko Veličković, Civil Resource Development Centre, Serbia, Regional consultation with young people, Belgrade, Serbia, October 21st 2007. Annex I, p. 36

110 Marina Škrabalo, Center for Peace Studies, Croatia, National consultation with young people, Zagreb, Croatia, 20th July 2007. Annex I, p. 31

that the priority is to find mortal remains of the missing persons.

Young people are a great surprise. They have participated in the consultations, regardless of which country they are from, advocated for the establishment of the regional commission and truth-seeking about war crimes. It is remarkable that young people believe that the responsibility for the legacy of the past belongs to them.

Whether we have a permanent and sustainable peace has to do with our attitude with the truth and in that respect it is very important for young people to accept responsibility, because they have so, whether they like it or not. Not for the things that were done in the past, but with respect to their attitude to the things that were done. We are not too young to deal with it now, especially considering the fact that our communities still haven't started the deal-

*ing with the past process. That is how I understand our responsibility.*¹⁰⁹

*Youth do not bear responsibility for the sufferings that hundreds of thousands of people went through during the 1990s in what are now referred to as the post-Yugoslav countries. However, we need some sort of an open dialogue about what the real motives, the real, genuine motives would be for youth to assume responsibility for the process of dealing with the past for which they do not bear any responsibility.*¹¹⁰

It seems that there is a need to include religious communities and political parties into the consultative process. As for war veterans, more and more participants believe that their participation is important but some believe they should be involved in the debate but not in the work of RECOM itself.

Annex I

Consultation process on mechanisms of truth-seeking and truth-telling about war crimes and other serious violations of human rights in post-Yugoslav countries

May 2006 – June 2009

An overview of thoughts, suggestions and recommendations

1. First Regional Forum on Transitional Justice: initiatives and perspectives in the western Balkans

Sarajevo, BiH,
May 5th - 6th 2006

The First Regional Forum on Transitional Justice, dedicated to the initiative and perspectives for establishing the truth about the past was organized by the Research and Documentation Center (BiH), BiH, the Humanitarian Law Center (Serbia), and Documenta (Croatia), the cosignatories of the Protocol on Cooperation in Documenting War Crimes and against Impunity (signed in April, 2004). There were 300 participants who represented various human rights organizations and victims' associations from the region: the Court of BiH and the Prosecutors's Office of BiH, the BiH Presidency, Office of the High Representative in BiH, OSCE mission to BiH representatives,

international experts on transitional justice, ICTY representatives, as well as members of the working group, comprised of BiH members of parliament, which worked on the draft of the Law on the Truth and Reconciliation Commission in cooperation with the United States Institute of Peace.

Participants pledge their full support to the trials conducted before the ICTY and national courts but they are aware of the fact that trials cannot sufficiently establish the truth about our recent past, provide justice for the victims or prevent a recurrence of violence in the future.

The first thing (...) we need, because we will need it in the years to come is the court-established justice. (Mirsad Tokača, Research and Documentation Center, BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

Court proceedings are very important and it is good that in the case of the former Yugoslavia

there is this ad hoc tribunal, the ICTY, and that there are national war crimes trials all over the region (...) However, I think that we all understand that there are no such courts which will be able to bring to justice all those who issued commands, planned, organized, and took part in war crimes. In that context, I think we should consider other available instruments which can help establish, disclose, and present the truth about the past, and which will also provide a platform for the truth to be told, hoping that it will help overcome the horrific consequences of the past which are the legacy left to us by the institutions which implemented their territorial policies. (Nataša Kandić, Humanitarian Law Center, Serbia, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th, 2006.)

For me personally, justice would be served if I could find the person or the group of people who killed my loved ones and ask them why. Did they know my family members at all and why they killed them in such a cruel way and left some place where I may never be able to find them. That would be justice for me. (Amir Kulaglić, Citizens Association Women of Srebrenica, BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2006.)

And while courts represent a formal way to establish the truth and seek justice, responsibilities for the past can also be determined by using other mechanisms, such as, for example, truth commissions. The decision to form a truth commission must be based on a comprehensive consultation process designed to tell us whether the victims want that or not and what the broad public thinks about it. (James Rodehaver, OSCE Mission to Bosnia and Herzegovina, BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2006.)

All the most serious and large-scale crimes seen by the people in the former Yugoslavia and within the international community have been investigated and processed before the ICTY, but they are also being delegated to the national courts. However, I doubt that we are anywhere near determining the final number of war crimes, and we have also failed to solve all of the most serious crimes (...) But, despite all efforts and court proceedings, all outreach activities, and conferences, I still think we have not done enough. I can see that from a number

of complaints, letters, and statements issued by groups or victims' communities. We need additional mechanisms in place in order to meet their needs. I am not saying that these mechanisms should replace court proceedings; I think that they should complement them. (Carla Del Ponte, Chief Prosecutor of the ICTY, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2006.)

The justice system should not be isolated. It cannot be the only one to carry the heavy burden of our joint, dark past and it cannot be expected that courts and prosecutors in BiH will be able to set us free from the post-conflict traumatized state we are in right now (...) It is of exceptional importance to understand that each court-established truth has its limitations. Since only a limited number of victims get an opportunity to participate in court proceedings, a mechanism like this could also represent the main forum for the victims to speak about their suffering. Truth commissions and court proceedings can complement each other. (Marinko Jurčević, Chief Prosecutor of the Prosecutor's Office of BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2006.)

Courts must take special care about persons who have been exposed to the worst forms of psychological and physical abuse, to rape victims, those who have been tortured and humiliated in various ways. Clearly, courts cannot reduce their pain or make their traumas disappear, but courts can help them finally start feeling safe and useful members of the society. Truth commissions can help establish a comprehensive truth about the past, which I salute, and which I think is very good. But this has to go hand in hand with court proceedings which are underway at the ICTY, the Court of BiH, and other courts in the region, in Serbia, Croatia, and Montenegro. (Meddžida Kreso, President of the Court of BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2006.)

By naming an individual behind each crime, we will help bring the truth out, and even the fact that a smaller number of crimes were committed on one side versus another, means nothing compared to the fact that they were committed, even if committed by a party which is believed to be generally innocent. I think that this kind of truth cannot be achieved through any sort of court proceedings. That truth must come from the witnesses, from the victims, the families, or those who survived repression and

crimes. (Vjosa Dobruna, Kosovo Radio-television-RTK, First Regional Forum on Transitional Justice, BiH, Sarajevo, May 5th - 6th 2006.)

It is indispensable to conduct a number of public debates and broad-based consultations with civil society, parliament and other institutions on the way truth could be established.

We need a debate within civil society about the need to create a commission and then we need to discuss different models. (Refik Hodžić, ICTY Outreach Program Office in BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

Such a body [the commission] can have a positive impact in BiH even if it is established through a consultation process which will enable citizens of BiH to form it, it could yield a more detailed picture about the conflict and it would offer a broader analysis which cannot be obtained through court proceedings. (Marinko Jurčević, Chief Prosecutor of the Prosecutor's Office of BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

What is the real meaning of the consultation process? I think that there are two equally important parts. First is public support. Such an institution [a commission] is unsustainable if there is no public support because it should feed of information provided by the public. Secondly, it is about the draft law being made based on information, but it can also be built based on experiences of other countries, but we all know that when it comes to truth commissions, there are no universal forms that can be applied in different countries. Therefore, the more consultations we have, the better understanding will be achieved about the expectations of the public, and that will also help the parliament to pass a law designed to suit the specific needs of BiH. (Stefan Priesner, Deputy Resident Representative, UNDP BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

For me the dilemma is whether to make a draft and then start a parliamentary debate or go with a public debate and then make a draft, and then go to the parliament and then start a parliamentary debate. For me that is the key issue. (Šefik Džaferović, first deputy of the Chairperson of the House of

Representatives of the Parliamentary Assembly of BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

It is an existential need of the families of the missing to find their mortal remains, to bury them in accordance with their tradition and feel free to visit their graves.

When I go to Potočare (...) for me it is like I am visiting him. I think, well, I cannot explain it. But I am glad to know where he is buried. I would be very unhappy if his body was scattered all over the place or dumped in a river or something like that. It feels good to go to Srebrenica whenever I want to and spend some time there, remember things, cry and say things. (Adisa Tihic from Skelane, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

For me truth is if I can find out where every male member of my family was killed, so that I can give them a proper burial and visit their graves whenever I feel like it, so that I too, like Ms. Tihic, can go to a place where I can pray and be with the souls of my loved ones. That is truth for us. (Amir Kulagić, Citizens Association Woman of Srebrenica, BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

So when I see my neighbour and he asks: "Tell me the truth man to man". Does it mean, come on let's forget, if it is actually possible to forget everything. I say: "Just give me information so that I can find and bury that part of my life", which means, so to speak, go to the cemetery and tell my children who their grandfather was (...) I would like the truth to come out, and all the missing to be found, Serbs, Croats, Bosniaks, all those who were killed, to be found, to be buried, to know once for all who did what, where and how. (Slavoljub Pejić from Vozuća, BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

I would be very glad if a neighbour of mine came over, Ramo, Ibro, Muhamed, doesn't matter who, and told me: "Mira, your husband and your son are here. I know for sure, and you can go on and give them a proper burial." I would be thankful for the rest of my life. It would be easier for me that way, I could be at peace. I would not have to go to Bikoše, to the wall, to grieve; I would go to their resting place. (Mira Janković from Bikoše, BiH, First

Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

Representatives of the Parliamentary Assembly of BiH support the creation of a national truth and reconciliation commission in BiH.

The truth about the events that unfolded in BiH in the period from 1992 to 1995 is being written by the ICTY, the International Court of Justice, the Court of BiH, various courts across BiH, but it is quite certain that this truth will not encompass all events, all facts, and it is clear that in BiH we should follow a different track too, in order to establish complete truth about everything that happened in BiH. (Šefik Džaferović, first deputy of the Chairperson of the House of Representatives of the Parliamentary Assembly of BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

I personally think that we need a process of discovering the truth and that court proceedings alone are not enough, although they are of critical importance and most significant in seeing justice done. I was further convinced that it is the right thing to do after I heard the presentations of representatives of the judiciary and the International Center for Transitional Justice, who made it very clear that, besides court proceedings, there is a need for additional mechanisms such as truth-seeking in order to help society heal. (Besima Borić, representative of the Social-Democratic Party (SDP) in the Parliamentary Assembly of BiH, member of the working group tasked with creating the law on the Truth and Reconciliation Commission, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

Participants call upon their respective parliaments across the territory of the former Yugoslavia to initiate a debate on instruments for dealing with the past and adopt programs and strategies for seeing justice done.

We have to come up with the strategy for this country – what to do and how to reach the truth. (Jasminka Džumhur, Office of the High Commissioner for Human Rights in Sarajevo, BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

Participants stressed the significance of a regional approach in establishing the truth as

well as the need to empower regional cooperation in war crimes processing.

Is it possible at all, for example, to talk in Croatia (...) about the operation Storm in a situation where most of those who have fled do not live in Croatia today? And to establish the truth about certain events, it is necessary to hear testimonies of people who no longer live in the same country today. That is why it is important to think about truth-telling at a regional level. (Vesna Teršelić, Documenta, Croatia, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

There are a number of cases showing that, in fact, the truth cannot be established without a direct participation or a direct relationship or establishment of everything that came from Serbia and in some cases from Croatia because the involvement in planning and direct execution of crimes is so transparent and already proved in numerous judgements reached by the ICTY. (Nataša Kandić, Humanitarian Law Center, Serbia, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

Regional cooperation is needed in researching consequences of war on the territory of the former Yugoslavia. In that context, I understand the need to have gatherings like this in order to avoid possible misinterpretations in investigating human losses and determine a joint methodology and research techniques, information exchange etc., hoping to achieve results which will be immune to any kind of manipulation with victims and sufferers of the war. (Igor Graovac, Croatian Institute for History, Croatia, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

As a result of not having that kind of cooperation there is so much we don't know. What could we possibly know about the deportation of Bosniak refugees from Montenegro without a regional approach? What could we possibly know about 30 Kosovar refugees killed by the army in Montenegro without a regional approach? Or about a tragedy of ethnic cleansing conducted in one part of Montenegro, in Bukovica? (Esad Kočan, Monitor Magazine, Montenegro, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

Participants invited forum organizers (HLC, RDC, Documenta) to continue conducting

regional consultations on initiatives and perspectives to establish the truth and include into national debates writers, historians, experts, and representatives of political parties and institutions.

We need to keep this forum going as a platform for consultations about models, strategies, and ways or mechanisms for establishing the truth about the past that concerns us all. (Vesna Teršelič, Documenta, Croatia, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

We have to organize a platform in which victims could tell what they think and have some kind of recognition and truth, and if they do, that is a form of justice, too (...) My opinion is that by providing such a forum we grant legitimacy to victims and their right to tell about their experiences and beliefs. That's justice, too, and it helps heal and that's why I support forums like this. (Vjosa Dobruna, Kosovo Radio-television-RTK, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th - 6th 2006.)

2. Regional consultation with artists on the legacy of the past

Belgrade, Serbia,
December 16th 2006

The Regional consultation with artists was organized by HLC in cooperation with Haris Pašović, a theatre director and professor at the Academy of Performing Arts, Sarajevo, BiH, and Nenad Prokić, playwright and professor at the Faculty of Dramatic Arts, Belgrade, Serbia. There were 27 participants from Croatia, Bosnia and Herzegovina, Serbia, Slovenia, and Kosovo: film and theatre directors, writers, actors, designers, and a dancer/choreographer. Haris Pašović, Nenad Prokić, and Nataša Kandić (Humanitarian Law Center, Serbia) opened the gathering. Danas, Mreža, B92, and CEE Cult media agencies reported on the event.

The responsibility of artists with respect to themselves and to the public arises from known and established facts.

I believe that our task is to speak the truth and that society expects us to tell the truth even when it does not agree with that. (Haris Pašović, a theatre direc-

tor from BiH, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

There are facts. There's no discussion about them. These facts open a wide and important platform for responsibility. Establishing the facts and respecting them is a serious and praise-worthy undertaking, primarily for scientists and researchers. Artists and philosophers should deal with another, no less important part of responsibility based on the established facts: revealing and disclosing scams and frauds. I think that an artist is a tell-tale by definition and all of us in this profession should accept this as a fact and as a task. (Lazar Stojanović, a film director from Serbia, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

So, we can go ahead and put new facades on our buildings, we can build highways, we can decide that we no longer need passports to travel to each other's country, but there is no future unless we knock down the mental barriers, until we admit to each other what we did and how we hurt each other. And for that reason I believe that artist's responsibility is nothing less than to have the artistic courage to deal with the past, to confront the past and not to run away from it. (Dino Mustafić, a theatre director from BiH, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

When we speak about responsibility or artists, the question is what kind of responsibility we have in mind. Who is an artist responsible to? I think that an artist is primarily responsible to himself or herself and then, in a broader context, considering the public aspect of the job, an artist is responsible to society, as well. (Filip David, a writer from Serbia, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

Artists from countries formed on the territory of the former Yugoslavia work in an environment of secret mass graves and war crimes.

We create in an environment in which a war crime is considered a part of our daily routine, in which the existence of secret mass graves or a disclosure of one is hardly news (...) All of us forty years of age or older, we remember a different working environment, we had certain problems but we also had many great advantages and we were sometimes happy and sometimes unhappy back

then. Some of my colleagues were also really very repressed. (Haris Pašović, a theatre director from BiH, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

I think that a lot of positive things are going to happen without too much pushing if they really exist. Because, I am an artist only in what I do and I even have a lot of trouble explaining theoretically very simple notions if I am not going to do them practically. In other words, I believe that my and the creative work of my colleagues can help renew this cultural space. (Pjer Žalica, a film director from BiH, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

Sometimes, for us from Bosnia, Banja Luka seems more distant, unfortunately, than New York. All these years Belgrade has been farther away from us than London or New York. Things are a little different now; we don't feel quite like that any longer. We now visit each other, we are going places etc. (Haris Pašović, a theatre director from BiH, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

For example, this Atelje 212 Theatre play, based on the Jasmina Reza Art text, was staged in Sarajevo. It was ironic that it came from Belgrade to Sarajevo as a project sponsored by the Swiss embassy and it was staged at the Eternal Flame Memorial, next to Tito's Street and the Atelje 212 actors were guarded by two tanks, transporters parked right next to the memorial. There were very few actors from Sarajevo in the audience because in a way, we decided to ignore it. I was strongly against their arrival and I never really considered it to be a visit of the Atelje 212 Theatre since it was conducted under a political orchestration of the international community. (Dino Mustafić, a theatre director from BiH, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

The reconstitution of our local and regional space in a cultural sense is something inevitable simply because our local communities, regardless of whether we are speaking about Zagreb, Belgrade, or Sarajevo are not big enough in order to nourish the creation of a more intensive cultural production. (Maroje Mrduljaš, a visual artist from Croatia, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

I am one of these people who suffered very much after the breakdown of our shared cultural space which made it possible for us to use each other's positive vibrations and influences. Even the former Yugoslavia was small to me, not to mention this one I can travel across in a couple of hours even in an old car. I had my ways of doing things and you had yours. I hope I did not fall apart together with that space and I now open a debate about that space, about what happened, about us and our artistic responsibility, and I certainly hope we will spend less time talking about what happened and more time talking about what we have now and what is ahead of us, because if we failed to act back then or if we were simply not able to influence the events that unfolded before us, we have to figure out what we can do now and what is our responsibility with respect to what's coming next. (Nenad Prokić, a playwright from Serbia, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

It is my personal experience that it was much easier for me to act before, before the war, than it is today, because things were somehow clearer back then and everything was coloured in more vivid colours. I had a feeling I was on a mission in doing the things I did. (Pjer Žalica, a film director from BiH, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

Young artists in Croatia need a creative space that can satisfy their cultural needs.

Am I now going to use all my energy by actually reacting to the past and the entire political legacy or am I going to deal with the development of modern dance in Croatia and in the region and act in that direction, talk about building new dance centres and go into the whatever-it-may-look-like future which will hopefully offer an opportunity to young people to express their opinion about the past (...) I don't think we should now insist on reflecting the legacy of the past when we still don't have any future. I think that topic should not be on top of our to-do list. (Tamara Curić, a professional dancer and choreographer from Croatia, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

Artists have a role in building historical memory which will guarantee non-recurrence of the mass graves situation.

What if it happens that the most decisive role in the course of the creation of the historical memory is taken by the political elites which are mostly responsible for the legacy we are dealing with, and what if they are the ones to write, interpret, and analyse the legacy of the past in a manner which is actually justifying and protecting that legacy. What will happen if they prevail? And are there any mechanisms that can be used by all those, artists included, who are trying to create or build historical memory which will indeed prevent the recurrence of war crimes and mass graves? (Nataša Kandić, Humanitarian Law Center, Serbia, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

I personally think that artistic truth can contribute a great deal in creating historical memory which we will leave to our children, my daughter for example, who is now two years old, and therefore I am very interested in doing my best to make it happen. (Duško Mazalica, an actor from BiH, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

Please don't get me wrong, but I believe that the only legacy of the past we will end up having here is war reparation which can directly influence our industry, the artistic industry and production in my country. When we talk about the dead, about the mortal remains, when we discuss law and justice, why do we do that? I don't want to make the whole issue banal, but I believe, that in the end, it will all be reduced to the issue of war reparations which will hopefully bring us closer to some sort of justice. (Damir Nikšić, a film director from BiH, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

A regional body tasked with finding the truth about the events from the past could help establish a common historical memory.

I strongly believe that the legacy of the past or that part of our history should be discussed and I believe that all available options should be utilized to spread word about it. In my opinion, one of the instruments that can be used in order to present a clear picture of the past is to form a regional body tasked with establishing the facts about the past. (Nataša Kandić, Humanitarian Law Center, Serbia, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

If we are talking about an instrument that will help us get as close as possible to an ideal situation in solving the issue of historical memory, which, technically speaking, is not strictly an artistic instrument or is not artistic at all, but, in fact, a socio-political and maybe even an anthropological instrument, for me, personally, that would be a truth and reconciliation commission. I would like to see a commission like that formed on the territory of the former Yugoslavia which would help those carrying the burden of a crime in themselves and those who carry the burden of a victim on their shoulders to be able to communicate on a broader level, because there are a number of crimes and many, many victims that the courts alone will not be able to deal with. (Haris Pašović, a theatre director from BiH, Regional consultation with artists, Belgrade, Serbia, December 16th 2006.)

3. Second Regional Forum on Transitional Justice: Establishing the truth about war crimes and war conflicts of the past

Zagreb, Croatia,
February 8th - 9th 2007

The Second Regional Forum on Transitional Justice dedicated to establishing the truth about war crimes and the armed conflicts on the territory of the former Yugoslavia was organized by Documenta (Croatia), Humanitarina Law Center (Serbia), and Research and Documentation Center (BiH). The debate spread over several sessions during which Forum participants discussed the importance of establishing the truth: the role of war crimes trials in telling the truth, the regional approach in telling the truth and revealing the facts, as well as establishing the truth from a victim's perspective, artistic expression with respect to telling the truth, practices of dealing with the past adopted by the judiciary, and the importance of the ICTY archives. Over 300 participants from all post-Yugoslav states, representatives of human rights organizations, victims' associations, families of the missing, organizations of homeland defenders, representatives of the ICTY, the International Center for Transitional Justice (ICTJ), judges, prosecutors, artists, and journalists discussed, for the first time in Croatia, instruments available for establishing the truth about the past. The Forum

was opened by the President of the Republic of Croatia who strongly supported the establishment of the facts at a regional level. The following media reported on the Forum: TV Jadran, Nova TV, HRT1, Globus, Novi list, Jutarnji list, Večernji list, and Slobodna Dalmacija.

Regional partner organizations – Documenta (Croatia), Humanitarian Law Center (Serbia) and the Research and Documentation Center (BiH) - will continue to organize public debates and consultations with civil society in order to pressure the governments and the parliaments in the region to participate in the debate about processes and a model of investigating and disclosing the truth as well as ensuring respect for the dignity of victims and creating a culture of accountability.

There is a social need to discuss and critically examine our responsibility for the burdensome legacy of the past, as well as the documentation pertaining to the suffering and injustices committed against all victims regardless of their ethnic, political, or social background.

And to finally stop using approximations when speaking about victims on all sides of the conflict and to say that over 2,000 people disappeared in Croatia during the armed conflict and that they are still missing. (Žarko Puhovski, Croatian Helsinki Committee for Human Rights, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

Dealing with the fact that war crimes were committed by members of our own nation was almost as painful for some people as dealing with the crimes that were undoubtedly committed against that nation. The result was that we always tried to avoid such topics while those who wanted to discuss them were branded national traitors. And we keep asking ourselves 'why write about their victims when we have more victims?' And all that in an atmosphere where in the minds of a vast majority of people their and our victims can never be compared and measured up to each other. Our victims are sacred while theirs are well deserved and while we suffered, they only got what they deserved. (Drago Hedl, Feral Tribune Magazine, Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

We find ourselves in a situation to act as some sort of party breakers, so to speak, of nationalist par-

ties that people like. We are here to dispel myths by telling the truth, the myth that the Serbs have always fought western imperialism courageously, the myth that the homeland war was a dignified war, or the myth that 200, 000 Bosniaks were killed during the war. And no one wanted to listen to the facts demonstrating that these myths were a pure fabrication. (Žarko Puhovski, Croatian Helsinki Committee for Human Rights, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

I have to stress the importance of our own war crimes trials in Croatia against members of the Croatian armed forces, i.e. members of the Croatian Army and the police. In other words, not to have somebody else do it for us but to be able to do it on our own. It is very important to include national judiciary in order to achieve credibility and in order to accept what happened, which is particularly important when it comes to the crimes committed by members of our own armed forces. (Mladen Bajić, State Attorney of the Republic of Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

Back in 1991 and 1992, for example, in towns across Croatia members of the Serbian community disappeared or were killed, around 600 in Sisak, more than 120 in Gospić, around 200 in Zagreb, and many disappeared in other towns, as well. However, no one has been accused of these crimes yet, and the question is whether that is a punishable act of war crime or not. (Luka Šušak, an attorney from Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

Everybody's talking about those who were victims of Serbian crimes, all over the former Yugoslavia, but very few are talking about Serb civilian victims against whom Croatian forces committed war crimes. But the good thing is that since 2000 more people are talking about it. (Vjera Solar from Sisak, Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

The representatives of veterans are in favour of determining the causes of the war.

Let's discover the causes of this war. Nobody's talking about the causes, everybody wants the truth

but nobody wants to discuss what led to the war. We're making the conditions for conflict, so to speak, because you don't like to speak about the war. We need to know why the war happened (...) So, let's find out what caused the war so that it does not happen again. (Ivan Pandža, HVIDRA Association, Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

The necessity to adopt a regional approach in establishing the truth about the past proved itself in practice through the regional cooperation between offices of prosecutors, courts, human rights organizations and victims' associations which helped victims make their voice heard during war crimes trials.

The establishment of multilateral contacts, signing a memorandum on cooperation, information exchange, enabling witnesses from one country to visit another, enabling the acquisition of statements used during trial proceedings, constitute a step forward in the process of establishing the truth and identifying perpetrators. (Mladen Bajić, State Attorney of the Republic of Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

The Prosecutor's Office of Bosnia and Herzegovina together with offices of prosecutors of the states in the region signed an agreement on direct cooperation and assistance in investigating and processing war crimes cases. These agreements enable cooperation and information and evidence exchange between offices of prosecutors in the region, they make finding witnesses on the territory of another state easier, and facilitate many other forms of international assistance in criminal investigations and prosecution. (Marinko Jurčević, Chief Prosecutor, the Prosecutor's Office of BiH, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

The [Serbian] War Crimes Prosecutors' Office has thus far shown to high degree that is ready to transfer documentation which it possesses through regional cooperation. We believe that justice must be satisfied, if not in Serbia then in other countries. Satisfying justice is important. (Vladimir Vukčević, War Crimes Prosecutor, Serbia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

With respect to our understanding regarding the legacy of the past, I believe that we should start talking about possible solutions which would compensate all shortcomings, not shortcomings, but objective limitations of war crimes trials. We think that some sort of a regional truth-telling body which would be victim-oriented would be the best answer to that need. (Nataša Kandić, Humanitarian Law Center, Serbia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

National war crimes trials can help restore confidence in domestic institutions and can help truth-establishing processes: however, they cannot give a complete picture about what happened in the past.

And the real test is not being able to try a Serb in Croatia for war crimes committed against Croats, but being able to try a Croat in Croatia for killing Serbs or trying a Serb in Belgrade for killing Bosniaks; or being able to try Albanians in Priština for killing Serbs and trying a Bosniak in Sarajevo for killing a Croat. And the challenge is not to bring lower-ranking officers to justice, but to follow the chain of command and bring high-ranking officers to justice who ordered the crimes. That is something domestic courts should try to do (...) When that happens we can say that justice has prevailed. And once it is clear that they will all be held responsible at home, too, before their domestic courts, then everybody in the region and all those monitoring the situation from abroad will have trust entirely in the national judiciaries of the countries in the region. (Clint Williamson, US ambassador at large for war crimes issues, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007)

The extent of war crimes committed on the territory of the former Yugoslavia is unimaginable; the brutality with which the crimes were committed is so grotesque that the war crimes trials alone cannot lead to a better understanding of things or to the healing process. However, it is obvious that the results of war crimes trials, the documentation they use, and established facts are a crucial part of the truth-establishing process which can ultimately lead to reconciliation between the nations. (Carla Del Ponte, Chief Prosecutor of the ICTY, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

Even in situations when they reflect the truth, the facts established in one case cannot constitute a truth-establishing and a truth-telling mechanism after an armed conflict because they were collected as evidence and they needed to satisfy legal evidence credibility criteria in the area of criminal law practice and in order to prove individual responsibility for committed crimes. (Fausto Pocar, President of the ICTY, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

The archive of the International Criminal Tribunal for the former Yugoslavia has a very important role in the process of establishing and telling the truth. The archive must be readily available for everyone in the region and must be preserved for future generations.

Documentation on war crimes committed on the territory of the former Yugoslavia which was collected so far by these organizations, together with the documentation owned by the ICTY should not be put in one place but, on the contrary, it should be stored at several locations (...) Hopefully, national governments will realize how significant it is to keep the copies of every available document testifying about war crimes and how important it is to preserve it and make it accessible not only to those investigating our recent history but also to those who will grow up in these societies in the next few decades and who will want to know what happened to their parents, families, or their compatriots, and it is important that they do find out simply because it will help prevent the same things from happening again. (Goran Svilanović, Stability Pact for South Eastern Europe, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

All conference participants agreed that a list of the victims' names is necessary for creating historical memory and to prevent any attempts to rewrite history.

Politicians and journalists use different numbers when speaking about the victims of war [in Bosnia and Herzegovina]. These vary significantly and the biggest number I heard so far was 350,000 victims... The goal is to stop playing with numbers and instead make sure that each listed victim has a full name along with the father's name on file. (Safer Hukara, Research and Documentation Center, BiH, Second

Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

Solving the fate of the missing is our priority.

To clear the fate of all missing persons, on all sides of the conflict is our priority. (Stjepan Mesić, President of the Republic of Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

The issue of missing persons and members of their families in the Republic of Croatia, is, Mr. President, ladies and gentlemen, the most difficult humanitarian issue that rest and that is left unresolved. I would like to remind you that according to our data, 1,122 missing persons, mostly from 1991, are war veterans and civilians. There are an additional 930 missing persons showing in the 1995 document. (Jadranka Kosor, Vice-President of the government of the Republic of Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

When I found the mortal remains of my child, I cannot tell you how much it meant to me and how much it still means to me. For me that gives some sort of closure. When I go to visit the grave, when I clean it, light a candle and put some flowers on it, I feel like I visited my other son who is alive and has his own family. I feel like I took chocolate to my grandchildren. I go there and I feel a sort of satisfaction knowing there is nothing else. It gives me peace to know that today or tomorrow I will join him forever. I would be very happy to see that all of you find your loved ones like I have and I sincerely support this idea and this effort. (Štefica Krstić, Association Victims of homeland war, Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

The presentation of established facts about the events from the past prevents the relativization of crimes.

We have to know the truth, the truth must be established and it must be dealt with – whether we are willing or not, no matter how bad it is, and no matter if some people like it or not. And the truth is that there is only one truth. Naturally, different people may experience the truth in different ways because there are many ways to look at it and many ways to interpret it. But, the truth remains what it is – a

collection of facts telling us what happened and it is non-negotiable and it certainly cannot be relativized. (Stjepan Mesić, President of the Republic of Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

And, I repeat again, our task is to find the truth, discover the facts instead of using symbols. People should not treat themselves or others as symbols, but figure out the relevant facts. (Žarko Puhovski, Croatian Helsinki Committee for Human Rights, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

We know that the facts are important for the truth-establishing process, that the truth cannot be reached without knowing or accepting the facts. (Zoran Pusić, Citizens' Human Rights Committee, Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

Artists showed unwavering readiness to fight denial of the past, lies, covering up the truth, and attempts to give a different meaning to established facts about the past through their work.

It is hard to describe the feeling one gets when entering the town of Srebrenica. You can see people living normal lives, they live and work there, they socialize, but still, there is a feeling that can only be captured in an artistic expression, a feeling that can only be brought to you through an artistic form, the feeling of some sort of metaphysical creepiness. I personally think that as artists we are obliged and responsible towards ourselves and the future generations to make sure that the feeling of uneasiness when entering certain places is gone because it has already spread through two generations. (Dino Mustafić, a theatre director from BiH, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th - 9th 2007.)

4. National consultation with young people on dealing with the past

Sarajevo, Bosnia and Herzegovina
June 27th 2007.

The consultation was organized by the Research and Documentation Center (BiH) and was attended by 11 members of youth non-governmental organi-

zations and two representatives of political parties. The consultation was opened by Mirsad Tokača (Research and Documentation Center, BiH) and Marijana Toma (Humanitarian Law Center, Serbia) and the discussion was moderated by Dejana Grbić (Youth initiative for Human Rights, BiH).

The human losses data base is the most powerful tool in combating denial of human losses.

Do you really think that those who are missing are enjoying themselves somewhere on sunny beaches allowing their families to search for them? But when you have a tool as powerful as the RDC's war crimes data base containing information on human losses, that's something we all need to use in our work to dispel the prevailing disbelief. (Dejana Grbić, Youth Initiative for Human Rights, BiH, National consultations with young people, Sarajevo, BiH, June 27th 2007.)

Dealing with the past must involve a regional approach.

The essence of the dealing with the past process is that it cannot be done locally in Serbia, BiH, Croatia, Montenegro or in Kosovo alone. We have to cooperate with young people across state borders because we are doomed to be together, so to speak. We can try to isolate ourselves in our local communities, our countries, but that prevents us from seeing the bigger picture and we lose the idea of the complexity of the entire situation. (Dejana Grbić, Youth Initiative for Human Rights, BiH, National consultations with young people, Sarajevo, BiH, June 27th 2007.)

The regional approach is definitely the only successful model. First of all because we all share the same destiny, we used to live in one country and secondly, our existence is very much intertwined. So, from various perspectives, we can possibly break through certain media blockades with our personal views. Now that I am able to hear other people, I understand how wrong I was in many respects, how ill-informed I was and I really feel bad about it. (Jelena Kuzmanović, TERCA Association, BiH, National consultation with young people, Sarajevo, BiH, June 27th 2007.)

The civil society must guide the process of dealing with the past: it cannot be appropriated by politicians.

It is a fact that war criminals are still at large and that some politicians still give incendiary speeches, etc (...) So, the dealing with the past process must be extracted from daily politics and taken over by civil society in order to begin our efforts to build a new value system based on our experiences from our bloody and tragic past. That's the crucial thing for me. (Mirsad Tokača, Research and Documentation Center, BiH, National consultation with young people, Sarajevo, BiH, June 27th 2007.)

Influencing young people should be achieved through youth organizations, and it ought to be immediate because the majority of youth are inactive.

Your target group, if you want to have an impact, are young people who are in no way affiliated with youth organizations. However, youth organizations can be a good starting point and a good resource in providing contacts with the target group simply because they are mobile; they travel, and get to know each other. (Jan Zlatan Kulenović, Youth Information Agency, BiH, National consultation with young people, Sarajevo, BiH, June 27th 2007.)

It is necessary to come up with a well-conceived approach to young people in order to motivate them to pay attention to dealing with the past themes.

The 'Youth Friendly' approach is very interesting. It is challenging and it is difficult simply because young people find this topic repulsive. It brings them back to a time that was not so good for them, and also they find this topic highly exploited by politicians. They would rather just talk about where to have a coffee or where to study in two years and not about what happened ten years ago in their community. That is why you have to be very careful in choosing the proper methodology. It has to be provocative and strong enough to make them think about this issue and even be able to change their opinions, and I'd even say catharsis. (Jan Zlatan Kulenović, Youth Information Agency, BiH, National consultations with young people, Sarajevo, BiH, June 27th 2007.)

The biggest problem in the dealing with the past process is to ask a young person to go beyond his or her family and denounce a person being considered a hero for so long, labelling him or her a war

criminal and leave him to be tried by the public. We have dealt with young people whose parents were direct participants in these crimes, in Bratunac for example, and it is very difficult to discuss this topic with them. (Belma Deljkić, Public Justice Representatives Network, National consultation with young people, Sarajevo, BiH, June 27th 2007.)

Participants could not agree on the age of young people that ought to be involved in dealing with the past processes.

I think high school students are the right group to start with because they are mature enough and they can participate in discussion. (Belma Deljkić, Public Justice Representatives Network, National consultation with young people, Sarajevo, BiH, June 27th 2007.)

If we don't approach them and tell them what really happened and corroborate it with documents and arguments, they may be approached by somebody else who will teach them a different history which they will later adopt as their own. It is especially the case if they are also influenced by their parents, which means that they will adopt a wrong course at an early age. It is a longer process, I agree, than to start with high school students, but I think we will be more successful if we start earlier. (Kenan Uštović, SDP Youth Forum, BiH, National consultation with young people, Sarajevo, BiH, June 27th 2007.)

When they reach the age of 15 or 16 they have perfectly developed the ability to recite the ideology of whomsoever. We have people who on the basis of only a little information or the views of their family or on the basis of what they've seen on the street, creates specific attitudes. (Ivana Kešić, Civitas, BiH, National consultation with young people, Sarajevo, BiH, June 27th 2007.)

The sooner education begins the better. I was in grade five when the war was over and it was only then that we started having what's called 'normal education.' Then some people came to school and they gave us history books in which texts referring to the recent war were highlighted (...) Then it was very difficult to discuss it with us. Any mention of what we had been through in the past four years and we would become very upset, because the people who marked the text would appear (...) When

you use a marker, you know, you can still figure out some words, letters, and they used better quality markers, and that meant 'stop' – that should not be discussed. (Ehlimana Memišević, Association Education Builds BiH, National consultation with young people, Sarajevo, BiH, June 27th 2007.)

Political party youth organizations should be involved in the dealing with the past education process.

It is not only about teaching young politicians how to talk and how to behave, but in essence about encouraging political maturity and basic values, such as respect for human rights and the importance of dealing with the past so when they are mature politicians they can represent us. (Dejana Grbić, Youth Initiative for Human Rights, BiH, National consultation with young people, Sarajevo, BiH, June 27th 2007.)

The established facts must find their way into history books in all countries in the region so that history does not repeat itself.

The established facts, as a conflict resolution tool, are for me something that already exist and they must find their way into history books of each school in the region which will mean that we will all be learning the same history and in ten years there won't be a dispute about what happened in the region. (Ehlimana Memišević, Association Education Builds BiH, National consultation with young people, Sarajevo, BiH, June 27th 2007.)

It is necessary to use artistic expression as a tool to communicate with young people about the events of the past.

Art is very important because it is close to young people. So, you can have hundreds of different art projects, from music to photo exhibitions, plays, concerts, where these things can be presented. That is something that will attract the young population and inspire them to take part in it. (Jan Zlatan Kulenović, Youth Information Agency, BiH, National consultations with young people, Sarajevo, BiH, June 27th 2007.)

It is necessary to establish a common denominator for all people in BiH because without it is not possible to discuss the past and have a future together.

If we want to discuss the past and the future it is crucial to understand why we want to talk about it. If we try to talk to people who have absolutely nothing in common and who have no interest in building a better state for themselves and they have nothing in common and who are trying to be as different as possible, then it is impossible to have a discussion. (Edin Čolić, Young Liberals of BiH, National consultation with young people, Sarajevo, BiH, June 27th 2007.)

Trips to places where crimes were committed are a good way to help the young deal with the past.

I believe that trips are a good idea, to visit memorial centres, places where crimes were committed. (Jelena Kuzmanović, TERCA Association, BiH, National consultation with young people, Sarajevo, BiH, June 27th 2007.)

Regional debates between representatives from different social groups can be very useful in the dealing with the past process.

When speaking about the dealing with the past process it is important to organize regional debates and to include as many speakers from different backgrounds. (Jelena Kuzmanović, TERCA Association, BiH, National consultation with young people, Sarajevo, BiH, June 27th 2007.)

5. National consultation with young people on dealing with the past mechanisms

Belgrade, Serbia,
July 8th 2007

The consultation was organized by the Humanitarian Law Center (Serbia). It was attended by 25 youth organization activists from all over Serbia and was opened by Nataša Kandić (Humanitarian Law Center, Serbia) and Andrej Nosov (Youth Initiative for Human Rights, Serbia) while Marijana Toma (Humanitarian Law Center, Serbia) moderated the discussion. There were three discussion topics: the role of young people in the dealing with the past process in the former Yugoslavia, the importance of establishing the facts about war crimes for post-conflict gen-

erations, and the role of young people in truth-seeking and truth-telling in combating denial and relativizing crimes.

It is necessary to create a regional connection of young people and encourage discussion among them about the past and the crimes committed in the past.

I believe that young people should start from the very beginning, meaning young people from non-governmental organizations in one state should get to know their counter-parts in non-governmental organizations in other states in the region so that they can initiate the exchange process idea. There is a big problem not just in terms of what people know about what happened in the past, but they also don't know what's going on now. Maybe it's necessary to start from the beginning, to build a new kind of communication. (Ana Batočanin, My Initiative – Youth Initiative for Human Rights, Serbia, National consultation with young people, Belgrade, Serbia, July 8th 2007.)

We need to develop a method which will create a clear picture for young people in the region portraying our past and the past of our politicians who were in power in those critical years. I am talking about the events in the former Yugoslavia from the 1991 onward. (Mile Novaković, Sigo ando Them, Serbia, National consultation with young people, Belgrade, Serbia, July 8th 2007.)

Convincing the media to stop blocking war crime topics is an indispensable condition for the public to change its opinion on these issues.

Putting economic and social topics in the forefront as important topics while dealing with the past is left to the margins is common practice, and our task should be to push it to the forefront. It's the work of every organization. We have to use every opportunity to promote this topic. (Hajrija Bogujevci, Intergra Association, Kosovo, National consultation with young people, Belgrade, Serbia, July 8th 2007.)

I really think that once we break through the media blockade, we will be able to talk about everything publicly, and only then we will be able to talk about how to change the opinion of members and followers of the Serbian Radical Party. Until then,

we have to focus on smaller groups which will be able to adopt our way of thinking. Also, each organization should follow its strategic plan and be able to present its results to possible donors for other perhaps more ambitious plans. (Miloš Simić, Democratic Initiative Center, Serbia, National consultation with young people, Belgrade, Serbia, July 8th 2007.)

Dealing with the past should become a part of the institutional discourse and institutions should legitimize the entire process.

How can we make this whole thing a part of the institutional discourse, who will institutionalize the entire dealing with the past process? We have to urge our governments to instruct two or three institutions to back this process and give it the much-needed legitimacy to distinguish it from underground initiatives. If the state fails to do that, we have a big problem. Perhaps civil society initiatives should become stronger in that respect. (Darko Soković, a film director from Serbia, National consultation with young people, Belgrade, Serbia, July 8th 2007.)

The role of the civil society is crucial for the creation of an atmosphere allowing societies to deal with the crimes committed in the past.

This makes the government even more responsible because if it does not accept it on an institutional level, all NGOs and everybody else doing things in this direction will be labelled traitors. I think that the NGOs have a role in creating a positive atmosphere so that when Boris Tadić apologizes to the Croatian people, he does not have to worry about what kind of a reaction it will provoke back home because we prepared the people in Serbia to expect something like that. (Maja Stojanović, Youth Initiative for Human Rights, Serbia, National consultation with young people, Belgrade, Serbia, July 8th 2007.)

A cultural platform can offer ways to make the public more sensitive to victims of war crimes and assist the public to deal with the crimes themselves. Young people must actively combat the denial of war crimes by using every opportunity to discuss them.

I think that the cultural platform in Serbia is not being used enough (...) because the values we discuss

here can be promoted through artistic creations and we need to figure out how to use it (...) I think that people want more cultural manifestations and that's where we need to see our role. (Maja Stojanović, Youth Initiative for Human Rights, Serbia, National consultation with young people, Belgrade, Serbia, July 8th 2007.)

We need to fight together against oblivion as an official state policy and to continue insisting on solving the crimes committed in our name, to discuss them publicly and force them into domains where they are being denied by the official discourse. Furthermore, we need to visit locations where crimes were committed in our name and build a sense of solidarity with victims, to try to understand the dignity of the victims and beg forgiveness. (Časlav Lazić, Youth Initiative for Human Rights, Serbia, National consultation with young people, Belgrade, Serbia, July 8th 2007.)

It would be a good idea to get public personalities, pop-culture or music stars, and artists, to start talking about these topics. I believe there are many who are aware of these issues but they haven't had an opportunity to be active. (Ana Batočanin, My Initiative – Youth Initiative for Human Rights, Serbia, National consultation with young people, Belgrade, Serbia, July 8th 2007.)

6. National consultation with young people on dealing with the past

Zagreb, Croatia,
July 20th 2007

The consultation was organized by Documenta (Croatia) and the Croatian Youth Network. The participants were comprised of 18 young human rights activists. Vesna Teršelić (Documenta, Croatia), Emina Bužinkić (The Youth Network of Croatia), Marijana Toma (Humanitarian Law Center, Serbia), Srđan Antić (Nansen Dialogue Centre Osijek, Croatia) and Helena Bučko (Danube Youth Peace Group, Croatia) opened the gathering. Nenad Vukosavljević's *Everyone would gladly throw a rock*, produced by the Centre for Nonviolent Action (2007.) and Davor Konjikušić's *Video footage of personal feelings about the war*, produced by Documenta (2006.) were both aired at the consultation.

While the youth of today do not bear responsibility for past crimes, they are responsible for the legacy they will leave to future generations.

Youth do not bear responsibility for the sufferings that hundreds of thousands of people went through during the 1990s in what are now referred to as the post-Yugoslav countries. However, we need some sort of an open dialogue about what the real motives, the real, genuine motives would be for youth to assume responsibility for the process of dealing with the past for which they do not bear any responsibility. (Marina Škrabalo, Centre for Peace Studies, Croatia, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

I think that the problem with youth is the fact that they have a burden thrust upon them and a significant problem to deal with. They must deal with this responsibility, but the problem is, and I am now speaking from the point of view of someone who works mainly in Vukovar, that they are not aware of it (...) I think that the task of civil society would be to find a way to explain to young people that, even though they are not responsible, it is in their best interest to deal with the fact. (Srđan Antić, Nansen Dialogue Centre, Croatia, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

There is no responsibility taken for what happened, responsibility for the past or for history does not exist: what exists is the responsibility for the future because one day, I am referring to a period in the next ten years, the younger generations will ask you why you didn't search, why you didn't establish [the facts], and why you left this legacy for them still to continue. They will ask you why you weren't persistent. They will be persistent with their questions in order to establish the complete facts. (Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

My experience tells me that youth and youth organizations do not understand this responsibility, and find it hard to see why it exists (...) Seven years and two months later we witnessed a complete fiasco in peace building and dealing with the past workshops. Participants refused to talk about the war because they believed it was too dark a subject and they thought that it had no bearing on their lives today and that it should not be a

topic. (Emina Bužinkić, Croatian Youth Network, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

I can't deal with the past of my grandfather, who was in the Partisans: I can't, I simply can't. However, what I do feel I can do is teach young people about the past in a proper manner and thus reach, I wouldn't dare say responsibility, but the need to deal with the past. (Marko Turk, Documenta, Croatia, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

We cannot deal with something we did not take part in. We can accept it in some ways; we can ask that the state and state institutions teach us about what happened in the past, we can demand that problems are dealt with. (Dan Špicer, Social Democratic Party Youth Forum, Croatia, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

Only education, travel and cultural interactions can help youth overcome prejudices about others living in neighbouring countries.

The only concrete things that can help young people overcome prejudice are in fact education, travel, and encounters with other cultures and nations. After all, it all starts with the environment in which the child is brought up, and then by education, and so forth. (Dan Špicer, Social Democratic Party Youth Forum, Croatia, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

Basically, all of them said they didn't want to speak about the war, that they didn't care about it, that it is their parents' past, that they have nothing to do with it and that they wanted to talk about the music they like, the clothes they like to wear, what they do, how they have fun, how they spend their time, and I had a feeling that they all felt that these people from across the border were significantly different, and they were some strange people that we needed to learn a bit more about. (Anamarija Sočo, Volunteer Centre Zagreb and Zagreb City Youth Council, Croatia, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

Generations born after the war experience war trauma, passed onto them from family histories, narratives, prejudices, educational systems, social relations and stereotypes. There is a lack of direct

contact with the youth from other countries, from other post-Yugoslav countries (...) Young people, who meet each other for the first time, have a need to identify similarities (...) Some of the older generation imply that young people have the same experiences, that they are alike and that they themselves did not have that; they only have to acquire it because it is a different context in which they grow up. (Marina Škrabalo, Centre for Peace Studies, Croatia, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

Youths fear that states [Croatia and other successor states to the former Yugoslavia] will not alter their national truths about the past, despite the facts.

Do you think that it will ever be mentioned in official Croatian documents that Croatia was an aggressor in Bosnia and Herzegovina? I mean, I can have an opinion about it and I can say for one thing or another that I personally believe it was like this, but honestly, I really doubt that it will be like this one day. (Dan Špicer, Social Democratic Party Youth Forum, Croatia, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

Learning about the past is important represents the foundation for dealing with the past (...) The Ministry of Education has recently launched a film called The Truth about the Homeland War and sent it to elementary schools. I must admit that I do not agree with many things presented in this film which glorify Croat and diminish Serb victims (...) An Information-Documentation Memorial Centre, I think it is called, has been recently opened in Vukovar. I heard that in this centre there is a simulator where anyone can go, pick up plastic pistols and shoot at Serbs. I think this will never bring us to the process of dealing with the past and that these are highly biased ways of teaching about the past. (Emina Bužinkić, Croatian Youth Network, Croatia, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

The regional connection of youths creates an environment in which they can deal with the past, whilst building trust and promote communication.

I think it is important that youths [from the region] are brought together to a place where they can meet, to see that they are basically the same, that they are equal, with similar problems, interests,

and then on such grounds can discuss the past. There could be several regional camps [for young people] where the focus would be on the issue of dealing with the past or some sort of peace education. (Anamarija Sočo, Volunteer Centre Zagreb and Zagreb City Youth Council, Croatia, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

We had two groups for civic education, including Serbs and Croats. We were simply scared of how they were going to accept each other. But they acted on their own initiative: They wanted to be in the same group, much to our surprise; we realized that although such projects cannot make them be together, they themselves will realize that they are not so different and that they can work together. We had one project called Seal without Borders, where young people from Bač and Vukovar socialized. (Helena Bučko, Danube Youth Peace Group, Croatia, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

There is a need for a regional conference dedicated to projects and activities of young people on dealing with the past that would create an opportunity for joint strategies.

Regional conferences should be organized where we could have a space for youth and small organizations to present what they have achieved so far, what movies, materials or books they have made. In Belgrade, I saw some tutorials about tolerance, from all different angles of methods, manners and means of dealing with the past in order to come together in a certain way. In the future, we might have an opportunity to combine our efforts on the basis of these achievements. (Srđan Antić, Nansen Dialogue Centre, Croatia, National consultation with young people, Zagreb, Croatia, July 20th 2007.)

7. Regional consultation with journalists: Instruments for establishing facts about war crimes committed on the territory of the former Yugoslavia

Sarajevo, Bosnia and Herzegovina,
September 29th 2007

The consultation was organized by the Humanitarian Law Center (Serbia), Research and

Documentation Center (BiH), and Documenta (Croatia) in cooperation with the BH Journalists (BiH), the Independent Journalists' Association of Vojvodina, Independent Journalists' Association of Serbia, International Center for Education of Journalists (Croatia), and the International Centre for Transitional Justice. The consultation was opened by Nataša Kandić (Humanitarian Law Center, Serbia), Vesna Teršelić (Documenta, Croatia), and Mirsad Tokača (Research and Documentation Center, BiH), and was attended by 31 journalists. The discussion was moderated by Nerma Jelačić (BIRN BiH) and Rade Radovanović (TV Avala, Serbia). Beta and VranjePress agencies reported on the event.

Regional approaches are very important when reporting about war crimes.

It is very important that we support each other and nurture a regional approach in reporting about important topics such as war crimes simply because those who participated in the war in this region, those who were in the military and war crimes victims from one area may have family or friends in another. That, along with professional solidarity in the region. (Borka Rudić, BH Journalists, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

We can do a lot as journalists by not recognizing the boundaries between us, by helping each other, giving each other information in an effort to adequately write about how the crimes were committed in different communities. If bodies are found in Belgrade and there are some generals there who ordered that [in Serbia], but the [families of the] victims are in Kosovo, then we might be able to make some small journalist teams on a regional level to investigate and publish everything. (Nadira Avdić Vllasi, Kosovo Radio-television-RTK, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

In order to promote transitional justice in the media it is necessary to have the support of editors-in-chief.

We cannot talk about journalists only. As much as they would like to help discover the truth, they don't really have much initiative and they can't do a whole lot without the support of their bosses. If it is a privately owned media outlet, it is easy even to get

fires. (Nadira Avdić Vllasi, Kosovo Radio-television Kosovo-RTK, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

Journalists can conduct research, but they can't make their findings public. This is the crucial issue, who to get it in the air or in newspapers. I think we should send letters to public services, make them promise that they will air it and then approach smaller, local TV stations because they have their local audiences. (Borka Rudić, BH Journalists, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

Associations of journalists must deal with members who spread the war propaganda.

When it comes to punishing those who spread the war propaganda, it is unrealistic to expect that it will happen. It has not happened in the last 15 years and it is more likely to expect that General Veljko Kadijević will be tried for war crimes in Vukovar than to see any of them indicted. (Hrvoje Zovko, Croatian Radio-television-HRT, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

It is too late to try journalists. Or, the question is whether we can try journalists when main war instigators and war criminals were not tried? I am in favour of the journalist community settling accounts on ethical principles within its own ranks, especially with those who were war reporters (...) I don't know of any association of journalists who excluded a single member for acting dishonourably before or during the war. (Borka Rudić, BH Journalists, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

War crimes trials have a serious impact even if the punishment is not commensurate with the crime in question.

We, journalists, are very prone to observe all trials as a game. The difference is huge because if it's a game, only the final score matters. In a trial, it is not only the punishment that matters. In the Ovčara case, for example, something was achieved after all – it was established beyond a reasonable doubt that a heinous crime was committed and that no one will be able to deny it, regardless of the sentence for Mrkšić or Šljivančain or the fact that Radić was acquitted of all charges.

(Dejan Anastasijević, Vreme Weekly Magazine, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

Participants did not agree on whether the public in general is interested in the topic of war crimes.

I think that in Serbia we have no problem writing and reporting about war crimes but the thing is no one is reading or listening to it any longer and I believe that we have to find a way to make the public more sensitive. (Bojan Tončić, freelance journalist, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

I think it is crucial not to share the opinion of our colleagues who believe that the war crimes topic is simply overrated and that the public is no longer interested. I believe that the media should not comply with what the public wants but try to quench the thirst for new topics. We have to be the overbearing force, regardless of the pressure we are exposed to. (Petar Komnenić, Monitor Weekly Magazine, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

We cannot allow the marketplace to ruin a war time story or a war fact. No one can convince me that it is possible. (Mirsad Tokača, Research and Documentation Center, BiH, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

It is important to create awareness about facts: the public often remains in the dark about the facts about war crimes and ICTY war crime trials.

We have a problem because we don't have facts. Simply, the public is not getting enough facts such as the contents of court decisions or why they are the way they are. Croatian television is a public service and it cannot stop reporting about war crimes simply because they feel they are not popular. You are paid to do it and you have to do it. It is as simple as that. (Eugen Jakovčić, TV Jadran, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

The public receives information about war crimes only if they are contained in the news or if they are the subject of documentaries. Making a 'heart-

warming story' would be much more efficient than a news item. And, naturally, we should only use established facts in any reporting on war crime. (Mira Lolić-Močević, Republika Srpska Radio-television, BiH, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

War crimes should not be a battle field for our opposing opinions. Journalists must unequivocally condemn war crimes because of their responsibility to respect civic and human rights.

Since journalists are creating history, I think they should have their opinion on the matter at hand and be able to bear responsibility for it. If it is wrong, warmongering, or similar, they have to be held responsible for it. We can't be allowed to be war instigators, to use hate speech, to call for murder or bloodshed. These are not standards of the industry; they are simply standards for the respect for civic and human rights. (Senka Vlatković, B92, Serbia, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

I always say that when it comes to crime, no one is allowed to be neutral because another human being is a victim of that crime. One has to be biased and take the victim's side. That is our moral obligation, not only professional. I cannot imagine writing an article in which I dedicate an equal amount of space to a rape victim and the rapist and leave it up to the reader to make a conclusion (...) The presumption of innocence is not applicable in a public debate, it is only applicable to participants in trial proceedings and journalists monitoring the trial. And that is where it ends. (Dejan Anastasijević, Vreme Weekly Magazine, Serbia, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

I think it is important to show another side of the story and have both participants in a conflict give their statements because no one can monopolize the truth. Simply, we never know when we may make a mistake. (Igor Mekina, Dnevnik, Slovenia, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

It is necessary to create a shared online database which will make journalists' work easier.

It's maybe not a bad idea to design a website so

that in the end we will create a common database which will make journalists' work easier. So that the work of [civil society] organizations or of all of us that are dealing with this issue, will be visible in twenty, seventeen, fifteen or so years (Dinko Gruhonjić, Independent Journalists' Association of Vojvodina, Serbia, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

One of the things you can think about is gathering data owned by non-governmental organizations or your individual archives. And even if prosecutors don't do anything with that material, in The Hague, Belgrade, or Sarajevo, by gathering and presenting that material in an unofficial report or on an Internet site can be a way to initiate responsibility for those less tangible crimes and issues prosecutors cannot always link with war crimes. (Caitlin Reiger, International Center for Transitional Justice, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

Journalists employed in the regional public service media could work together and produce a TV show on transitional justice, which could be aired in all former Yugoslav states.

It would be a good idea to form a team of journalists that would make one TV show every month and would be broadcast at a set time (...) with topics such as war crimes, or stories that never get to be told, and all war crimes related stories, and everything that deserves to be covered by that TV show. (Gordana Petrović, Serbian Radio-television-RTS, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.)

8. National consultation with young people on mechanisms of dealing with the past

Osijek, Croatia,
October 6th 2007

The consultation was organized by the Osijek Center for Peace, Non-violence and Human Rights (Croatia). It is necessary to create a strategy which will educate young people about the importance of dealing with the past, both for their own and future generations, and also to show them how important it is in preventing possible armed conflict in the future. Regional cooperation in the process of

dealing with the past is indispensable because the armed conflict has spread across the newly formed states. In order to secure a comprehensive process of dealing with the past and finding an adequate truth-establishing and truth-telling mechanism, it is essential to include the entire post-Yugoslav region.

9. Regional consultations with young people on instruments and initiatives to establish and disclose the facts about war crimes committed on the territory of the former Yugoslavia

Belgrade, Serbia,
October 21st 2007

The consultation was organized by the Humanitarian Law Center (Serbia), Research and Documentation Center (BiH), and Documenta (Croatia) in cooperation with the Youth Initiative for Human Rights (Serbia) and the Croatian Youth Network. A total of 37 representatives of non-governmental human rights organizations, four members of the youth organizations of various political parties from the region as well as 16 observers, two of whom were from international organizations participated in the discussion. Nataša Kandić (Humanitarian Law Center, Serbia) and Vesna Teršelić (Documenta, Croatia) opened the gathering and Emina Bužinkić (Croatian Youth Network) and Andrej Nosov (Youth Initiative for Human Rights, Serbia) were the moderators. H-Alter posted a short news piece announcing the gathering.

It is necessary to form a regional body tasked with establishing the truth about the past and staff it with expert members from all countries formed on the territory of the former SFRJ.

When we speak about truth-seeking and truth-telling, I think it would be (beneficial) to have a regional body with members from all former SFRJ countries. Why? Because it is important that the body is regional and made up of experts from the entire region so that the results are accepted by the public, especially the young people, without any prejudice. (Antonela Balić, Young People and Informal Education Forum, Croatia, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

The role of young people is crucial in creating a positive social context for the promotion of a regional body tasked with establishing the facts about war crimes.

The role of the young people in the creation of a positive context in the region is crucial for the dealing with the past process. Their role and their engagement are anticipated in the creation of a positive public climate at the regional level and it is indispensable for the creation, functioning, and the promotion of the regional fact-finding and fact-establishing body. (Nataša Kandić, Humanitarian Law Center, Serbia, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

Good communication is extremely important for establishing the truth at a regional level.

Information transfer and communication lines are probably the most important issue here because what we have had so far is partly to blame for the fact that we have more than one truth in a number of different parts of the region. (Kenan Uštović, SDP Young Forum, BiH, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

Young people are responsible towards their own future and must insist that the facts about the past are established and told.

If young people are not considered responsible for the crimes committed in the past because at the time they happened they were too young to influence them in any way, they are surely responsible with respect to future generations with respect to establishing the facts about these crimes. They must ask questions and seek answers and insist that the facts are established and presented to the public. (Andrej Nosov, Youth Initiative for Human Rights, Serbia, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

Whether we have a permanent and sustainable peace has to do with our attitude with the truth and in that respect it is very important for young people to accept responsibility, because they have so, whether they like it or not. Not for the things that were done in the past, but with respect to their attitude to the things that were done. We are not too young to deal with it now, especially considering the

fact that our communities still haven't started the dealing with the past process. That is how I understand our responsibility. (Marko Veličković, Civil Resource Development Centre, Serbia, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

That ideology is best demonstrated in war crimes denial, in the fact that we glorify war criminals, and the fact that there is no justice, and the fact that we don't know the truth and everything else representing our everyday life. By denying everything that happened, we are extending the crimes, backing them up, in a way. From the things we do or don't do today, we create a climate in which the same events from the past will or will not happen again. Therefore, I think that we all have to understand our responsibility. (Maja Stojanović, Youth Initiative for Human Rights, Serbia, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

Words such as 'war' and 'crime' are less emotionally charged with young generations simply because they have not experienced them or maybe they have but not in a way their parents or grandparents, who participated in the war, have. At the time of the war a terrific media manipulation was under way in every former Yugoslav republic and we were too young to understand it. That is why I believe that the young people are more objective when it comes to topics like these. (Mario Mažić, Youth Group of the Croatian Helsinki Committee for Human Rights, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

It is necessary to deal with the past, but it is also very important to prevent possible conflicts which may still happen, especially in Kosovo.

The problems in Kosovo that occurred in the past may still be on the back burner in some parts of Kosovo, such as northern Mitrovicë, where the mentality of the 1990s is more present than anywhere else in the region. Conflicts there had ended much earlier: the war and war crimes are considered an issue of the past. In Kosovo, it is in the past, too, but it still has a potential to revive. So, in addition to dealing with the past, we have to deal with the prevention of possible new conflicts. (Agon Maliki, Youth Initiative for Human Rights, Kosovo, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

Dealing with the crimes committed in the past we have to do on our own. We must not wait to become members of the European Union. We are directly responsible for our societies.

We have to solve these issues before we become members of the EU. We have to do it on our own and finally for the first time since the fifth, sixth century, or since before Christ, we must be responsible for our own societies. The EU gives us money for things like that and we only have to recognize an opportunity, take the money, and start working on it. (Ivan Novosel, Youth Group of the Croatian Helsinki Committee for Human Rights, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

It is necessary to include as many young people involved in various political parties as possible in the process of dealing with crimes committed in the past.

We need to insist on including as many young people as possible from different political parties into the process. (Ivan Novosel, Youth Group of the Croatian Helsinki Committee for Human Rights, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

The creation of an atmosphere in which it will be possible to discuss such issues depends on political parties. In that context we should focus on the political parties and work with their youth organizations. (Vladimir Milovanović, BIRO, Association, Serbia, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

Human rights topics should be introduced to school curricula as soon as possible.

Education is definitely the most important issue and human rights topics should by all means be introduced in schools and in mass media because, in addition to families, they have most influence on socialization process of young people. (Mario Mažić, Youth Group of the Croatian Helsinki Committee for Human Rights, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

There are many different classroom tools that can be used, such as documentaries about these issues, as well as other methods young people can find

stimulating. We should lobby different educational institutions and ministries to include this in either informal education or in a large number of schools in official education. (Jan Zlatan Kulenović, Youth Information Agency, BiH, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

After the regional body discovers certain facts, it is important how to present it appropriately to young people. It has to be something they understand, an appendix to school history books that would be a uniformer. And it should also be translated into all regional languages. (Anamarija Sočo, Volunteer Center Zagreb, Croatia, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

We can help by stimulating critical thinking in young people. That can be done by lobbying for the school system reform. And we can also advocate the introduction of a human rights curriculum in schools. (Agon Maliqi, Youth Initiative for Human Rights, Kosovo, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

The web portal can be used instrumentally to inform young people about the crimes committed in the past.

An interactive map of the former Yugoslavia, for example, may be a good idea for the presentation, which would be updated regularly with new information. When you click a geographical area on the map, it shows names of victims, photos, films, documents, etc. (Ivan Novosel, Youth Group of the Croatian Helsinki Committee for Human Rights, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

I like the Internet presentation idea very much because it would be one place where we could find everything from lists of victims, to historical facts, to documentary films; that means everything in one place speaking about everything [about war crimes]. (Simon Simonović, Serbia, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

It is necessary to develop a strategy to inform the public in less developed areas about war crimes.

First, we need to do some research in order to identify and discover the least informed areas. I think that we would have greater success if we started to inform rural areas which don't have much access to information. For example, urban areas have far greater access to information on these issues compared with their rural counterparts. (Jehona Serhati, Integra Association, Kosovo, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

High school students should also be targeted because it is important to have an early start in informing the young people about the heritage of the past.

High school students, from freshmen to seniors should be included because it is the time in their life when they form opinions on all important issues around them. (Naim Leo Beširi, Youth Group of the Croatian Helsinki Committee for Human Rights, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

It is beneficial to name all the places where crimes have been committed in the past: by becoming destinations for school field trips and excursions, young people can deal with the past interactively.

Our first step in dealing with the past is naming all war crimes locations because victims still feel threatened when nobody talks about them. That would grant some kind of satisfaction to all victims in the region and it would also serve to better inform the young people. (Jelena Bubanja, Helsinki Committee for Human Rights Youth Organization, Serbia, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

An award for prominent public figures influential in dealing with the past should be instituted.

There are many young people in our region who are idols to younger generations, artists, musicians, actors and film makers, and who truly deserve some kind of award for being active in promoting the dealing with the past concept. This initiative should probably institute one such award in each state and award it annually. That could be quite motivating. (Iva Prpić, SDP Youth Forum, Croatia, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.)

10. Regional consultation with human rights organizations on instruments to establish and disclose the facts about war crimes

Belgrade, Serbia,
October 29th 2007

The consultation was organized by the Humanitarian Law Center (Serbia), Documenta (Croatia), and the Research and Documentation Center (BiH). It was opened by Nataša Kandić (Humanitarian Law Center, Serbia), Vesna Teršelić (Documenta, Croatia), and Mirsad Tokača (Research and Documentation Center, BiH) and was attended by 36 representatives of human rights organizations from the entire region. The discussion was moderated by Sandra Orlović (Humanitarian Law Center, Serbia). The media that covered the consultation were as follows: Danas, Beta, Pcnen.com, Infobiro.tv, Radio Free Europe, Crnps.org.rs and H-Alter.

Human rights organizations should advocate the establishment of an official regional body tasked with establishing and disclosing the facts about war crimes.

I support the creation of this commission but it is going to be rather difficult because the government, the society, and the political elites haven't made up their mind yet about the past. (Biljana Kovačević-Vučo, Lawyers' Committee for Human Rights, Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

We need to have a regional cooperation because the issue at hand is a regional issue. We can exert pressure in many different ways to make national judicial systems functional enough to start conducting war crimes trials. But, we can also put pressure and lobby both at home and elsewhere to create this regional body for establishing the truth. (Slobodan Franović, Montenegro Helsinki Committee for Human Rights, Montenegro, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

This kind of commission or a body, we can call it different names, is an imperative of the moment. So,

we all talked about experiences of various national commissions and how they were all a complete failure, and I'm sure that's true. That's what makes this commission really necessary (...) If we adopt a regional approach, it gives us more credibility. (Aida Ćorović, Urban In, Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

Reconciliation may be debatable, but the truth commission should definitely be formed (...) Once the regional body is created, our goal is to promote it and make sure the body and the results of its work are well accepted throughout the region. (Jezdimir Milošević, Humanists' Peace Action, BiH, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

We should support the creation of a regional mechanism for establishing the facts about war crimes committed on the territory of the former Yugoslavia (...) I think that advocating such a body should also be a task for human rights organizations and it should be an organized approach. (Miroslav Živanović, Human Rights Center at the University of Sarajevo, BiH, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

The regional body should focus on victims and facts but it should not establish responsibility for war crimes.

As a human rights organization we have to create a public space for victims because that should be our mandate, our platform (...) to make sure the commission is a space where victims can tell their stories. (Andrej Nosov, Youth Initiative for Human Rights, Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

First, we need to determine the exact duration of periods for which facts are to be established. Whether it is 1992-1995 or 1991-1995, or whether it is 1999-2000 when speaking about Kosovo. Secondly, we need to agree on the kind of facts to be established, and thirdly, what to specify the time frame for this body. It cannot be five years or three years because people expect some results sooner (...) We need to reduce the scope of facts we will establish because I am afraid that if we are too ambitious we may not be able to deliver. We

will establish the facts but we must not establish the responsibility. (Vehid Šehić, Citizens' Forum of Tuzla, BiH, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

I think it's a good initiative worth supporting especially because I see that there is some energy in that direction but it is a very demanding project (...) The regional approach in documenting all victims and all missing persons is something we must not forget or postpone, and we must be very serious coordinated assignment undertaken in all countries in the region. Also, the regional initiative will systematically monitor war crimes trials the findings of which can contribute to establishing a variety of previously unknown facts. I think the initiative should be finalized. (Katarina Kruhonja, Centre for Peace, Non-Violence and Human Rights, Croatia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

The political context of the past can create confusion: it is important to examine the facts about victims, as well as the facts that preceded the crimes and about the causes of war. Furthermore, the interpretation of these facts and the perspective from which they developed have great importance and should be examined critically.

When speaking about victims, the level at which it has all been done for years by some human rights organizations is very important. Facts are another important issue, but not only war related facts, but the facts about what preceded the war. Biljana [Kovačević-Vučo] talked about a political context, policies that caused the war. When I say that, I think about Serbia in the first place because that is the most complex and I would say the most significant issue. And also, that interpretation of facts which will differ depending on the angle and which will be a topic for discussion in the decades to come. I think we are only about to have a debate. (Sonja Biserko, Helsinki Committee for Human Rights, Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

In addition to establishing the truth, we also need to focus on admitting the truth. However, having in mind our experiences so far in the area of restoring violated human rights through institutions, we cannot be too optimistic because very few people

received some sort of satisfaction. In addition to establishing the facts, we also need to research the cause of evil, of the ideology of evil and we need to establish the responsibility of the media because they can also be considered instrumental in the creation of the ideology of evil. (Semiha Kačar, Sandžak Committee for the Protection of Human Rights and Freedoms, Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

If you think that the commission will produce a report which will sit in someone's desk, then we don't need a commission. We have to very quickly move from finding the truth to telling the truth. So, this commission should interpret some facts without trying to draw conclusions or make things perfectly clear. (Mirsad Tokača, Research and Documentation Center, BiH, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

Facts are only a portion of the most important factor. You can't use false facts to draw a good conclusion, but you also can't try to form a commission which will tackle the truth, moral responsibility, or reconciliation without at least some conclusions. You cannot distort reality, you cannot forge facts, you must not avoid inconvenient facts, as Weber says, but the interpretation of facts is our task. (Biljana Kovačević-Vučo, Lawyers' Committee for Human Rights, Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

We need to intensify the consultation process and create a coalition for advocating a regional body and a strategy for approaching the public, victims' associations, as well as national and international institutions.

It is important that we approach the public and prepare it for what comes next. And such occasional consultations are priceless because they allow us to coordinate activities and achieve a synergy effect. We as non-governmental organizations can do that much. (Aleksandar Popov, Centre for Regionalism, Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

Before we discuss regional bodies, I think we should first intensify the consultation process in the next

year or two. And not only discuss but include a number of inventive suggestions and positive practices into our activity and, I would even say, in programmatic texts of the three non-governmental partner organizations. (Gordan Bodog, Izmir Association, Croatia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

I believe that there will be much more of those who will support the very process of the creation of the commission if a broad based debate is initiated. I think we can find allies in these societies, victims' associations, and in many other places where we don't even expect to find them, but the problem is how to get the space for the public debate and to choose a proper strategy. (Maja Stojanović, Youth Initiative for Human Rights, Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

I think the commission, regional commission or whatever the name is, should be extended a little bit and not only be the responsibility of the three non-governmental organizations which initiated it and which will present the main pillar in the future, I hope, but to extend it to Macedonia and Kosovo, and to Bujanovac and Preševo, where there is a lot to be done. The name of the commission should not be a problem as long as it is created and extended. (Behxhet Shala, Committee for the Protection of Human Rights, Kosovo, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

In order to establish the regional commission it is necessary to achieve the support and the cooperation of all the states in the region.

We cannot discuss an alternative commission and expect the government to support us. This is the chicken and the egg dilemma. As members of the civil society, non-governmental organizations dealing with human rights and transitional justice, we need to pressure the government to accept our results. We cannot get the support in advance because that would make us a government service which we don't want to be. (Biljana Kovačević-Vučo, Lawyers' Committee for Human Rights, Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

Our political elites led us to war (...) No matter who proposes to the Government of Montenegro that it creates this commission; it will create it right away and the commission, just like the rest of Montenegro, will serve as a cover, a democratic make-up for pleasing institutions. (Sabina Talović, Citizens' Open Information Center Bona Fide, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

I am personally against a state commission, but as Nataša mentioned, I believe it is crucial to create some sort of independent commission which will have some support or legitimacy from our national governments, maybe like the ICTY. (Gordan Bosanac, Center for Peace Studies, Croatia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

As civil society organizations, we have to adopt a strategy aiming at achieving the support of all states for the commission. If it is not state-created, it should be given that status and I have two arguments corroborating that idea. First has to do with state, military, and civil archives (...) Second important issue is what to do with the results of the commission. If it's an informal initiative, I'm afraid it may end up like the history books Sonja Biserko mentioned. There is this alternative history textbook none of the countries in the region want to include in their curriculum because it is an unofficial initiative of historians. (Andrej Nosov, Youth Initiative for Human Rights, Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

We are in a state of a non-finished war rather than at the doorstep to building peace, so that this situation not only contributes to that but, I am sure, there is no chance that the governments of these three countries can agree on the creation of a regional commission. (Aleksandar Popov, Centre for Regionalism, Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

To turn the regional aspect in favour of what we want to make. So, let's forget institutions and national and regional commissions with the legitimacy of not only national governments but societies, too. Most human right abuses that happened were condoned by the majority and that same majority is now trying to cover it up. We can put

our effort together and do something. That is the only thing we can do. (Srdan Dvornik, Croatian Helsinki Committee for Human Rights, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

I don't believe in an official state commission at all. There are people in these commissions who are responsible for the war and all its consequences: they are in no way interested in establishing the truth. They are doing everything they can to cover it up. So, I don't believe them but I don't exclude the option to cooperate with them to a point. (Behxhet Shala, Committee for the Protection of Human Rights, Kosovo, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

Non-governmental organizations can organize a public debate on the initiative to establish a regional body, but they cannot form a commission which would be powerful enough establish the facts and secure their recognition.

Even if 70 or 80% of the people in Serbia supported the politics of Slobodan Milošević, in a region like the Western Balkans, the only way to do something is to find ways for these governments which have no political will for this, to find a model, a way, to make them accept the responsibility of establishing the truth. Without it we will lose the battle with the heritage of the past, we will end up having the same interpretations that exist today and we leave no hope for any steps forward by future generations. The battle will be lost if we are satisfied with it and settle for the other level. We can only help, we are not political factors. (Nataša Kandić, Humanitarian Law Center, Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

Regional approach does not mean forcing a uniformed opinion but serves to establish the complete truth about the past.

Regional cooperation isn't some kind of enforced common standpoint, rather it is the only way to establish the truth in a very complex situation such as ours and in that respect it will be pointless to make any nationalistic remarks since we will be demonstrating in practice what it means to accept responsibility, even if we are not guilty we will accept responsibility that crimes committed on

behalf of our nations are established once for all. (Srdan Dvornik, Croatian Helsinki Committee for Human Rights, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

It is necessary to create a Web portal to share information and facts relevant to the dealing with the past.

Creating a web portal or a web site where we can all be linked with our archives and documentation seems like a good idea. I think it is long overdue and we have to do it as soon as possible to make our books, films, archives, and documentation available to all those dealing with this issue. We have to open communication lines with all state institutions in each individual country which are dealing with this issue in this way. They should not be excluded. (Sonja Biserko, Helsinki Committee for Human Rights, Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

This Internet portal Sonja Biserko and somebody else mentioned should really be created. It would be very important partly because there are many of us individuals or small organizations doing a lot in their local communities. And such a portal and cooperation with all of you would mean a significant support, at least in the domain of physical security of human rights activists in their local communities. (Sabina Talović, Citizens' Open Information Center Bona Fide, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.)

11. Third Regional Forum on Transitional Justice: Mechanisms for establishing the facts about war crimes committed on the territory of the former Yugoslavia

Belgrade, Serbia,
February 11th - 12th 2008

The Third Regional Forum on Transitional Justice was organized by Humanitarian Law Center (Serbia), Documenta (Croatia), and Research and Documentation Center (BiH). It

was attended by over 300 representatives of associations of victims, victims who are not members of any associations, veterans, human rights organizations activists, representatives of youth organizations, journalists, judges, prosecutors, lawyers, members of parliament, jurists, historians, artists, in addition to high school and college students. The Forum was opened by the Speaker of the National Assembly of the Republic of Serbia Oliver Dulić and the Special Rapporteur of the European Parliament for Serbia Jelko Kacin. Both of them strongly supported the regional approach in the dealing with the past process. The following media reported on the Forum: Politika, Dnevni avaz, SRNA, Tanjug, Danas, Blic, Tribune, INA, RTS, TV FOX, Radio Free Europe, ZaMirZINE.net.

In a sea of assumptions, impressions, and feelings, facts about the past are the only lighthouse (...) Offering an opportunity to victims of war crimes to speak and to us to hear them, you are giving an invaluable contribution to the process of healing our societies and I believe that all of our societies, post-conflict societies are still in the middle of the healing process, and I hope that for future's sake, our future together, our regional future, that the healing will be fast and successful. Ladies and gentlemen, crimes and perpetrators of crimes must be condemned not because of the European integration process ahead of us but primarily because we owe it to the victims of these crimes and because we also owe it to our future which must not be built on the shaky foundation of denying, neglecting, and suppressing the truth. That is our debt both to our past and to our future and all of us, politicians, persons of public interest, and each citizen living in the region, we all have a future we need to think about. (Oliver Dulić, Speaker of the National Assembly of the Republic of Serbia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

During the *Experiences of Others* session, Madeleine Fullard, a researcher at the South African Truth and Reconciliation Commission and Sofia Macher, a commissioner of the Peruvian Truth and Reconciliation Commission spoke about the establishment, work, structure, and the composition of these commissions as well as the effects they had in the overall process of establishing the facts about the past.

11.1. Workshop: Needs and expectations of victims

During the *Needs and Expectations of Victims* session participants (victims, representatives of associations of victims and veterans and human rights activists) gave priority to fact-finding, punishing the perpetrators and those responsible for war crimes, search for the missing, discovery of mass graves, identification of mortal remains, and recognition of all victims.

All victims regardless of nationality must be recognized.

I think that we in Croatia must recognize all victims because when Serbian victims are mentioned most people in Croatia believe that they are possible war crimes perpetrators who deserved whatever they got. (Ružica Spasić, Association of the families of missing and forcefully taken Serbs, Croatia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

Victims expect to establish the truth about what happened and to bring direct perpetrators and those who ordered war crimes to justice.

What we need is to identify war crimes perpetrators and those who ordered them to commit war crimes. Many of us, me included, often wonder why we are doing all this when it cannot bring my father or my brother back, but the fact is it can help prevent future crimes like this. It can help prevent the recurrence of such crimes in the future. (Snežana Zdravković, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

There are different expectations from us who outlived our loved ones. And in my case, it is the truth, to be able to hear the truth. (Sudbin Musić, Association of the concentration camp prisoners Prijedor 92, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

The question all of us keep asking today, what do the victims expect, can be answered simply – they expect the truth. No compensation of any kind can bring back what has been destroyed. Unfortunately, from my own experience and the experience of peo-

ple living in my community, I can tell you that we are no closer to truth than we were ten years ago and I am afraid that in ten years the same will be true again - simply because the truth has always been the property of political elites in this region. (Jusuf Trbić, Bosniak Cultural Community Preporod, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

And if we are talking about our expectations, I would like to know who killed my mother. Not because I want that person to rot in prison but because I simply want to know who it was. And all of us here want the same thing. And I want the Croatian government to distance itself from these crimes. In other words, a criminal cannot be a hero and I am very interested to see that that is made absolutely clear. And only then will I have my satisfaction, to hear them say he is a criminal. And I also want to know and I really want them to be honest, I need no lies, I don't need anybody to tell me that 50 civilians were killed in my village if I know that the number of dead civilians is 19, and at the same time I don't want to be told that there were two civilian casualties when I know that the total number is 19, I know them, I know their brothers, sisters, I spoke to them. (Dragan Pjevač, a refugee from Croatia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

War crimes prosecution – that is our top priority, especially when coming from the municipality which is at this moment, that is the area, the municipality in which those who were victims and those who committed crimes are completely mixed. (Edin Ramulić, Association of Women from Prijedor Izvor, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

I expect to hear the truth, and I also expect to see the perpetrators punished because there are perpetrators who are still at large, some of which are the most wanted ones. For 18 months I came to Belgrade to monitor the trial of the members of the Scorpions unit and I expected that justice was going to be served at least partially, although nothing can bring my father and my brother back. At the end, the Trial Chamber handed down a shameful decision. (Safeta Muhić from Srebrenica, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

What I understand from my many interviews with victims is that they are much more interested in finding out the truth, but, believe, at least that's how I understand it, not the truth about how the war was brought on but what happened to their loved ones and why it happened to them. Why were they arrested in such an unprecedented way, although they were unarmed refugees with wives and small children and sent to concentration camps in Bosnia where they were tortured and where they lost their lives. (Tea Gorjanc-Prelević, Human Rights Action, Montenegro, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

I expect that in the future the world will be different, that people of all nationalities, Bosniaks, Serbs, and Croats alike will suffer no harm, and they will never have to experience what my husband did when he was only 21 years old and when he handed me our daughter who was only 11 days old and said: Take her, Refija, take good care of her, I don't know what will happen to me and whether I will survive to see her again. And he never saw her again and we have never heard anything about him in over 12 years. (Refija Alić from Srebrenica, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

The most pressing issue for the victims' families are to discover mass graves, to exhume and identify the mortal remains of their loved ones and give them a proper burial.

What is very important is that the families get the mortal remains of their loved ones. What is difficult to understand is that even after 16 years, we are still searching for the mortal remains of approximately 500 victims in the Zvornik municipality alone. (Mevludin Lupić, Association of family members of the detained and missing persons from Zvornik Municipality, BiH Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

It is necessary that all those who know where the mass graves are come forward and tell us, help us find these people, so that thousands of killed men and children, to find them and give them a decent burial so that they can finally rest in peace. If they did not have the right to live, they should at least have the right to have their own grave, whatever you may call the final resting place. (Refija Alić

from Srebrenica, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

I would like to say at the very beginning, when we first started talking about the needs and the expectations of the victims, [they include] truth, justice, security, financial security, and of course, social, legal, and health care. (Branka Antić Štauber, Strength of Woman Association, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

Victims need to be heard: they require compassion and support.

It is a huge support and it is very empowering to feel somebody's words or to accept a hand of support. That's what we need. And I think that we have gathered here precisely because that is what we need. To say what we feel and what we need. To tell our truth and to see if later, or the next day, when things have settled down, there are people who will say "listen, I have been touched by your words, and I would like to help you in this way". (Štefica Krstić, Association Victims of homeland war, Croatia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

Association of the families of missing Serbs in Kosovo ask that all missing persons' families should gather together to mark the international Missing Persons' Day.

Our families would like to initiate a request to create a memorial centre for all victims in the region. I think it is really important all our families from all our regions should come together to one place to commemorate 30 August, the International Day of the Disappeared. So that we can all pay our respects to all those who lost their lives. (Verica Tomanović, Family's association of kidnapped and missing person on Kosovo and Metohija, Serbia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

Young people should inherit the truth from us.

What I understand from the testimonies of young people here is that we are as a matter of fact responsible to them to discover the truth and leave it behind us. They have to know the truth and they should only continue their lives knowing the truth.

(Julijana Rosandić, Association of Civilian Victims of the Homeland War, Croatia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

Nothing can bring my father back (...) No compensation or anything else can bring him back, but the truth and justice mean a lot to me. They can help me and all other victims restore our faith in the future because most politicians are saying that the future depends on the young but I personally, don't see any future if we don't figure out the present together with you. (Kenan Keserović, a delegate of the House of Peoples of the Parliament of Federation of Bosnia and Herzegovina, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

Public hearings are necessary; they should be broadcasted over the media, and listened to by politicians and the general public.

As for the public hearings of victims (...) well, I think it's very important that people can testify about their tragedies, and it is especially important that it is organized because there are hardly any public events such as conferences or seminars allowing victims to see and hear each other. I think that we need such public hearings and I think that various media outlets should broadcast it and that politicians should listen to it in all these countries. (Ružica Spasić, Association of the families of missing and forcefully taken Serbs, Croatia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

Participants of the Third Regional Forum on Transitional Justice suggested that the European integration process should be conditional upon the successful processing of war crimes, the discovery of mortal remains of the missing, an apology and a societal dialogue in all countries formed on the territory of the former Yugoslavia.

They should set that condition for joining the European Union, to process war crimes first and also to be efficient in finding the missing... to find them so that their families can bury them and be able to go on with their lives. And also, they need an apology for everything that happened. (Tea Gorjanc-Prelević, Human Rights Action, Montenegro, Third Regional Forum on

Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

We have reached a consensus to appeal to the international community to block the access to Euro-Atlantic integrations to each country which has not resolved the issue of imprisoned and missing persons. (Ivan Pšenica, Alliance of associations of the families of imprisoned and missing Croatian homeland defenders, Croatia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

There are veterans who want to accept responsibility thus demonstrating their solidarity with victims of war crimes.

War veterans are also victims in a way and they are marginalized and their families are under great pressure. Work with young people whose fathers are traumatized is very difficult therefore it is important that they become a part of the process and be included in the dialogue, counselling, etc. (Amela Suljić, Youth Initiative for Human Rights, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

I just wanted to say that there are veterans who want to accept their responsibility and get involved in the peace building process and their help could be very useful. They are as ready as they can be to deal with their own past and accept their responsibility, and they want to show their solidarity with the victims. (Novica Kostić, Association Veterans for peace, Serbia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

In the *Regional Approach in Establishing the Facts about War Crimes* session, the participants of the Forum, mostly judges, prosecutors, and human rights defenders were very decisive in supporting war crimes trials as the most important legal instrument in the process of establishing individual criminal responsibility, but are aware of the fact that the trials alone cannot yield the complete truth about what happened.

11.2. Workshop: Regional approach to truth-seeking about war crimes

participants (mainly judges, prosecutors and human rights defenders) decisively supported war

crimes trials as the most important instruments for establishing individual criminal responsibility. However, they were aware that the trials do not provide the complete truth about what had happened in the past.

Participants support regional approach and the formation of a regional body for finding the facts about the past.

First of all, I'm in favour of the regional approach and I support the creation of a regional body for one very simple reason – the things that happened across the former Yugoslavia were interdependent. Because there are many who came to Bosnia from different places in the former Yugoslavia, to Srebrenica for example, and committed crimes. They are now geographically separated, so to say, they live in different countries, and it is different to obtain information about who did what and where. So, for the sake of truth and reconciliation, it is very important to have the regional approach. (Amir Kulaglić, Citizens Association Women of Srebrenica, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

And this is something that can help us all in terms of our responsibility to future generations. And the young people have made it very clear here today with the message We are not responsible for what had been done here but we want to be responsible for our attitude towards the things that had been done. For that reason it is important that we think about the fact-finding process in terms of finding an instrument which will help and support war crimes trials to disclose as many facts and shed as much light on the legacy of the past. (Nataša Kandić, Humanitarian Law Center, Serbia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

I already told you that regional cooperation is underway between the associations of those who are looking into ways to solve the fate of the missing. That has been on-going for a while now but we have reached a lack-of-political-will barrier. However, some progress has been made. Today, we have search commissions in Serbia, Bosnia and Herzegovina, and in Croatia meeting in Brčko and criticizing the work of these associations. Just listen to them; they are criticizing in Serbia, in Croatia, and in Bosnia and Herzegovina. Why? Because

they feel they are under pressure. But this time it is not a single-national pressure, but a joint pressure from all sides aimed at those whose job is to solve the issue. (Ivan Pšenica, Alliance of associations of the families of imprisoned and missing Croatian homeland defenders, Croatia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

War Crimes Trials are the most important legal instrument for establishing individual criminal responsibility but they have serious limitations (courts are overwhelmed, it is a time-consuming process, witnesses age and they die, etc.) which can be overcome by an adequate regional body tasked with establishing and telling the facts about war crimes.

We need to form a regional body which will create an atmosphere of reconciliation, a climate in which it will be possible to uncover more evidence, and more witnesses, and it will certainly effect the ongoing trials making them more efficient. If something like this does not happen, war crimes trial will be slowed down, very few war crimes perpetrators will be sentenced although they are highest-ranking officials holding prominent civil and political functions. And that regional body would definitely be able to offer a multitude of evidence which could be used by war crimes trial chamber and regular courts as well as prosecutors (Ibro Bulić, Prosecutor's Office of BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

I think that an investigative body formed at the regional level and working together with non-governmental organizations in tackling these issues should exist by all standards. That body would also support the judiciary in the region. (Mevludin Lupić, Association of family members of the detained and missing persons from Zvornik Municipality, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

The association of victims from Srebrenica believe that the consequences are important but that the causes of the war and war crimes should be established first.

We talk very little about what caused the war crimes that occurred here. No one has been sentenced so far for causing the war and when justice

is not served victims remain victims. Who had the right to kill my child and drive me from my town, from my house or my apartment? They forced me out so that they can move in, to be able to take what is mine. Who has that right? And it was a handful of them who thought they had the right to do that. It was not masses of people, or the states. It was a handful of people who started it; they adopted that criminal ideology, the idea to do that. And nobody talks about it at meetings like this one. We always talk about consequences and discuss the consequences. I'm not saying they are not important, and we definitely have to talk about them so that everybody knows, those who did not suffer any tragedies, how bad it can be. That is very important, but to me it is also important to have some sort of satisfaction. My dead family members cannot be brought back. No one can take me back to my town which was taken away from me. It is somebody else's town now. It is no longer mine. (Kada Hotić, Association Mothers of Srebrenica and Žepa Enclaves Movement, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

The issue of amnesty should be considered very seriously when discussing possible solutions for the issue of mass graves.

Maybe that method could be amnesty for those who were just mere executors, or at least for those who in any way stood up against the order to kill or massacre or rape or, let's say move the bodies from one grave to another thus destroying the mortal remains found there. (Amir Kulaglič, Citizens Association Women of Srebrenica, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

The regional body tasked with establishing the facts about war crimes is not a replacement for court proceedings: it is instrumental in achieving better efficiency in an effort to collect new facts that can be used by the police, courts, and prosecutors.

We don't want a regional body to replace court proceedings. Nothing can replace the courts. They are something that must remain as the most important instrument. We believe however that courts alone cannot process thousands and thousands of perpetrators. (Nataša Kandić, Humanitarian Law Center, Serbia, Third Regional Forum on

Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

A body that is capable of establishing the facts can only be useful to courts. That can be a foundation and a starting position for investigation by police and prosecutors. It is true that a court established fact is a little too factual and lacks an emotional dimension with respect to victims. These are some shortcomings of the court-established truth. On the other hand, the testimonies given before the truth and reconciliation commissions are far more sincere. I am sure that much more witnesses told the truth before these commissions than when testifying in court, and it has to do with the context in which the statement is given – it is given in public, directly, and not in a secluded court atmosphere. (Miroslav Alimpić Novi Sad District Court, Serbia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

The regional body should organize public hearings of victims and is necessary to find a way to include perpetrators in the truth-telling process.

As a person who lost many family members and friends, it is very important to hear the testimony of those who killed my loved ones. I would like to look that person in the eye and ask: Why? I support the regional approach and the creation of a regional body because of one simple reason: the things that happened across the former Yugoslavia were interdependent. Because there are many who came to Bosnia from different places in the former Yugoslavia, to Srebrenica for example, and committed crimes. They are now geographically separated, so to say, they live in different countries, and it is different to obtain information about who did what and where. So, for the sake of truth and reconciliation, it is very important to have a regional approach. (Amir Kulagić, Citizens Association Women of Srebrenica, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

Establishing the identity of victims, and making an accurate list on a name by name basis of all those who lost their lives, who were killed or who disappeared is a way to prevent manipulation and misuse of victims.

All these victims must be given their own identification card containing their first and last names, the

way how they died, etc. That is our No. 1 priority because of the responsibility we have with respect to victims and because it is an instrument for preventing, as Mr. [Mirsad] Tokača said, manipulation and misuse of the number of victims which has become a common practice on the territory of the former Yugoslavia. (Ljiljana Palibrk, Helsinki Committee for Human Rights, Serbia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

The regional body should focus on the victims of war crimes committed in the past but should also be responsible for freeing the young people from the responsibility of the past.

And this is something that can help us all in terms of our responsibility to future generations. And the young people have made it very clear here today with the message. We are not responsible for what was done here but we want to be responsible for our attitude towards the things that were done. For that reason it is important that we think about the fact-finding process in terms of finding an instrument which will help and support war crimes trials to disclose as many facts and shed as much light on the legacy of the past. (Nataša Kandić, Humanitarian Law Center, Serbia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

One such regional forum should be able to create a climate in which we will be able to go to each individual community and tell a story about what happened and then that person would make sense and we will know something and we will not be able to say that we did not know when it is clear that we did. (Zdenka Pantić, International Rehabilitation Council for Torture Victims, Croatia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

11.3. Workshop: The Role of the media in creating positive environment for truth-seeking

It was concluded that civil society, non-governmental organizations and media should play the main role in creating a positive environment for the promotion of the need and obligation of truth-seeking and truth-telling about war crimes. Media should support the integration of war veterans,

their role in the demystification of stereotypes about enemy soldiers as criminals.

The media can help create a more complete picture about war crimes, solidarity and the feeling of empathy toward victims from other communities.

The example of the Croatian TV show Latinica which openly discussed the crimes committed by the Croatian army in Bosnia and Herzegovina convinced me that it is possible to use public service TV stations to show a story which is objective and well documented from all aspects. (Borka Rudić, BH Journalists, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

The national level of awareness is important but the regional approach makes it possible to hear and see victims from other communities affected by the war.

I think that you are quite right when you say that the first thing that should be done is the creation of a regional mechanism because that is the only way we can obtain a picture about what you have done and how you are doing it. (Milica Tomić, visual artist from Belgrade, Serbia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

Why do we need a regional cooperation and a regional understanding again? Because we cannot create a positive climate of truth-seeking and truth-telling in Montenegro if our next-door neighbour is still at the same position as in 1992 or if those who committed aggression against us are still at the same position as in 1992. That is why it is important to take it to the regional level. (Šeki Radončić, Monitor Weekly Magazine, Montenegro, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

Media outlets in one part of the country can only report on the crimes committed by the other side and murderers and criminals are always on the other side. For that reason I believe that it is very important to be able to overcome these barriers regardless of whether they are drawn between entities, states, regions, or municipalities etc. (Borka Rudić, BH Journalists, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th - 12th 2008.)

Public hearing of victims

During the *Public Hearing of Victims*¹ session, victims and family members of victims from Croatia, Bosnia and Herzegovina, Serbia, Montenegro, and Kosovo testified about injustices and suffering they had been exposed to during the war. Two friends, Jusuf Trbić and Đorđe Kostić, told a story about how they became friends for life at the time Arkan was the lord of Bijeljina [April 1992].

12. Regional consultation with associations of victims and veterans on mechanisms of truth-seeking about war crimes

Podgorica, Montenegro,
May 9th 2008

The consultation was organized by the Humanitarian Law Center (Serbia), Documenta (Croatia), and Research and Documentation Center (BiH) in cooperation with the Association of citizens of Bukovica (Montenegro) and the Association of the families of the kidnapped, missing and killed in the period from 1998 to 1999 in Kosovo Crveni božur (Montenegro). Nataša Kandić (Humanitarian Law Center, Serbia), Vesna Teršelić (Documenta, Croatia), Mirsad Tokača (Research and Documentation Center, BiH), Jakub Durgut (Association of citizens of Bukovica, Montenegro) and Ljubiša Flipović (Association of the families of the kidnapped, missing and killed in the period from 1998 to 1999 in Kosovo Crveni božur, Montenegro) opened the gathering. The gathering was marked by the launch of the initiative to create the regional commission for establishing and telling the facts about war crimes (RECOM) which was presented by the HLC, Documenta, and RDC as a concrete support given to the regional approach by the participants of the consultations who believe that it is the most reliable method for investigating and disclosing the truth about war crimes. 44 Participants representing victims' associations, victims who are not members of any associations, and veterans from Montenegro, Croatia, Bosnia and Herzegovina, Macedonia, Slovenia, and Kosovo supported the initiative to create RECOM with the strong conviction that the initiative would receive the strong support of

¹ Video recordings from public hearings of victims: www.korekom.org

associations of family members of the missing in all post-Yugoslav countries, but being aware that without political will of national governments and strong support of the international community this initiative cannot be implemented. Dan Journal from Podgorica reported on the gathering.

The regional commission is supplementary to war crimes trials.

The regional commission for investigating and disclosing the facts about war crimes is the only institution that can help deliver fact-finding, respect for victims, and recognition of victims in a regional context. (Nataša Kandić, Humanitarian Law Center, Serbia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

Court justice is important, it is indispensable, but the mechanism we suggest is complementary to court proceedings. (Mirsad Tokača, Research and Documentation Center, BiH, Regional consultation with associations of victims, and veterans, Podgorica, Montenegro, May 9th 2008.)

Courts in Croatia, Bosnia and Herzegovina, Serbia, and in Kosovo process on average 25 to 30 trials. That is an insignificant number compared to the number of those killed, missing, tortured, imprisoned, and forcibly displaced? We need a mechanism which will be able to complement court proceedings. (Vesna Teršelić, Documenta, Croatia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

As for the creation of a regional commission, that is the best thing we can do; it guarantees success and I think that we are all going to be included in it and we will be able to find many missing persons and give them a proper burial. (Ljubiša Filipović, Association of the families of the kidnapped, missing and killed in the period from 1998 to 1999 in Kosovo Crveni božur, Montenegro, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

The regional commission, focusing on victims, can reduce the amount of lies and manipulation.

It is quite illusory and we should not to be led to believe that any commission will be able to estab-

lish an absolute truth. That is simply impossible. However, what we can do is we can reduce the space for lies and manipulations of all sorts. (Mirsad Tokača, Research and Documentation Center, BiH, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

That commission is going to be an institution we have to believe in, and no matter what the truth is, whether it is painful for some or not (...) It should be accepted as it is (...) But is it too early for that? (Kada Hotić, Association Mothers of Srebrenica and Žepa Enclaves Movement, BiH, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

I think that our basic duty is to establish the facts, make an individualized listing of the killed and missing, but that should not be the end of it. (Nataša Kandić, Humanitarian Law Center, Serbia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

I think it is important that the victims start talking about their suffering and that we stop talking so much about war criminals because sooner or later their time will come – they cannot run away or hide, their crimes cannot be erased and they are well known. (Miroslav Varga, a war veteran from Croatia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

Only the regional commission can bring all victims together.

I support this commission and I think it should have been created a long time ago because many witnesses are now gone and some are displaced. I am very pleased that people from all over the region are here today. It is really incredible that we can all be here together. I suggest we get down to work as soon as possible and we should all make suggestions how to organize it. It is very important to know the truth about our loved ones. (Zdravka Karlica, Municipal organization of the families of detained and killed war veterans and missing civilians, Prijedor, Bosnia and Herzegovina, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

It is necessary to secure a strong and broad-based network and the support of associations of victims' families and non-governmental organizations in the region to exert pressure on their respective governments to accept the initiative to create RECOM.

We [HLC, Documenta, and RDC] have decided to start creating a regional coalition with respect to the need to establish the facts on war crimes and to make sure the coalition operates on the direct participation and engagement principle at various levels: local, national, and regional level. (Nataša Kandić, Humanitarian Law Center, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

It is very good that you have brought all of us here today to tell you what we think and I believe that you will have the support of all our family members once I convey the conclusions from this gathering and I am sure that all representatives will accept the idea to create this regional coalition. Because that is how we are going to have some results. (Olgica Božanić, Family's association of kidnapped and missing person on Kosovo and Metohija, Serbia, Regional consultation with association of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

I entirely support this initiative of the HLC, RDC, and Documenta but I would like to assure you that it cannot be done without the support of all associations, politicians, and governments in the region. And they will have to accept it if we are united in our requests. (Simo Spasić, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

I think that in addition to establishing the facts about war crimes, this regional body should also try to influence that these established facts are accepted in the communities where war crimes were committed. (Edin Ramulić, Association of Women of Prijedor Izvor, BiH, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

I think that all of us together at this gathering should all be united and pursue all of them, regardless of their race, nationality, or gender. (Ahmed

Graičevci, Shpresa dhe Kujtimi Association, Kosovo, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

I think the regional level commission is a very good initiative; that it will be accepted on all sides, regardless of faith or nation; that all sides will be able to prove and show how much they can help each other. (Negovan Mavrić, Family's association of kidnapped and missing person on Kosovo and Metohija, regional office in Hoçë e Madhe/Velika Hoça, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

When I received Nataša Kandić's invitation to participate not only in this but in all meetings from the beginning of this process, we supported this initiative and I always say that there is no other alternative but to shed light on the truth about what happened. (Hysni Berisha, Shpresimi Association, Kosovo, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

All who spoke here today support this initiative. I am afraid that the same will happen as with many other gatherings like this. It is all going to be a wasted effort if we don't change our way of thinking and fail to give the power to the body to be up to the task. (Čedomir Marić, Association of the families of the killed and missing Serbs in Krajina in Croatia, Serbia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

Everybody has their own truth but the facts are the most powerful truth of all.

The Croats will tell their truth, I agree with that, go ahead, you are entitled to it. The Serbs will tell theirs, but I am not going to tell it now, I'm a Serb. I will be considerate and I will not offend Croats here now, but somebody will determine that 250,000 people have left, or 200,000 or 130,000, I don't know how many, somebody will figure it out because it is a fact. Example number 2: in my village, the Croats will say – in the village of Čitluk, they shelled Gospić, so we had to deal with it. The Serbs will say that nobody fired a single shell at Gospić for over a year, and it's true, I checked that. And we will disagree which is all right. But no one

can deny that 13 people were killed or massacred, you cannot deny that. I don't want to burden you with this, but one of them was my mother and that is being debated about as we speak in Zagreb. We will not talk about that truth now – that is a fact. And one more thing, in Lovinac also, five or six Croatian elderly women were killed. They said it was because the old woman was hiding a gun under her skirt. And I also heard that my mother had a gun under her skirt. That is a fact and that is truth. (Dragan Pjevač, a refugee from Croatia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

Participants from Croatia and BiH suggested that veterans and war crime perpetrators should be included in the process of establishing and telling the truth about war crimes.

I was a member of the Army of the Republic of Bosnia and Herzegovina and I am not ashamed of that but I want to separate the good from the bad and I want it to be clearly written in our history who committed crimes on behalf of whom. (Amir Kulaglič, Citizens Association Women of Srebrenica Association, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

I think that in the veterans' organizations in the entire region, but I will only speak about Croatia, I think there is some space for veterans to get involved in an initiative like this and in the creation of a regional body. (Goran Bodog, Izmir Association, Croatia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

I would like to ask all of you present here, especially representatives of war veterans' associations to give their best to secure a good cooperation in order to discover perpetrators of war crimes, to find the remains of our loved ones regardless of where they hid them. Also, I request all associations to exert pressure on their governments, courts, offices of prosecutors, to do more in order to identify war crimes perpetrators and those who ordered the crimes. Those who took part in the war can definitely give the biggest contribution to solving war crime mysteries. (Nazmi Veseli from Podujevo/Podujevë, Kosovo, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

As a matter of fact, there are veterans who are willing to condemn crimes committed on their behalf. (Novica Kostić, Association Veterans for Peace, Serbia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

Victims need compassion and solidarity of victims from other communities. Victims have a need to talk about their suffering, the injustices committed against them and the search for their loved ones.

Although I have lost my son, I am still able to shake hands with every Serb who suffered the way I did. (Osmah Jashari from Mali Alaš/Hallaqi e Vogël, Kosovo, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

I heard a beautiful thing here today: we need compassion for victims from different communities. Compassion, that is one emotion, but we need solidarity, too. I have heard people say it over and over again: I just need to know where the body of my loved one is. Solidarity is visible when associations to which I belong do something in order to find somebody who is still missing. Solidarity is helping someone find their loved ones, even if I can't find mine, to at least help someone else find the remains of their loved ones. (Amir Kulaglič, Citizens Association Women of Srebrenica, BiH, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

Families are fighting for the truth: to find their missing loved ones.

I support this (...) I belong to those who were lucky enough to find their loved ones – I found my son I lost in 1995. He was killed in Knin. After eight years of uncertainty I took his body and I buried it. I continued fighting for other families to find their loved ones. I say 'good luck' and it may sound weird to many, but you are lucky when you can find your loved one and where you know where his grave is, where his name is and where you can light a candle. That is our basic goal and that is the kind of truth we are fighting for. (Čedomir Marić, Association of the families of the killed and missing Serbs in Krajina in Croatia, Serbia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

We are asking ourselves all the time where the rest of the bodies are. We haven't received an answer yet and we are asking Serbian associations who are having the same problem to come to us and to work with us so that we can exchange information because we can make this thing go forward and find what we are looking for. (Hysni Berisha, Shpresimi Association, Kosovo, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

This is how I understand this commission – it has two teams, one is tasked with establishing the truth and the other is tasked with finding the missing. (Narcis Mišanović, United organization of veterans of Bosnia and Herzegovina, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

It is important that the commission is state-sponsored but that it remains independent.

The main goal is to let the victims, i.e. their families have the final word in this commission. It is important that they have a good rule book, guidelines, to know what their goal and mission are. It is important that the governments grant us powers of attorney from the local community to the ministries, meaning when we ask for a piece of information it is supplied in a timely manner. It means being state-sponsored but independent. (Narcis Mišanović, United organization of veterans of Bosnia and Herzegovina, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

Members of the commission should be appointed by a committee, made up of representatives from victims' associations, human rights organizations, youths, national governments and representatives of the Secretary General of the United Nations as well as the European Union.

My suggestion is to include victims or their family members in this commission, i.e. people against whom crimes were committed. If we don't have representatives of our respective governments in this commission I am not sure we'll be able to be financially solvent with respect to prospective court proceedings. Simply because the governments are the ones blocking the truth and preventing investigations for crimes committed against innocent

people. (Milorad Trifunović, Family's association of kidnapped and missing person on Kosovo and Metohija, Serbia, office in Northern Mitrovicë/Mitrovica, Kosovo, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

I think this regional commission should have a coordinating operational body headed by these three non-governmental organizations and representatives of all associations searching for the missing should give their representative for the regional commission forum which would meet occasionally to decide on certain important issues. (Dragan Sekulović, Center for Communication Pravda - Association of the refugees and forcefully displaced persons from Croatia, Serbia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

Participants suggest creation of the Coalition for regional commission's web page.

I suggest the creation of a website of the regional coalition in four languages where everybody can find relevant facts. I also think that publishing a monthly bulletin containing the most interesting and most relevant data would be very useful. (Dragan Sekulović, Center for Communication Pravda - Association of the refugees and forcefully displaced persons from Croatia, Serbia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

My idea was to design a web portal that would contain details of all victims. (Miroslav Varga, a war veteran from Croatia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.)

13. National consultation with civil society on the Initiative for RECOM

Mitrovicë/Mitrovica, Kosovo,
June 6th 2008

The consultation with civil society was organized by Humanitarian Law Center Kosovo and Community Building Mitrovica (Kosovo). The consultation in Mitrovicë/Mitrovica was attended by 40 participants, members of human rights

organizations, associations of political prisoners, and associations of the families of the missing. The atmosphere was very emotional at times. Nataša Kandić (Humanitarian Law Center, Serbia), Vesna Teršelič (Documenta, Croatia), and Veldete Idrizi (Community Building Mitrovica, Kosovo) opened the gathering.

Victims need to talk about what happened to them and also to name perpetrators. Representatives of associations of victims and the Human Rights Committee from Prishtinë/Priština believe that war crimes perpetrators should be tried at the place where crimes were committed.

I support the opinion that those who committed crimes in Kosovo should also be tried in Kosovo because it does not make sense that they should be tried in Serbia. If they committed crimes in Serbia they should be tried in Serbia, and so on. Criminals should return to the scene of the crime. (Bexhet Shala, Human Rights Committee, Kosovo, National Consultation with civil society, Mitrovicë/Mitrovica, Kosovo, June 6th 2008.)

Representatives of Serbian organizations from North Mitrovica insisted on the creation of a register containing names of all the victims and a critical self-analysis of responsibilities. .

Each community should first examine its relationship towards itself. We are mainly talking about the other side whom we don't trust, which somehow can be understood. Clearly those who committed war crimes should face punishment, but let us all first deal with our own war criminals. (Aleksandar Stojanović, Civil Society Development Center, Kosovo, National Consultation with civil society, Mitrovicë/Mitrovica, Kosovo, June 6th 2008.)

Victims not belonging to any associations supported the regional initiative and war crimes trials regardless of where trials are held.

This regional commission, which will have its real name at the end of the process, has a pan-national and cross-border character which should be able to knock down barriers put up by governments that had a role in this war. Only when the walls are gone and only if it remains a regional initiative, can we hope to reach at least a little bit of truth and

justice. (Lush Krasniqi from Korenicë/Korenica, Kosovo, National Consultation with civil society, Mitrovicë/Mitrovica, Kosovo, June 6th 2008.)

Youth organizations activists and lawyers who took part in the consultations strongly supported the fact-finding process. They suggested that future consultations include amnesty-granting options in attempting to find the truth. RECOM should have a time-limited mandate.

It would be really good if we could grant amnesty to certain persons because sometimes it is even more important to reach the truth than to bring a person to justice. Secondly, I don't want this commission to have too long a mandate. I'd rather this commission would achieve its objectives as quickly as possible in order to come to know the truth. (Milot Berisha, Human Rights Initiative, Kosovo, National Consultation with civil society, Mitrovicë/Mitrovica, Kosovo, June 6th 2008.)

14. National consultation with associations of victims on the Initiative for RECOM

Belgrade, Serbia,
July 15th 2008

This consultation was organized by the Humanitarian Law Center (Serbia). The consultation represented the first preparatory meeting with associations of victims in Belgrade on which occasion the Admission Statement for joining the Coalition for the creation of the Regional Commission for Establishing the Facts about War Crimes (RECOM) was presented to participants. The Admission Statement will be the basis for the consultation process in the future. The participants were also shown a video recording of consultations held in Podgorica on May 9, 2008 during which the initiative to create RECOM became official. The consultations in Belgrade were attended by 16 representatives of associations of victims and five monitors. Nataša Kandić (Humanitarian Law Center, Serbia) and Lidija Škaro (International Commission for Missing Persons, BiH) opened the consultations.

Participants supported the initiative to create a regional commission and they expressed beliefs that it would be very helpful for victims.

I salute the initiative to create a regional commission and I want it to be as soon as possible, to do something and to do it fast. (Olgica Božanić, Family's association of kidnapped and missing person on Kosovo and Metohija, Serbia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

I entirely support the work of this commission to finally do something which would help reveal the truth about all victims, regardless of their religion or nationality and establish the responsibility of all those who contributed to the suffering, again, regardless of religion or nationality. I guarantee it with my life that many Serbs will criticize this idea or this initiative, but when we stand behind this commission no one in Serbia will have to voice their disapproval because it is us who lost their loved ones. I am positive that on the territory of Serbia and Montenegro we will be able to collect 400 000 signatures for the commission. (Simo Spasić, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

It is in the effort to create this regional commission that I can see a more durable communication between victims and associations of victims from the former Yugoslavia and it seems to me that in reality it is really necessary to achieve that kind of regional connection and a jointly organized search for the missing. No other consultations so far, no other gathering with journalists, human rights organizations, young people, artists, or writers, was so unambiguous about and so full of support for the initiative to establish the facts about war crimes and clarify the destiny of the missing as the consultations with victims and associations of victims. (Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

We are all unanimous in supporting the creation of the regional commission and everything it should do in solving the crimes and bringing perpetrators to justice. Victims' families support all that. (Milorad Trifunović, Family's association of kidnapped and missing person on Kosovo and Metohija, Serbia, office in Northern Mitrovicë/Mitrovica, Kosovo, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

I believe that the regional commission can obtain a large number of documents we have all been trying to get but without success. (Negovan Mavrić, Family's association of kidnapped and missing person on Kosovo and Metohija, Serbia, office in Hoçë e Madhe/Velika Hoça, Kosovo, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

It is necessary to prepare mechanisms for influencing governments in the region to accept the creation of the regional commission. It is also important to define the relationship between the regional commission and state institutions.

I think it is a very good initiative and I think that a regional approach can yield significant results. However, we have to be aware of the circumstances we live in and understand that many governments in the region still hold national interests beyond the rule of law principle. I don't know if you can assume the kind and the scope of problems you will be dealing with in the future, but it is absolutely necessary to prepare ahead of time mechanisms for pressuring the governments refusing the commission as an organization tasked with establishing the facts. (Srđan Popović, Fractal, Serbia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

There are many unsolved issues in this region due to a lack of political will to do so and for that reason we have to support all positive initiatives (...) Why is it so slow? It is slow because there is no political will and because the governments are very influential in this area. The question is (...) what kind of a relationship with the commission has with institutions taking into consideration the abundance of information that institutions have control of. (Čedomir Marić, Association of the families of the killed and missing Serbs in Krajina in Croatia, Serbia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

Election criteria for members of the commission must be clearly defined. Members must be courageous people capable of standing up against all who try to obstruct their work.

It is very important to define election criteria for the members of the commission, whether they will

have legal background or be experienced in working with associations of the kidnapped and killed. (Srđan Popović, Fractal, Serbia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

Members of the commission should be strong and courageous persons able to confront all negative powers in the search for justice for us, victims of crimes, in the search for perpetrators of crimes and their archives (...) Soldiers made video footage with cameras; they have documentation on all people who were found dead. And I guarantee that they have their archives and their documentation and they took it home and they only know what purpose will that serve. (Milorad Trifunović, Family's association of kidnapped and missing person on Kosovo and Metohija, Serbia, office in Northern Mitrovicë/Mitrovica, Kosovo, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

It is necessary to start solving the issue of missing persons as soon as possible because witnesses and their family members are dying.

It is necessary to start solving the missing persons issue as soon as possible. We all have a feeling that this is dragging on and it suits many that it is being so procrastinated. We are getting older and many are dying and it seems highly incredible that in the third millennium this problem cannot be solved quickly and efficiently. (Olgica Božanić, Family's association of kidnapped and missing person on Kosovo and Metohija, Serbia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

Contradicting opinions were heard about whether the regional commission should cooperate with those who participated in the wars conducted on the territory of the former Yugoslavia.

This commission should not include veterans simply because it would have a negative effect on the families. I know that you say that they did not commit crimes, but clearly no one can prove that somebody did or did not commit a crime without a trial (...) I claim responsibly that the commission cannot come into being, especially in Serbia and in Montenegro, those signatures cannot be collected if war veterans are not excluded from the

concept. (Simo Spasić, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

There were people who spent many sleepless nights for being forced to take part in war crimes, because they were forced by the power of the state and legal system against their will. I understand completely your emotions, but we cannot deprive ourselves from valuable information they can provide about hundreds of innocent victims who died in burning houses. (Dragan Sekulović, Center for Communication Pravda - Association of the refugees and forcefully displaced persons from Croatia, Serbia, National consultation with associations of victims, Belgrade, July 15th 2008.)

By establishing the facts about war crimes the commission will protect new generations by removing the burden of the past from their shoulders.

They took our lives by starting that war. By disclosing the truth about who took our lives and who killed our sons, mothers, and everybody else, we will protect the young people who should not be carrying that burden. (Dragan Pjevač, Association of the families of the killed and missing persons in Krajina in Croatia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

It is necessary to form a public relations team in order to bring the truth about victims to the public. Findings of the commission can be presented to a parliamentary committee.

I would like to stress that it is very important to have a public relations team which will inform the public by the calendar of events about the facts about victims and perpetrators. We are here, talking to ourselves but the public must always be informed about what we are doing and they must at least hear one story told here. And, all this should be presented to a parliamentary committee. (Žanka Stojanović, Parents in Black Association, Serbia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

The commission should form a team tasked with locating witnesses.

It is necessary to form a team for locating witnesses. They are willing to talk. I spoke to two young men from Kraljevo and they wanted to talk because even today they cannot sleep at night because they were in the wrong place at the wrong time. (Žanka Stojanović, Parents in Black Association, Serbia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

There can be no reconciliation in the region until all victims are granted judicial satisfaction.

Direct perpetrators of war crimes and those responsible according to the command responsibility doctrine will be tried before the ICTY, before international war crimes trial chambers in Kosovo, before the Court of BiH, and before national courts in Serbia, Montenegro, and Croatia (...) All those responsible for Croatian, Bosniak, Muslim, and Albanians victims, from top to bottom of the chain of command, including heads of state and generals of Serbian nationality, they were all sent to The Hague and some are even dead. So it must be easier to the families of these victims to see those responsible for their suffering being brought to justice. Now, on behalf of the families of the killed Serbs, Roma, Goranci, Turks, and Albanians, I tell you that there can be no reconciliation or forgiveness or our life together until the families of victims of Serbian nationality are not given the same treatment. (Simo Spasić, Association of the families of the kidnapped and murdered in Kosovo nad Metohija, Serbia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

Associations of victims can help the commission a great deal by collecting information and testimonies about crimes. It is necessary to prepare them for that job by providing adequate training and equipment.

Since we have a lot of documents and victims associations are not quite up to it, maybe associations can be assisted in order to collect higher quality information. We need to be trained to do it properly and we need to make sure what we have will be admitted in a court of law as a valid and useful document. The best thing that associations of victims can do to help the commission, when it starts functioning, is to give testimonies because the problem is that many victims have died. However,

many families repeat their stories and they don't have the strength to go through it again and we need to document it and record it permanently. (Dragana Đukić, Association of the families of the killed and missing Serbs in Krajina in Croatia, Serbia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

We talked here about the people known to have committed crimes who are still at large or those who have not been adequately sentenced. If you give up on it, it will be over. You are the main force of this process, your organizations. You can finish the process. (Aleksandra Stojanović, Centre for Civil Society Development, Kosovo, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

It is mandatory to clearly define the type of crimes the commission will deal with.

What is a war crime? Kidnapping, killing, organ harvesting are obvious crimes but what about depriving one of the right to home, freedom of movement, status rights, the right to a private property? We need to be crystal clear on these issues, to determine what kind of crimes are going to be our priority and where we should focus. (Dragan Sekulović, Center for Communication Pravda - Association of the refugees and forcefully displaced persons from Croatia, Serbia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

It is necessary to promote the commission in public as soon as possible. It is also necessary to demand the support of the international community for its establishment.

It is necessary to promote the commission right away. We have to pave the road for it, we have to prepare the public for such a concept and let the public say we need it. We have to jump one stone at a time. (Dragan Pjevač, Association of the families of the killed and missing persons in Krajina in Croatia, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

The commission should be formed as soon as possible and it must be supported by the European Union and the European Parliament and the Security Council of the United Nations. If it does not have that kind of support, the commission will

have no influence at all and it will not be able to work. (Milorad Trifunović, Family's association of kidnapped and missing person on Kosovo and Metohija, Serbia, office in Northern Mitrovicë/Mitrovica, Kosovo, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.)

It is necessary to make a documentary about all victims in the region.

I suggest that a documentary about all victims in the region is made, where representatives of victims' family members will speak and where their stories will be corroborated by video recordings from the area they are talking about. That documentary should be aired on all TV stations so that the public knows what our goal is. (Olgica Božanić, Family's association of kidnapped and missing person on Kosovo and Metohija, Serbia, National consultation with associations of victims, Belgrade, July 15th 2008.)

15. National consultation with civil society on the Initiative for RECOM

Zagreb, Croatia,
July 16th 2008

Documenta (Croatia) organized the consultation. A total of 29 representatives of civil society in Croatia attended the gathering. Vesna Teršelič (Documenta, Croatia) and Eugen Jakovčić (TV Jadran, Croatia) informed the participants of the present course of the consultation on of truth-seeking, initiative for establishing the regional commission, and the establishment of the Coalition for Support for Establishing the Regional Commission. It was announced that the coalition would be officially presented at the Fourth Regional Forum on Transitional Justice in Prishtinë/Priština in October 2008.

All participants supported the regional approach stating that it represents the only possible way to establish all facts about war crimes and the fate of the missing.

They underlined the significance of collecting information about all victims of war and the necessity to prosecute war crimes. They also expressed their concern about slow investigations

and always present ethnical bias in prosecution of war crimes.

It was concluded that the initiative should encompass as wide a circle of civil society organizations as possible and that support for the initiative should be sought at local levels as well. With this regard, presentations, promotions and campaigns for the initiative should be organized and organizations at the local level should be linked and involved.

Participants also asked if the initiative should be placed in a wider context and if the European Union, OSCE, and International Criminal Tribunal for the former Yugoslavia should be involved in the process as well.

16. National consultation with young people on the Initiative for RECOM

Ivanjica, Serbia,
September 21st 2008

Young people support the regional initiative for establishing the facts about war crimes and they believe RECOM should be established as an official commission.

The regional commission must be free from bias and strictly objective in its work and the process of establishment of the commission must be very well conceived.

Young people believe that it is necessary to conduct a campaign to create a positive climate in the societies on the territory of the former Yugoslavia and that the campaign must include various target groups with an approach adjusted for each particular group. The campaign must be a gradual process and it must include victims, their families, and it should stress the need to discover the truth.

The campaign should include public personalities from different areas.

Education has a very important role in creating a positive climate, and so does regional cooperation and youth exchange programmes. It is necessary to set up a generation link between victims and young people so that they can develop empathy for victims. It is also important to organize visits to

memorials and locations where war crimes were committed.

Young people believe that together with the victims, it is their responsibility to bring a change to their societies in everyday life.

It is necessary to include religious communities, too, together with the victims – church officials must monitor public hearings of victims and they have to be fully included in the entire process.

Members of the commission should not be those who were members of governments or had any ties with governments at the time of armed conflicts on the territory of the former Yugoslavia.

Young people encourage victims and their families to testify publicly and they believe that the entire process of a hearing, including its preparation and the manner in which is conducted must be executed meticulously so that the dignity of victims is preserved and their wishes respected.

Young people believe that in addition to victims and their family members, public personalities and intellectuals should be members of the commission.

RECOM must have a clearly defined authorization to investigate. State institutions, including security services must cooperate with RECOM.

17. National consultation with associations of victims in Kosovo on the Initiative for RECOM

Prishtinë/Priština, Kosovo,
October 4th 2008

The consultation was organized by the Humanitarian Law Center Kosovo. The consultation was attended by 22 participants, mostly members of associations of families of victims and missing persons, as well as six observers representing various international organizations. Nataša Kandić (Humanitarian Law Center, Serbia), Vesna Teršelić (Documenta, Croatia), and Bekim Blakaj (Humanitarian Law Center, Kosovo) opened the debate which was moderated by Veldete Idrizi (Community Building Mitrovica, Kosovo).

There is a need to develop a regional approach for the entire region about what happened in our recent past.

We need to have a body which will very methodically use the documentation obtained by the ICTY, which will be able to organize additional investigations in numerous cases not processed by the ICTY or domestic courts, which will create a war crime map, show an exact picture of what happened thereby helping offices of war crimes prosecutors, but what is more important, it will be able to create a complete picture of war crimes and help create a climate of compassion and solidarity with victims in each society, along with a public platform where the victims can speak about their suffering. (Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

I think that it is extremely important both because of the responsibility we have with respect to victims and to every member of our society, it is very important to establish the facts and the facts are so complex that they can only be considered in a regional context. We in Croatia simply cannot know the truth about the Serbs who fled after the Storm military operation in August 1995 if they no longer live in Croatia and we know that many of them live either in Bosnia and Herzegovina or in Serbia. (Vesna Teršelić, Documenta, Croatia, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

Initiative for the creation of RECOM is in the best interest of Kosovo victims.

It is estimated that over the years 13,000 people have been killed in Kosovo that 800,000 people were dislocated, and that 127,000 commercial and residential buildings have been demolished. Today, we don't have a single institution in Kosovo that can offer relevant information about when and where exactly these crimes happened, who committed them, and within what time period (...) Therefore, I believe in the creation of this commission, as I see it (...) I support the idea to form such a commission. (Teki Bokshi, attorney at law from Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

I just want to say that you have convinced me that this commission should be formed although

basically nothing is in our hands. But the commission should be formed. (Bajram Qerkini, Kujtimi Association, Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

The creation of this commission may be, uncle Bajram, a way to improve or complement the insufficient work of all the governments in the region and a way to exert direct pressure on them. (Arsim Gërxfaliu, UNMIK/OMPF Office of the Missing Persons, Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

My opinion is that every initiative based on the principles of humanity, aiming to clarify reality and everything that happened in Kosovo, is directly compatible with our goals, our work, our Council, [of the associations of the families of the missing], our associations, and in particular in the interest of each and every victims' family member (...) therefore, I support this initiative in general and I think it is in our best interest. (Haki Kasumi, Coordinating Council of the association of the families of the missing in Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

I would like to take this opportunity to salute this initiative to form this regional body, the commission, which will help the entire process, not only in terms of clarifying the destiny of those still missing, but also in the presentation of truth, and in making the public more sensitive to this issue. (Prënk Gjetaj, Missing Persons Commission of the government of Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

We should carefully consider this issue and realize that we do need an initiative for form a truth commission like this and I think that it should exist without any debate and that in Belgrade, in Sarajevo, or in Zagreb we should be united the way we are here today. Criminals must be told that the crime exists, that they committed a crime and that they are responsible for committing genocide. And this commission should exist, I think, and I think that all of you should present your opinions and that we should have time to think about it. (Ahmet Graiçevci, Shpresa dhe Kujtimi Association, Kosovo, National consultation with

associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

We come and we go, we live with the pain in our souls, trying to figure out what happened, what the truth is, who knows what the truth is, and how to find it. I identified the bodies of two brothers and an uncle from Batajnica 05 mass grave, and now I want more than anything to know who killed them. So, having their mortal remains and marked graves is not enough, I now more than ever need to find the truth. We need to do that for them, we owe it to them who spent the last moments of their lives not thinking about themselves but praying for us to escape the cruel destiny they faced. (Lush Krasniqi from Korenicë/Korenica, Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

We want the truth to come out, we want to know who committed the crimes and how. Without an initiative like this, I don't believe we can (...) As families of the killed and missing and as residents of Kosovo, together with the non-governmental organizations which have joined us and those which will join us in the future, we are the only ones able to help this process move forward and we are the only ones who can discover the truth. I know that courts will never reveal the truth, but we should not give up. (Hysni Berisha, Shpresimi Association, Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

I think that all of us together should accept and respect each hand offering cooperation, because that is the only way to achieve a better coordination. If we cooperate better, if we are better informed, that is the only way to fill a void left in our lives after all these years. (Valdete Idrizi, Community Building Mitrovica, Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

Some representatives of associations of the families of the missing questions the possibility to create a regional commission with Serbia until Serbia is able to apologize and recognize Albanian victims.

I am sorry, the initiative is good but the timing is bad (...) I don't see how you want to form a regional commission with Serbia when they do not recog-

nize us, who do not talk to us, and who open the door to war every day! (Bajram Qerkini, Kujtimi Association, Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

How can you form that commission when they, when the Serbs do not recognize Kosovo and when they never apologized to us? Serbia is still not a democratic country and I don't know of any Serbian politician coming to Kosovo to pay respect to our grave, and we know that there are 900 disclosed mass graves in Kosovo. Not a single one ever came to Kosovo to visit these mass graves. They are also connected to their church and not a single clergyman ever came to visit a mass grave in Kosovo and seek forgiveness. That opens up the issue of us being very far away from them. What they need to do first is come to their senses, to ask for our forgiveness, but at the same time, they need to be held responsible for the crimes they committed. We know all too well that the same people from the military, police, and command structures which organized and committed the crimes in Kosovo are still in power in Serbia. (Ymer Merlaku, Association of the families of the missing from Klinë/Klina Municipality, Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

Each family member, whatever this commission is able to do, wants to know the truth. Serbia should ask the Albanians for forgiveness, it should name all those who committed war crimes in Kosovo, and it should provide compensation for the damages resulting from the war. (Xhafer Veliu, Pengu i lirise Association, Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

Most representatives of victims association do not trust Serbian courts. Some, however, believe that trials are significant regardless of the venue.

We do not agree with the judgements handed down by Serbian courts, for example the judgement in the case of the Bogujevci family from Podujevë. We do not approve of that. Nataša knows well how seriously such crimes and genocide are sentenced by on the international level, not at the internal level in Serbia. Those judges took their oaths before the Constitution of Serbia which is still in power. (Artan Selimi, Loti dhe kujtimi Association,

Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

I, for one, believe, that it is useful, for example, in the case of Saša Cvjetan, who was sentenced to a maximum prison sentence for the crimes he committed in Podujevë, to be tried in Belgrade because under these circumstances here in the Balkans there is absolutely no way to conduct such a trial in Kosovo. Since there is no possibility to do it in Kosovo, there is no way Kosovo can ask Serbia to extradite one of its citizens. (Teki Bokshi, an attorney from Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

Therefore, in my opinion, and the opinion of an absolute majority of Albanians, the impact of the trials held in Belgrade for crimes committed in Kosovo is non-existent. That is a farce and that is totally unacceptable. On behalf of most Albanians and victims' families, and also on behalf of activists and associations, I ask Ms. Nataša Kandić and other activists to include in the program of the Commission the establishment of a special court which will be able to organize fair trials. (Haki Kasumi, Coordinating Council of the association of the families of the missing in Kosovo, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.)

18. National consultation with human rights organizations on the Initiative for RECOM

Fruška Gora, Serbia,
October, 10th 2008

The consultation was organized by Impunity Watch (Serbia) and the Humanitarian Law Center (Serbia) and was attended by 21 human rights activists. Nataša Kandić (Humanitarian Law Center, Serbia), Ljiljana Hellman (Impunity Watch, Serbia) and Marijana Toma (Impunity Watch, Serbia) opened the gathering.

We need RECOM to be able to build an acceptable, factual picture of our recent past.

In the end, we have to come up with a factual picture of our recent past which will be accepted because of

the power of proclaimed facts. (Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

Only a regional body can discover the truth about what happened to all of us.

It is only possible to do it on a regional level so that the conclusions, recommendations we come up with are as close to the truth as possible and make sure that one day our children are able to understand what really happened. We can only do things if facts, indisputable facts, are our weapons. Only then we can establish a balance, or more importantly, a balance from the victim's point of view, which also must be indisputable. It will not be a solution for all the problems, but it will be a result. (Drago Kovačević, Serbian Democratic Forum, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

A regional commission can only be successful as a state-sponsored project.

Chile, for example, is a fantastic example of an official recognition, where the President of the state, upon receiving a report, apologized to victims for the pain and suffering they were exposed to and took responsibility for all crimes committed by his predecessor. NGOs cannot do that. That's why the commission should be a state project. (Marijana Toma, Impunity Watch, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

Focusing on victims in a regional context makes all victims equal and erases boundaries between victims.

In a way, as far as I have understood from what you are saying here, victims are being presented as a separate entity. I am afraid that a regional commission may erase boundaries and say that boundaries are not important for establishing crimes and identifying victims. That may relativize the whole story about who the criminals are. I don't hear you say who the victims are (...) If we are talking about victims as one entity, we relativize the crime and put aside the political aspect of the story. (Marija Radoman, Helsinki Committee for Human Rights, Serbia, National consultation with human rights

organizations, Fruška Gora, Serbia, October, 10th 2008.)

The goal of RECOM is to narrow the space for lies and manipulation at the regional level.

Let's say it is our moral obligation to know what happened. And in that case, the picture about the symmetry of the crime, our public has been desperately trying to find, is going to be lost. So, there can be no mention of the symmetry of the crime. I hope we all agree on that and it should be clear to everybody entering this process that the goal is not to make it look like everybody killed everybody and they are all equally guilty and responsible. And if the victims, associations of victims (...) leave their ethnic space and join the regional framework and realize that all victims want the truth, they want to exercise their right to make their suffering public, the space for manipulation is definitely narrowed. (Marko Veličković, Civil Resource Development Centre, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

It is necessary to clarify what is more important for RECOM – whether it be facts about responsibility or the innocence of the accused, or facts about the actual war crime.

Is the existing judicial truth going to be a starting point (...) or we will adopt a broader approach and encompass crimes that have already been a subject of a trial? (Jelena Cakić, Women for Peace, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

The ICTY judgement in the case of the Vukovar Three is widely rejected in Croatia. But, what we should not forget, in all these judgements, even in the acquitting decision in the case of Ramush Haradinaj, the court did not deny the crime itself. That's important for us. (Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

The debate should give an answer whether RECOM should deal with causes of the war.

When you present bare and indisputable facts, you can certainly draw a map of the causes. (Marko

Veličković, Civil Resource Development Centre, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

We will never be able to agree on what caused the war. (Drago Kovačević, Serbian Democratic Forum, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

I think we'll never be able to have a consensus about the causes of the war. Any commission with a mandate like that would be doomed. That's how I see it. (Bogdan Ivanišević, International Center for Transitional Justice, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

It is necessary to define duties of national offices: taking statements from victims and hearing of victims, etc.

Are national offices going to be organized in accordance with some other criteria and is their only duty going to be to take statements and hear victims or are they also going to do other things? (Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

We can form in every state sub-commissions or national commissions tasked with investigating what crimes have been processed, what data is available in their respective states, and so on. Once that job is done, the findings of the national commission should be compared and cross-referenced in order to establish discrepancies so that we can act together. (Marija Gajicki, Vojvodanka Association, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

It is necessary to define the time period RECOM will deal with?

The moment the first armed conflict took place in 1991 until the last conflict in 2001 [should be the period under investigation]. (Marija Gajicki, Vojvodanka Association, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

One of the objectives of consultations is to determine what victims expect from their hearing before the commission.

I think we should very carefully articulate what the victims that will be testifying before the commission really expect apart from being listened to and treated with respect as people who have suffered. It is important to know what is it they expect from the society or the state, because that discrepancy can be huge, as we know from the example of South America or South Africa. That is what determines the success of a commission. (Mirjana Vojvodić, Committee for Civic Initiative, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

The coalition for RECOM should be entitled to nominate half of RECOM members.

Can the Coalition for RECOM nominate, let's say, half of RECOM members? (Jelena Nešić, Institute for Democratic Transition, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

Political parties should be included in the consultation process. The question is when?

Once the Coalition is created, we should consider how to include members of political parties. I think that they should be included once we are on the safe ground, when we know what are next steps should be and when we are ready to start lobbying in order to win the support of our respective parliaments and governments. (Marija Gajicki, Vojvodanka Association, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

It is necessary to use existing potentials for the promotion of the initiative.

Let's determine how we can use the human rights festival Viviseifest to be held in October or November to promote this initiative on the territory of Novi Sad and let's brainstorm together how we can use it again because it will be visiting five or six towns in Serbia, BiH, and in Kosovo. We can promote this initiative and some other things as well. (Marija Gajicki, Vojvodanka Association, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

Religious communities should be included in the consultation process.

It would be useful to include representatives of religious communities since their role in the events of the recent past throughout former Yugoslavia is not insignificant. (Jelena Cakić, Women for Peace, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

It is necessary to secure the support of the international community in the creation of RECOM.

Since we are not going to get the support of politicians, we should seek the support of the international community. (Ilda Habota, Sandžak Committee for the Protection of Human Rights and Freedoms, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

I would like to believe more that we are going to get the support of political elites and the media. (Marko Veličković, Civil Resource Development Centre, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

Why would Serbs from Kosovo or their political representatives be against such a commission? I think, they can have a problem with it because the commission will also deal with the suffering caused by Serbia, but (...) I would not say at the very beginning of the process that all politicians are going to be against it. Let's not forget, Slobodan Milošević is no longer in power, or some other people in other countries. We should give them some more credit. (Bodgan Ivanišević, International Centre for Transitional Justice, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

It is necessary to organize trainings of non-governmental organizations for promoting the initiative at local levels.

I would suggest, if it is possible, that for us, who admit that we lack this knowledge, that we should have an opportunity to additionally enrich our knowledge through trainings or education and bring this story down to the local level. This would

mean initiating this story in our local communities. (Dženeta Agović, Impuls, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October 10th 2008)

It is necessary to organize meetings of associations of victims at local levels.

I think it would be good to organize meetings of associations of, let's say, mothers from Srebrenica, some women from Serbia, who went through some similar tragedies; to connect them and give them space in media (...) That would be very efficient in the sense of sensitization of the society such a story. (Jelena Cakić, Women for Peace, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October 10th 2008)

Rape should be included in the mandate of RECOM.

Rape and victims of rape should be included in the mandate of RECOM. (Dženeta Agović, Impuls, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October, 10th 2008.)

19. National consultation with journalists on the Initiative for RECOM

Fruška Gora, Serbia,
October 11th 2008

The consultation was organized by Impunity Watch (Serbia) and the Independent Journalists' Association of Vojvodina (Serbia) and attended by 24 journalists representing various media outlets throughout the country. *The Report on the Causes of Impunity* by Impunity Watch was presented during the initial part of the consultation. Consultations were opened by Dinko Gruhonjić (Independent Journalists' Association of Vojvodina, Serbia), Nataša Kandić (Humanitarian Law Center, Serbia), and Marijana Toma (Impunity Watch, Serbia).

Journalists support the idea to create RECOM

Our agency supports the initiative (Gizella Stanyo Tot, Magjar Szo, Serbia, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.)

Isn't it enough, so to speak, that many villages have disappeared from the map to feel the need to establish such a commission or any other coalition which can help find the truth about these people, and that is something that has to be known. (Ivana Jovanović, BETA news agency, Serbia, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.)

It is necessary to establish a minimum of indisputable facts acceptable at the regional level.

Facing the fact that each society has its own truth, we began considering ways how to make it possible for everybody at the regional level to accept the same set of established indisputable facts and create an official, reliable, and unbiased record which will help write history text books in a different way, far from the political agenda, based solely on facts. (Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.)

I support the creation of the fact-finding commission because that is the only institutional form that can offer relevant information. Without such a centralized source of information, reporting becomes very risky and I think that this fact-finding commission can be the source of reliable information based on which journalists can do their research. (Jelena Petković, Rusko slovo, Serbia, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.)

RECOM should also deal with the causes of the war.

I am afraid that without cause there can be no consequences and without facts there can be no reliable truth about either the cause or the consequences and the entire effort will be wasted (Boro Lazukić, TV Panonija, Serbia, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.)

Many believe that RECOM will only gain media attention if drastic measures are taken to capture media attention.

Representatives of the media must carefully consider how to help it make the news. How to make RECOM become an event, how to make sure it becomes news of the day? (Dinko Gruhonjić,

Independent Journalists' Association of Vojvodina, Serbia, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.)

Public broadcasters are obliged to report on the initiative for RECOM, but local media coverage is important as well.

Public broadcasters must report about the initiative because we pay monthly fees and they are responsible for such interpretation. Private media is under no obligation whatsoever to tackle the issue of war crimes. (Aleksandar Trifunović, Buka Media Project, BiH, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.)

I would not leave out the local media in this context (...) So far we have only discussed the role of the most influential media. (Larisa Inić, Radio Subotica, Serbia, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.)

'When I at first reacted to the idea that public broadcasters should be the ones to cover the event, I was not against the idea, but simply aware of the statement we had made at the beginning that the whole job must be initiated without any support and the logistics of the state, and I apologize, but public broadcasters are well rooted in government structures, or should I say political and party structures, for lack of a better word. That is, so, the cause for my concern when we talk about public broadcaster reporting. (Boro Lazukić, TV Panonija, Serbia, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.)

National war crimes trials should be public.

I don't see why we don't have public war crimes trials and trials for organized crimes. War Crimes Prosecutor Vukčević has said so many times that he was not against it, and that he was even in favour of public trials. Siniša Važić, President of the Belgrade District Court has also said in his speeches at various seminars that there were no obstacles to these trials being conducted publicly. Why don't we figure out who is against that idea and who is the obstacle? If a judge believes that his job should be secluded from the public eye, than this judge is not up to the task. Let's replace that judge with somebody who will stand behind his or her own work and enable the media to do

their part of the job professionally (...) Let's give the public in Serbian an opportunity to see who these people are, why is it that we cannot hear them speak at main hearings, and why some media make them look like heroes (...) (Gordana Petrović, Radio television of Serbia RTS, Serbia, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.)

Denial is the method employed by the media to cover crimes committed by Serbian forces

But when you start investigating the way media perceive these war crimes, you will see that the essence is that they only talk about crimes committed against us, and very little or not at all about the crimes we have committed, so there is no Brechtian dilemma in their minds that everybody should admit their shameful past. On the contrary, war crimes denial is still the prevailing technique, so to speak, of war crimes media coverage. (Aleksandar Trifunović, Buka Media Project, BiH, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.)

Create a war crimes map which will serve as a reminder for journalists.

Prepare some sort of a planner or a calendar, let's say, for the year 2000, where the most significant holidays would be replaced by war crimes which took place on those dates, and give it to journalists as a reminder. (Larisa Inić, Radio Subotica, Serbia, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.)

RECOM commissioners should be reputable individuals. Some of them should be representatives of the government.

That commission (...) will only be interesting for the media if it is made of people recognized in public for their personality, integrity, profession, their career and the positions they hold, regardless of whether they are artists, representatives of the non-governmental or governmental sector, or politicians, but I do believe that both should be members of the commission, but it is a must that government representatives are included. (Ivana Jovanović, BETA news agency, Serbia, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.)

Positive experiences should be included in public hearings and made readily accessible for the media.

Srdan Aleksić would never make headlines if it had not been for the Civic Vojvodina/ Građanska Vojvodina who started an initiative to name a street after him. When the then government banned the initiative, the whole story was revealed. So, what we need is an initiative, something really happening (...). You mentioned positive experiences. Journalists did not write about it, but give them an opportunity, at least to some of them, to contact some people. (Smiljana Milinkov, Radio 021, Serbia, National consultations with journalists, Fruška Gora, Serbia, October 11, 2008.)

20. National consultation with associations of the families of the missing and homeland defenders on the Initiative for RECOM

Vukovar, Croatia,
October 24th 2008

The consultation was organized by Documenta (Croatia), the Alliance of Associations of the families of detained and missing Croatian homeland defenders (Croatia), and the Mothers of Vukovar Association (Croatia). There were 30 participants, mostly representatives of victims' associations, veterans, and human rights organizations activists. The initiative to create RECOM was presented by Vesna Teršelič (Documenta, Croatia), Nataša Kandić (Humanitarian Law Center, Serbia), Katarina Kruhonja (Center for Peace, Non-violence, and Human Rights, Croatia), and Mirko Kovačić (Mothers of Vukovar Association, Croatia). Croatian Radio Vukovar, B92 and Vukovarske novine reported on the gathering.

Some participants expressed fear that RECOM will be formed by non-governmental organizations and that documentation collected by various associations over the years might be lost if taken outside of Croatia.

It was clarified during the discussion that the non-governmental organizations are advocating the establishment of the Coalition for creating

RECOM and that the commission can only be formed by governments.

Participants of the consultations suggested a more intensive inclusion of veterans and veterans' association in the consultation process.

Veterans are interested in being included in the debate because that could help them dispel the stereotype that all veterans are war criminals. Participants stressed the importance of including all victims as equal and active participants of the consultation process.

The initiative to create the regional commission for establishing the facts about war crimes needs the strong support of associations of victims and homeland defenders.

These three pillars [HLC, Documenta, and RDC] are not sufficient. We need much stronger support for such an initiative and Mr. Ivan Pšenica [Alliance of associations of the families of detained and missing Croatian homeland defenders] and Mr. Mirko Kovačić (Mothers of Vukovar Association) have already told us about the importance of including victims, representatives of victims' associations, and hopefully homeland defenders' associations, and other civil society organizations as supporters of this initiative. (Katarina Kruhonja, Center for Peace, Non-violence, and Human Rights Croatia, National consultation with associations of the families of the missing and homeland defenders, Vukovar, Croatia, October 24th 2008.)

The Regional Commission must have an office in each state. These offices will perform activities as specified by the regional commission.

In addition to the central office, that regional commission would have an office in each member state. Their job would be to collect data, collect and store documentation on the national level, and direct it to the regional commission which should be able to build a picture of the events from the past based on chronologically sorted data. Where is the regional commission going to be is yet to be determined as a result of consultations and agreements. (Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with associations of the families of the missing and homeland defenders, Vukovar, Croatia, October 24th 2008.)

Members of associations of the families of the missing homeland defenders support the initiative to create a regional commission for establishing the truth about war crimes.

I believe that this initiative is good and we are going to join it for one very clear reason: wherever there's talk about missing persons, we are going to be there and help because that is our obligation towards those who are gone, to give them to their families. The fact is that after all these years it is only the families still suffering while our governments pulled out of it a long time ago (...) in spite of the fact that associations of homeland defenders are almost 100% against this initiative, I still believe they are wrong. (Ivan Pšenica, Alliance of associations of the families of detained and missing Croatian homeland defenders, Croatia, National consultation with associations of the families of the missing and homeland defenders, Vukovar, Croatia, October 24th 2008.)

I support this initiative and I say I wish you would be more successful than those who have worked on it so far on the territory of the former Yugoslavia, and I really want to see some results. That is the most important priority. And all of these families will all accept you and understand you because they have their needs, their children, and they have a life and a way of work different from other associations and needs. (Štefica Krstić, Association Victims of homeland war, Croatia, National consultation with associations of the families of the missing and homeland defenders, Vukovar, Croatia, October 24th 2008.)

First of all, I would like to give my sincere support to the initiative to create a body like this. We support this initiative because we believe that the government cannot do much without us, citizens (...) I think that without such an initiative, without the inclusion of citizens we cannot do much. People are no longer feeling empathy, everybody's living in fear, we mind our own business and we don't really care too much about the suffering of our neighbours. (Ljiljana Gehreck from Croatia, National consultation with associations of the families of the missing and homeland defenders, Vukovar, Croatia, October 24th 2008.)

Members of the families of the missing support war crimes trials, regardless of the nationality of perpetrators.

Our opinion is that a war crime perpetrator is a war crime perpetrator, the victim is a victim, and for us they have no other identity. We don't want to segregate people according to some ethnic criteria etc. All crimes are the same for us, regardless of whether they occurred in Srebrenica, Ovčara, Pakrac, Poljana – perpetrators too. We are condemning war crimes and war crime perpetrators and we want them all brought to justice. (Ankica Mikić, Center for Peace, Legal Advice and Psychosocial Assistance, Croatia, National consultation with associations of the families of the missing and homeland defenders, Vukovar, Croatia, October 24th 2008.)

Associations of homeland defenders do not support the initiative to create the regional commission.

Well, we don't like the idea of giving you everything we have, all documents and data, to carry it to Serbia and use it the way you like, whenever you like. (Vesna Katić, Widows Association, Croatia, National consultation with associations of the families of the missing and homeland defenders, Vukovar, Croatia, October 24th 2008.)

The coordination of the associations, there are 13 associations, we discussed over the phone this initiative and we don't think it is such a good idea to make that centre in Vukovar. They will most likely reject the idea. (Slavko Jurić, Coordination of Associations of homeland defenders, Vukovar, Croatia, National consultation with associations of the families of the missing and homeland defenders, Vukovar, Croatia, October 24th 2008.)

The European Union should not grant membership to the states who have not solved the issue of missing persons.

We wrote to the European Union officials and to Brussels that, no matter what state is in question, it should not be granted EU membership until the issue of the missing is solved. (Ivan Pšenica, Alliance of associations of the families of detained and missing Croatian homeland defenders, Croatia, National consultation with associations of the families of the missing and homeland defenders, Vukovar, Croatia, October 24th 2008.)

21. National consultation with civil society on the Initiative for RECOM

Podgorica, Montenegro
October 25th 2008

The consultation was organized by Human Rights Action (Montenegro) and attended by 33 representatives of the civil society sector, media, and politicians from Montenegro. Nataša Kandić (Humanitarian Law Center, Serbia) and Tea Gorjanc-Prelević (Human Rights Action, Montenegro) opened the consultations. Dan i Vijesti reported on the event.

Participants support the initiative to create RECOM.

After so many years and after all that happened in this region in the area of the activity of the civil society, this is the most significant idea, the project of creating a commission tasked with investigating the events of the past and helping deal with past. (Velija Murić, Montenegro Lawyers' Committee for Human Rights, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.)

RECOM can only be a state sponsored project.

It can only be a state sponsored project and not a project managed solely by non-governmental organizations (...) it would never work (...) So, confidence, readiness and determination to undertake such a project, to build a Coalition which will be strong enough to, at a point, exert pressure on institutions in giving us what we need, i.e. to make the whole process a state project, to make the government accept RECOM as its own project, and then, based on our recommendations, we can monitor every step of the way government institutions are undertaking with respect to the creation and operation of such a body. (Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with civil society organizations, Podgorica, Montenegro, October 25th 2008.)

Political elites are not interested in dealing with issues of the past because of their responsibility for its criminal legacy.

Dealing with war issues here, at the moment, implies dealing with the current political establish-

ment, so that I absolutely understand state institutions which should be doing the job and they do it reluctantly. (Koča Pavlović, Member of Parliament of the Republic of Montenegro, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.)

The regional character of the initiative and strong international support will contribute to the acceptance of the idea by the political elites in the region.

The existence of a regional Commission in the Balkans is the only guarantee to the EU that we will not do anything similar in the future. (Tea Gorjanc-Prelević, Human Rights Action, Montenegro, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.)

I also think that a very important aspect is the fact that it is a regional commission. Its regional character will help us overcome our local barriers. (Koča Pavlović, Member of Parliament of the Republic of Montenegro, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.)

Although we have heard many limitations, we will be facing in the process of promoting this idea and advocating it in front of those who should make a final decision about it. I think that is a very significant ally in the very process of European integration and the context of a regional cooperation etc. (Aleksandar Zeković, a researcher of human rights violations, Montenegro, National consultation with civil society organizations, Podgorica, Montenegro, October 25th 2008.)

RECOM should be an instrument of the state utilized to free its young people from the legacy of the past.

I think that if we want to create a regional commission, we need to think about how to include the young people in the entire process from establishment to the actual work of the commission. But, the most important question is what to do with all the findings of the commission. I agree with Boris that we should identify the problems first and define ways to overcome them. One of the ways is to inform the public about the consultation process and about the work of the commission. It is my recommendation to use all available means and

connect it to our desire to join the European Union, to join the EU with a burden of the past, and relieve our young population [the burden of] dealing with the facts of the past. (Ajša Hadžibegović, Young people and informal education forum, Montenegro, National consultation with civil society organizations, Podgorica, Montenegro, October 25th 2008.)

Although we are saying that the young people did not feel all misdeeds directly, unless they were exposed to them through their parents, that it does not make them less responsible to have an opinion about the things that have happened. If the young people, myself included, are the future as it is commonly said, if we are responsible for tomorrow, then we must know these things, and it is up to me and up to you to work jointly and help this become a rooted ideology. (Sandra Mitrović, Liberal Party of Montenegro, National consultation with civil society organizations, Podgorica, Montenegro, October 25th 2008.)

Success of the initiative requires intensive preparations of the public by means of media and special educational programmes

One of the operational goals would be to prepare the public at the national level, in this case in Montenegro, to make it receptive for such an idea, and to use the power of public pressure through the media to influence the decision makers, i.e. politicians. (Duško Vuković, PCNE/Vijesti, Montenegro, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.)

Clarifying the fate of the missing should be included in the RECOM mandate.

When speaking about commissions, state commissions of the region, I think that they have done very little with respect to the fate of the missing and the killed, and especially about establishing the facts about war crimes and war criminals on the territory of the former Yugoslavia. We have been under a lot of pressure (...) not to go to the Forum held in Priština, but we decided to go because it was necessary for us to be there. It is necessary to talk about all our problems, the problems of the killed and missing, the problems of our families. (Ljubiša Filipović, Association of the families of the kidnapped, missing and killed in the period from 1998 to 1999 in Kosovo and Metohija Crveni

božur, Montenegro, National consultation with civil society organizations, Podgorica, Montenegro, October 25th 2008.)

Their loved ones disappeared, they still don't know what happened to their brothers or sisters or their close relatives and that is coming back like a boomerang because know they cannot settle their property issues without the missing members of their families if there is property they inherited. And they are not able to say whether they are dead or alive because they were not buried. (Ljiljan Raičević, Women's Safe House, Montenegro, National consultations with civil society organizations, Podgorica, Montenegro, October 25, 2008.)

Participants of the consultations support war crimes trials.

Victims are important, naturally, but for me, the perpetrators are equally important because without them and without war crimes trials we cannot establish the truth – so far, war crimes trials were the only source of information about the events from the past etc. (Mira Asović, Women Voters' League, Montenegro, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.)

I agree that it is important to have war crimes trials but it is also important to know who is being tried – those who ordered the crime, those who committed it or those who aided it – the last link in the whole chain. None of them can be acquitted of responsibility but the first one in the command chain deserves to be tried as the most responsible one. I am talking about Montenegro, our courts and offices of prosecutors, and I am asking whether we can secure fair trials. I personally think we don't have it now and that we will not have it any time soon. (Aida Petrović, Montenegrin Women's Lobby, Montenegro, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.)

Presidents of states should not create RECOM.

I am absolutely against the idea to allow a commission like this to be created by a presidential decree. That would transfer the authority to create the commission and determine its composition to one person (...) This initiative should be processed by the Parliament. (Branislav Radulović, Lawyers' Association of Montenegro, National consulta-

tion with civil society organizations, Podgorica, Montenegro, October 25th 2008.)

I believe that the current government of Montenegro did not demonstrate the right attitude with respect to the time in which the crimes happened and that is why I believe that the commission would lose a lot of its credibility if created by a presidential decree, simply because we are witnessing every day that the highest state officials still nurture close ties with persons perceived by the Montenegro public in a quite different manner. That is a sickening feeling and I think that it would deflate the importance of the coalition in terms of its composition, efficiency, and end results. (Velija Murić, Montenegro Lawyers' Committee for Human Rights, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.)

The debate on the creation of RECOM should be titled *Never Again* (Nunca mas).

That is why I like the title: Never Again. (Mirjana Kuljak, Faculty of Economy of the Podgorica University, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.)

Initiative for RECOM has allies in some political parties.

Social-Democratic Party, if I am not mistaken, is a component of the current political establishment in Montenegro at the moment, but it does not have a troublesome background dating in the 1990s, and when specific projects are in question we can count on civil society as an ally. (Duško Vuković, PCNE/Vijesti, Montenegro, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.)

As for the Liberal Party, you have our unwavering support in the parliament with respect to the creation of the regional commission. Although our party has very few MPs, our support will be very important if it comes first. (Sandra Mitrović, Liberal Party of Montenegro, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.)

RECOM should be allowed to use the ICTY archives.

It would be very useful if ICTY archives, and that is something Carla Del Ponte wrote about, are

readily available to journalists, researchers, and citizens who are willing to find out more about the essence of the events that unfolded in our region. Information contained in ICTY archives would also be useful for the commission. It is very important to feed the public with new, never before heard stories about the subject. That's what makes the process go on. (Sonja Radošević, independent journalist, Montenegro, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.)

22. Fourth Regional Forum on Transitional Justice: Initiative for RECOM

Prishtinë/Priština, Kosovo,
October 28th - 29th 2008

The Fourth Regional Forum on Transitional Justice held in Prishtinë/Priština on October 28th - 29th 2008 was the largest ever forum on mechanisms for establishing facts about war crimes organized on the territory of the former Yugoslavia. It was organized by the Humanitarian Law Center (Serbia), Documenta (Croatia), the Research and Documentation Center (BiH), Shpresimi Association (Kosovo) and Community Building Mitrovica (Kosovo). Most of the 325 participants from Kosovo, Croatia, Serbia, BiH, Montenegro, Slovenia, and Macedonia were victims and representatives of associations of victims (over 200), about 100 young people, representatives of different youth organizations and high school students who are not members of any youth organizations and over a 100 human rights activists and members of various non-governmental organizations from the region. Several judges and prosecutors from BiH and Kosovo also participated in the Forum, along with 20 representatives of the Association of the families of the kidnapped, killed, and missing police officers in Kosovo, while other associations of victims from Serbia and Republika Srpska boycotted the Forum in protest at Kosovo's declaration of independence. The following media reported on the Forum: Beta, Danas, Politika, Koha Ditore, Zeri, Novi list, Slobodna Bosna, Republika, Tolerancija, BIRN, RTK 1 (Info), RTK 1 (News), Radio Free Europe, B92, and Domovinskirat.hr.

22.1. Official support

Representatives of the Republic of Kosovo support the concept of regional cooperation in the process of establishing the facts about the fate of the missing regardless of their nationality.

Kosovo had its fair share of terrible events in the past and the institutions of the Republic of Kosovo and the citizens of Kosovo are determined never to forget it. However, we are also truly dedicated to closing that chapter so that we can move forward in the direction of treating all citizens of Kosovo equally. (Fatmir Sejdiu, President of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

I believe that the concept of regional approach in solving this problem is extremely important also because of the fact that only all of us together can establish the facts that have not yet been clarified. I personally think that the most pressing need is to solve the fate of the missing, regardless of their nationality. I am not saying that there are not missing persons from other ethnic communities living in Kosovo, but I do not wish to deny that most of the missing persons belong to the majority community in Kosovo. (Nekibe Kelmendi, Minister of Justice of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

The regional approach in establishing responsibility is indispensable; it confirms the necessity to empower regional cooperation in all areas, especially with respect to war crimes trials on the one hand and the most efficient rehabilitation of all victims on the other. Let's not forget the past, not in order to have a reason to retaliate, not in order to get even, and not to remain enemies forever, but in order to make sure it does not happen again and to be able to create a better world in peace, prosperity, and human advancement. (Ramë Manaj, deputy Prime Minister of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

Representatives of the Republic of Kosovo believe that shedding light on the events from the past and establishing the truth should encompass the period from 1990 to 1999.

You all know very well that revealing the truth helps bring perpetrators of crimes to face their

actions, the things that led to murder, disappearance, torture, detention etc. in the period from 1990 to 1999. (Nekibe Kelmendi, Minister of Justice of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

OSCE supports the creation of non-judicial fact-finding mechanisms.

Non-judicial fact-finding mechanisms can become indispensable in cases when witnesses, evidence material, or those charged with war crimes are not available. Memories fade with time but regardless of that, non-judicial fact-finding mechanisms can help by establishing the basic facts to be known to all communities in question, by publicly declaring the kind of injustices suffered by victims and by offering them rehabilitation and proper compensation. (Werner Almhofer, the Chief of the OSCE Mission to Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

22.2. Support for War Crimes Trials

All participants support the war crimes trials but they are equally divided on where they should be held.

I personally believe that the trials should be held as close to the location of the crime as possible because in addition to the families of the killed or missing, the public also wants to know the truth about the crimes of the past. (Nekibe Kelmendi, Minister of Justice of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

Families of the victims of war crimes committed in Kosovo are being denied the truth about the identity of those who killed their loved ones, and they are being denied justice, i.e. fair judgements sentencing the perpetrators accordingly. We will punish our criminals in Kosovo and the Serbs should punish theirs in Belgrade and the international community will help us do that. (Numan Balić, Member of Parliament of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

If we fail to bring perpetrators to justice, it is impossible to move on, it is impossible to enhance

the integration process or achieve a long-term conciliation among the nations living in this troublesome region which is something we should be afraid of. (Aleksandar Stojanović, Civil Society Development Center, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

There is a very clear opinion that those who committed crimes on the territory of Kosovo should be tried in Kosovo. It is quite safe to conduct such trials at the location where the crime was committed. Only when that is arranged for, we can be at peace and think about building the future. (Prënk Gjetaj, Missing Persons Commission of the government of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

Perpetrators are normally tried before a court in the area where the crime was committed, but to take victims [members of the Bogujevci family] to Belgrade in order to testify before a court which does not dispense justice, is a grave violation of victims' rights. (Sheremet Ademi, Kujtimi Association, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

We always support the idea that the truth must be known and that all these perpetrators should be brought to justice to be properly punished because without that there can be no life together, nor can there be cooperation. The truth must be told and we can start from there and determine who should apologize to whom for all crimes that had been committed. (Hysni Berisha, Shpressimi Association, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

22.3. The needs of the victims

The Association of missing Albanians and the association of the families of missing Serbs agree that solving the fate of the missing should be the top priority in the whole process.

The problem of missing persons in Kosovo, and I am talking about the vast majority of missing persons who can be tracked in Serbia, has been created as such and it remains a political problem. The government of Serbia can be the key factor in revealing

the fate of the missing and help overcome a huge barrier in the process of achieving cooperation and a peaceful co-existence in this region. (Ramë Manaj, deputy Prime Minister of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

One of the most serious consequences plaguing the Kosovo society in the aftermath of the conflict, as we have stressed a number of times here today, is the failure to reveal the fate of those kidnapped and missing, those who have not been found, and the greatest injustice of all is that it goes on, that pain, that endless pain. (Ramë Manaj, deputy Prime Minister of the Republic of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

I publicly appeal to the representatives of Albanian victims to help us free our loved ones and help them come back to their families if they are still alive. We demand answers from those who eye-witnessed these kidnappings and who are in the institutions of the Kosovo government. Albanian families know what it means to have their 2,108 loved ones released (...) many of whom had been sentenced with legally binding decisions. For that reason we ask why there is no justice for Serbian victims, too, and why no one speaks about their plight, and also why the missing persons work group meet behind closed doors. (Snežana Zdravković, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

And I beg you, I appeal to you to make a joint effort and ask the international community to help us pressure the government of Serbia because they know the truth, they know what happened to both the Albanians and the Serbs in Kosovo during the period of war (Haki Kasumi, Coordinating Committee of the families of missing persons in Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, on October 28th - 29th 2008.)

Even ten years after the war, the problem of the kidnapped and missing persons in Kosovo and Metohija which began long before the war with the kidnapping of civilians and which went on even after the war and the arrival of the international community to Kosovo, has not yet

been solved. (Aleksandar Stojanović, Civil Society Development Center, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

Victims need to feel compassion, they need their voice to be heard, and they want perpetrators identified and punished.

It is necessary to create a unique public platform for victims and their family members where they can tell their stories, unburden their souls and not waste a second. They cannot bring their lost family members back, and the least they can be allowed to do is to provide place and time for them to tell about their grief. Another pressing need they feel is to see the perpetrators identified as soon as possible and properly punished, so that the souls of those who are gone can rest in peace and those who survived them can finally have closure. Another issue important for all of them, all victims and victims' family members from all parts of former Yugoslavia alike, is to show empathy and compassion for each other for what happened to them, because crimes of that proportion are horrible regardless of where they happened. (Shukrie Gashi, Partners Kosova, Fourth Regional Forum for Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

22.4. Establishment of the Coalition for RECOM

The Initiative for RECOM is positive but it is too early for the families of the missing Albanians to join the Coalition.

The position of the Coordinating Council of the association of the families of the missing [in Kosovo] is to consider the idea or the initiative launched by HLC and supported by civil society and individuals as a positive idea which is highly appreciated and which is entirely acceptable. However, having in mind the specific situation prevailing at the moment within civil society in Kosovo, with a focus on the majority community in Kosovo, we believe, although fully respecting it for its humanity and goals, that the initiative is still premature. The Coordinating Council decided not to impede this initiative in any way, to find a way to get involved in it and even welcome it somehow, but without being a part of it for now. It is necessary to give it mature and careful consideration without rushing into any decisions. It is necessary to obtain permis-

sion from victims' family members who are affected, and who should agree on whether it is a good time to join the initiative or not. (Haki Kasumi, Coordinating Committee of the families of missing persons in Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština on October 28th - 29th 2008.)

Not a single association so far, except for one individual from whom the Association has distanced itself, has joined the Coalition. (Haki Kasumi, president of the Coordinating Committee of the families of missing persons in Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, on October 28th - 29th 2008.)

Give us enough time and space to analyse it, to study it, and please do not think that it is just a signature, a stroke of a pen that can create a coalition, because that coalition will be ignored in practice by the victims of war, by associations, and if you present here today believe that it is not important, then by all means, go on without us, find the facts, protect the crime, and continue doing things the old way. (Sheremet Ademi, Kujtimi Association, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

Our wounds are still fresh, the fear is still in us, we are being pressured from all sides, there is rejection and denial. These are the obstacles making people unable to move forward. That is why I ask you to allow more time to groups from the territory of the former Yugoslavia to discuss this issue individually and with other civil society groups, to examine all aspects and then opt for or against joining this initiative. (Shukrie Gashi, Partners Kosova, Kosovo, Fourth Regional Forum for Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

The Advisory Board of the Missing Persons Institute in BiH decided that no association should join the Coalition but some refuse the decision made on their behalf.

The Counselling Committee of the Missing Persons Institute in BiH does not endorse this Coalition dealing with the missing persons issue and not a single association from Bosnia and Herzegovina, I say it openly and with full responsibility here, is mandated to formally join the Coalition.

(Zvonimir Kubinek, Advisory Board of the Missing Persons Institute, BiH, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

Counselling Committee of the Missing Persons Institute in BiH – this decision was announced by the Bosnian media, so this is what I know, I can say names, so it means it came from the people from the Institute, the Board of Directors (...) So they gave instructions to present this as a concept not enjoying support in Bosnia and Herzegovina. It does enjoy support in Bosnia and Herzegovina, and I think that not a single family or association, which is given a detailed account of possible effects of the concept, will be against it. (Edin Ramulić, Association of Women from Prijedor Izvor, BiH, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

I believe that it is very useful to organize a coalition which would help establish the coalition for fact-finding, or better to say - locating the truth about the events in the former Yugoslavia. I think that these facts cannot only be used to track war criminals, war crimes, and everything else ensuing as a consequence, but also for compiling school text books so that we do not end up teaching our children a number of various truths. (Emsuda Mujagić, Srcem do mira Association, BiH, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

It is important that as many victims' associations and associations of the families of homeland defenders get involved and I would say that media and even scientific institutions should also be included in an attempt to exert as strong a pressure as possible and eventually, one day - which I know is not anywhere in the near future, achieve that maybe national parliaments start considering the idea to establish a Regional Commission. (Tin Gazivoda, Human Rights Center, Croatia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

The Association of the families of the missing and detained from Croatia was the first to join the Coalition. (Mirko Kovačić, Mothers of Vukovar Association, Croatia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

The Coalition for RECOM was established at the Fourth Regional Forum on Transitional Justice held in Prishtinë/Priština on October 28th - 29th 2008. It is tasked with conducting a debate on the mandate, goals, and other aspects of RECOM's activity.

At this moment, at the moment the Coalition for RECOM is officially established, we open the debate on the character and the mandate of the regional commission hoping that the entire consultation process can enable us, a civil society coalition, to define the character and the mandate of the regional commission, to establish all necessary elements which can help in our approach to the governments in the region and in our address to national parliaments to ask them to vote for the establishment of the regional commission. (Nataša Kandić, Humanitarian Law Center, Serbia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

22.5. Support for the Initiative for establishing RECOM

RECOM represents a joint enterprise to discover the truth about the events in the past.

All of us here today, quite a number of people, are connected by a joint interest which is the revelation of truth. There is no doubt that it is the desire of every single one of us here today - to find out what exactly happened in our countries and I personally believe that it the only way to achieve that is to work together. (Valdete Idrizi, Community Building Mitrovica, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

I salute this regional initiative to discover the truth. (Shaban Terziu, Lansdowne Association, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

It's good to have a debate about this commission because we need a truth commission to deal with everything that happened. (Ahmet Graiçevci, Shpresa dhe Kujtimi Association, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

I also welcome this initiative as any other initiative striving to solve the fate of the missing. (Prënk Gjetaj, Missing Persons Commission of the government of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

First, we need to offer our unconditional support to this brave initiative and a huge effort of Ms. Nataša Kandić, Ms. Valdete Idrizi, Mr. Kulaglic and all other participants from the former Yugoslav republics and of course, we need to help them in order to achieve specific results. So, on the one hand, we need to have information on what happened and how it happened, and on the other we need to try to find that unique truth. (Numan Balić, Member of Parliament of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

If we want to discuss reconciliation, believe me, that is not going to happen in a long time. What we should focus on instead is, as mentioned so many times here today, is establishing the facts (...) the need to know the facts, to have an equal relationship with respect to all victims should be materialized in the societies in which we live today. I have been mulling for years how to initiate the formation of some sort of a fact-finding commission in Croatia. (Ivan Zvonimir Čičak, Croatian Helsinki Committee for Human Rights, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

If all of those representing victims' families, regardless of their religious or national background, want to find the truth, to know how many people died and how many were forced out of their homes, how many war criminals are behind bars, how many of them are dead, and how many are still at large unfortunately, that commission has to start working (...) For that reason I appeal that we as an association of the families support the idea and I suggest that families and representatives of other nation's associations also accept that commission while insisting that the associations involved must take an active part together with everybody else. (Simo Spasić, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

I support everything the commission is expected to do, but of course, there is still a lot to discuss before time arrives. (Ahmet Talić, Association of detained persons Sanski Most, BiH, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

To support this initiative which is headed in the right direction, but which without institutional support cannot do much, but in any case, the civil society coalition can make a small step forward. (Miroslav Varga, a war veteran from Croatia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, on October 28th - 29th 2008.)

We will empower this movement, this project, by unleashing our pain and by feeling pain for all victims in general (Ana Kvesić, Europe House Vukovar, Croatia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

I am asking all of you who have suffered what you are afraid of. You are afraid of your governments or our governments creating commissions which will attempt to establish the facts about war crimes, about rape and disappearance, about murder, destruction, and arson, about persecution and everything else ugly that happened. I am not afraid because Croatia or Serbia may decide to do it. Somebody killed my son (...) And I think that no one should allow themselves to forbid anything like this to be established, or to prevent any initiative which may be in the best interest of young people. We are not the ones to discuss the establishment of the Commission, it is our parliaments who should be doing that, and I am sure that the governments are not going to ask us whether we want the commission or not. (Ružica Spasić, Association of the families of missing and forcefully taken Serbs, Croatia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

My name is Bekim Gashi and I come from Suharekë municipality. I am a member of the Shpressimi Association and at the same time I am a member of the Gashi family whose 22 members were killed during the conflict. I support this initiative to form a regional fact-finding commission. Those who speak in my name and in the name of my family that it is too soon [to establish the commission], they represent just themselves, not me or my family. (Bekim

Gashi, Shpressimi Association, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

It is very easy to say no to a job that needs to be done, much easier than saying yes, but when you say no, for you the job is done. When you say yes, you undertake responsibility and there are things you need to do I am able to forgive if the criminal who killed them comes forward and tells me: I killed them and I apologize for that. I can do that because I am not afraid of truth, because there is a higher power that can punish much more severely than a man can punish another man. (Lush Krasniqi from Korenicë/Korenica, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

In our societies various truths and presentations of the past events are still valid, which is an additional reason to establish the facts to prevent the manipulation of facts and interpretations which are offensive to most, and especially to victims. (Vesna Teršelić, Documenta, Croatia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

Institutional justice in Montenegro needs help, but not just any help, it is the kind of help that can be offered by such a regional body. (Tea Gorjanc-Prelević, Human Rights Action, Montenegro, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

Young people have a personal and moral obligation to build their relationship towards war crimes on facts. So, they need to demand the truth. Once they do, they take responsibility with respect to the victims and with respect to their own future because this society and its relationship towards war crimes does not guarantee the victims, the young people, and other citizens that the same will not happen in the future. Young people support the idea of a regional approach in the dealing with the past process because that to a great extent eliminates the culture of nationally coloured perspectives in interpreting the facts, or in other words in a biased way. (Marko Veličković, Civil Resource Development Centre, Serbia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

Let's leave our personal tragedies aside, and I could tell you about mine for hours, both as a prisoner and as a descendent of a family that has suffered a lot since 1945. I keep it to myself, I have forgiven all and all I want now is to take part in RECOM forums and help strengthen this initiative so that we can be united and work together. (Mirko Kovačić, Mothers of Vukovar Association, Croatia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

I want to stress that I give my undivided support to this forum to start working in Kosovo, too, and I want to be a part of this initiative. (Shukrie Gashi, Partners Kosova, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

In order to have a concrete initiative, we need to have a debate within societies, within each state. Such debates will provide an opportunity for all victims, intellectuals, civil societies, artists, and government institutions to voice their opinions which should result in specific strategies with respect to the regional initiative. (Feride Rushiti, Kosova Rehabilitation Centre for Torture Victims, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

This regional commission, I think it can really contribute, it can really help us move forward and because of that we should offer our support, simply because we should leave a clean slate for our future generations to make sure they enjoy a happier and better life than we have. (Aleksandar Stojanović, Civil Society Development Center, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, on October 28th - 29th 2008.)

For associations of the families of the killed Albanians it is still early to join the initiative for RECOM.

The initiative is all right, but I think it is a little premature and also I am afraid that this Regional commission will not be successful, I am sceptical because we cannot have a dialogue with the Serbian side. We cannot have any results, we do not have anything in common. They can change everything at any time and the end result will be zero (...)

There was a war in Kosovo, genocide, more than 12,000 people were killed, more than 1,000,000 forced away from their homes; many are still missing, close to 4,000 of them. I think it is too early because we all have a lot of discussing to do each in their respective community, municipality, association, and government. (Ymer Merlaku, Association of the families of the missing from Klinë/Klina Municipality, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

On Saturday we had a meeting of 19 associations and we agreed that it is still too early to form a regional commission with those who committed crimes against us. (Bajram Qerkini, Kujtimi Association, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

If RECOM is only mandated to document the facts, it will not help see justice done.

If this Commission does not go beyond documenting the facts, we will turn into 'accountants of evil' as Heinrich Boell said, and we will stop short of contributing to justice and that is what the victims are seeking. Victims want perpetrators. They want them to be punished. (Marija Radoman, Helsinki Committee for Human Rights, Serbia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

Reconciliation is not the aim of RECOM.

It will be wonderful if we can achieve reconciliation, but I think reconciliation should not be part of the mandate of that regional commission. (Tea Gorjanc-Prelević, Human Rights Action, Crna Gora, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

RECOM is not a replacement for courts, but it should contribute to processing war crimes.

The goal of the regional commission is not to replace or shut down courts and offices of prosecutors or any institutions, such as, for example, the state commission for the missing. It is not our intention to shut down that institute and state commissions which operate in a number of countries. On the contrary, we want the regional commission to

work together with these institutions. We should not be afraid that we are launching an initiative which is in conflict with everything else. (Tea Gorjanc-Prelević, Human Rights Action, Montenegro, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

If we discover the facts which can be used by courts, then we will contribute to finding the truth and serving justice (...) While the images in our minds are still fresh, while there are still witnesses, while there is determination and the desire to tell the truth, we have to do it. (Vehid Šehić, Citizens' Forum of Tuzla, BiH, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

Experiences of a universal legal system of the former Yugoslavia can help unify methodologies employed in the process of collecting and presenting the facts about the past.

We still use the same old legal system of the former Yugoslavia whether we want to or not, and we still understand each other perfectly well, at least we jurists do, in terms of terminology, in terms of institutes and procedure, and I believe that such experience can be used to unify methodologies employed to collect and present the facts (...) For example, this is now a coalition or an initiative, and it may become or influence the creation of the commission. (Zoran Pajić Professor of International Law from BiH, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

Amnesty and punishment mitigation are the main topic in the debate on the mandate of RECOM.

Reducing the sentence of those who would step forward and tell where the bodies of the missing are buried and so on: It is a legitimate topic for discussion. If a majority of us say that we do not want any sentences to be reduced, that is all right, but that should be further discussed. (Tea Gorjanc-Prelević, Human Rights Action, Montenegro, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.)

23. Regional consultation with academics on the Initiative for RECOM

Zagreb, Croatia,
January 10th 2009

The Consultation in Zagreb was organized by Documenta (Croatia). There were 34 participants from the entire region and one journalist from Belgrade. Introductory speeches were made by Nataša Kandić (Humanitarian Law Center, Serbia) and Vesna Teršelić (Documenta, Croatia). The discussion was moderated by Aleksandar Trifunović (Buka Media Project, BiH), Jelena Simić (Humanitarian Law Center, Serbia), and Eugen Jakovčić (Documenta, Croatia). Media who reported on the event were Republika, Slobodna Dalmacija, Glas Istre, Novi list, Gazeta Express and E-Novine.

The initiative to create RECOM is positive and it is well received as an initiative. The non-governmental organizations will take a joint position in dealing with the past on the basis of established facts.

Every initiative is welcome and it is really very good that these non-governmental organizations are taking charge and taking the initiative for issues that scientific institutions or the state should take care of. In investigations conducted so far, Croatia has refused to even consider a number of victims because according to its standards they have not suffered enough to be considered victims. (Igor Graovac, Croatian Institute for History, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

We don't always have to expect the state to do everything. I mean the whole society can take responsibility and take the lead. That's what it is about. And then, after a while, there will be more and more citizens, especially those interested in these issues who are on both sides, and who will follow society in that direction and we will then see Sanader [Croatian Prime Minister] or other politicians joining the process. (Dražen Lalić, Faculty of Political Science in Zagreb, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

Some of the basic elements making this regional commission a good thing is that it seems to me that

civil society is finally taking control and trying to find answers too many unsolved issues (...) Another important role of this commission is to create an atmosphere of dealing with the past (...) The commission should be tasked with creating a vital need in people to face their past as opposed to forcing the truth about the past on them. (Srđan Vukadinović, Center for social research, Montenegro, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

I think it is very good that the goals and the activity of the initiative are so precisely defined. The commission is attempting to avoid ideologically moral categories which can always be disputable as the research goes on, and for which our societies may not be ready yet. In other words, I think the initiative is excellent because it puts the facts about war crimes before the idea of truth and reconciliation. (Nikola Samardžić, Faculty of Philosophy in Belgrade, Serbia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

The main reason behind the idea to create RECOM is the need to critically interpret the recent past.

There are many interpretations of our recent past. So, there are interpretations of our recent past but not the truth. And that is a huge problem. Another problem is that in these national societies these interpretations are accepted as truth, without any critical revisions. That is something this commission should deal with. (Enes Milak, Museum of the Second AVNOJ Session, BiH, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

The realization of the initiative is burdened with bad relations between Serbia and Kosovo.

This regional commission is a good and positive initiative but I can tell you that it lacks support in Kosovo, and will be very difficult to obtain after the troublesome situation left in the aftermath of the armed conflict which ended in 1999. The situation is still very difficult and very tense because the diplomatic war for or about Kosovo is still underway (...) My colleagues, historians and I, we will do our part of the job and we will certainly support your effort as much as we can, the initiative as such and the commission, we will support it because we think that it will also represent our interests. (Haki

Kasumi, Historical Institute Kosovo, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

I am one of the people who don't believe that this initiative can be implemented in this form. Maybe if there are some state commissions in any of the post-Yugoslav states, but to create a regional commission based on the principle of an inter-parliamentary agreement that Jasminka mentioned, whatever (...) I think that the political situation in the next two, three, eight years is such that it will not be possible to realize this initiative entirely, primarily because of the bad relations between Serbia and Kosovo. So, you will have to exclude one of them, you will have to choose between Serbia and Kosovo. (Shkelzen Maliqi, Center for Humanistic Studies Gani Bobi, Kosovo, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

The RECOM initiative is an attempt to force everyone to accept one truth. It's not necessary to offer something that fell apart. The region needs a European truth commission.

Once you start offering the entire region, you are offering the idea of something that failed a long time ago and caused many crimes along the way, so that I suggest we shorten the name and expand the concept by calling it ECOM instead of RECOM which will raise the whole idea to the European if not even to the international level. Let's call it a European commission and let's create it on a European level so that those who participated in the conflict and the international community, which is also responsible for the crimes that happened here, finally face each other. (Josip Jurčević, Ivo Pilar Institute of Social Sciences, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

When speaking about the initiative, I would like to note that each post-Yugoslav state has adopted a different truth about the events from the recent past. The initiators of this commission say: "In a large number of cases these truths are based on political opinions and interpretations and not on the established facts. The culture of denying war crimes committed against the other and uncritical recognition of one nation's own victims along with solidarity with those accused of war crimes within each ethnic community is still prevailing." This

is indisputable. However, it is disputable to solve the entire problem at the regional level. That is an attempt to force one truth on all those involved (...) Bosnia and Herzegovina, Croatia, Serbia, they all have different roles in this war, they came out of it in a different way and they all perceive it differently. Each of these states interprets the war in at least two different ways. And the question is how to unify what seems to be impossible to unify and whether we should try to do it at all? (Davor Marijan, Croatian Institute for History, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

What in fact would constitute the idea of a regional approach? I think that the regional approach is inadequate for a truth commission, I think that truth commissions must move beyond that and that truth commissions must always in a way flirt with the issue of the value system and the very issue of its existence. (Kruno Kardov, Faculty of Philosophy in Zagreb, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

I support the idea of all institutions, both scientific and non-governmental, and I firmly believe that our shared goal is to achieve an impartial presentation of the history of the 1990s on the territory of the former Yugoslavia, and especially so that we will be able to compile a list of all victims and that our work will help punish all war crimes perpetrators. However, I cannot say that I support the creation of a regional commission because in my opinion the fact-finding process can only be conducted by scientific institutions and I do believe that the job can only be done right if conducted in accordance with a serious, precisely defined scientific approach. (Ante Nazor, Croatian Memorial-Documentation Centre of the Homeland War, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

Facts cannot be established at a single-state level. The regional approach is needed because the wars, victims and perpetrators are linked across the region. A non-national approach is a matter of impartiality.

What most people care about is the meaning, a sort of sincerity, recognition. These long-term manipulations are really awful (...) Maybe we cannot cure the post-traumatic stress disorder, but we can somehow

make the life easier for those who live with it, to help them move on. That is why I think that a commission like this one is very important because it makes it possible for people to talk and hear others talk. (Zdenka Pantić, International Rehabilitation Council for Torture Victims, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

The facts will help prevent the process of creating an ideology, the facts will help protect the victims, and the facts, and that is my final message, cannot be established at a single-state level if that state was one of the parties in the conflict. We have to have a shared form. The issue is not whether we need a regional approach as it is very obvious that this war or wars were very complex. They can be observed as one or more wars. They are intertwined which means that the victims are also intertwined, as are the perpetrators. There are most probably cases where one perpetrator committed crimes in Kosovo, BiH, and in Croatia. (Dražen Lalić, Faculty of Political Science in Zagreb, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

It is very important that in addition to establishing and telling the facts about war crimes, the work of RECOM is accompanied by an individual effort of all of us in the direction of helping create a credible political memory in this region: the type of political memory that will not be based on legends but instead on the facts we collect during our work. (Daliborka Ugljarević, Center for Civic Education, Montenegro, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

Each nation involved in the conflict demonstrates and tells us about how they are the victims, how they suffered a pogrom, how they were victims of war crimes and so on. So, right there we already have several truths. I believe that there should be one truth which has no national prefix. Data about the events are available in the field and they should be processed and categorized. In other words, such information can be systemized and provided by national truth-commissions which would be the way for each nation to give its contribution to the initiative to create a regional commission. (Jusuf Osmani, Kosovo Archive, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

The regional level does not imply superiority of the results of the regional commission over the work of national commissions or non-governmental organizations within certain national states. Why? Simply because the assessment [of the results] must be based upon certain arguments concerning a critical review of the use of a specific methodology. (Jasminka Hasanbegović, Faculty of Law in Belgrade, Serbia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

I think that the regional initiative to a non-national approach can help in more than one way. Firstly, the issue of impartiality, then the very nature of the conflict which spread over former Yugoslav states which in a way is another incentive to this initiative, and of course, that is something that in a way creates that regional context of connection and cooperation and that can be a good argument for those who will make the final decision about all this. (Aleksandar Zeković, a researcher of human rights violations, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

RECOM cannot be created from the efforts of non-governmental organizations alone: the political will of the state is necessary.

Such a commission will not be able to function without the support of governments and state institutions. Particularly important is to get parliamentary support because parliaments have a huge responsibility and a powerful public voice. If scientists deal with issues like these, meaning if they don't have exact data, their job will be unsuccessful and the efficiency of the data will be lost. (Jusuf Osmani, Kosovo Archive, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

We are just a group for creating a pressure. We have always been a minority and it is obvious that we are here together because we have to combine together what energy we have because all of us here, more or less, face the same problems in our communities. And the bottom line of our problems is that political elites, i.e. the governments, are not doing what they are supposed to do. Commissions are not going to be created by the non-governmental sector, they are going to be formed by our respective governments, or, better yet, by our parliaments. The regional commission is needed to facilitate data exchange and comparison, and also to help national prosecutor's offices process cases that can only

be handled by courts. I want you to be convinced that our governments will be less interested in that job. That is why we need one another. (Branislav Radulović, Lawyers' Association of Montenegro, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

It is our idea to conduct consultations within civil society in the states formed on the territory of the former Yugoslavia, and at the end of 2010 to have a model of a regional commission which will contain a clear picture of all characteristics of the commission and the selection criteria for its members, the bodies necessary for the implementation of the commission's mandate, its powers, a witness protection programme. And with such a model we can approach our national parliaments with a proposal to include the initiative with the proposed model in the parliamentary agenda and open a parliamentary debate about it. (Nataša Kandić, Humanitarian Law Center, Serbia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

The founders of RECOM should be national parliaments.

So, not presidents of states or prime ministers, or anybody else, but parliaments. For that reason I believe that the commission can only be formed following an international agreement, so an inter-parliamentary agreement as a founding document of this regional commission. (Jasminka Hasanbegović, Faculty of Law in Belgrade, Serbia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

Recognizing the importance of the regional dimension, civil society must exert pressure to create RECOM. The public must understand this pressure as a form of self-responsibility.

Commissions will not be formed by the non-governmental organizations; they must be formed by the government and in best-case scenario by the parliament (...) And I want you to believe that government institutions are not going to be too excited about this process and for that reason we must put more pressure on our national governments and our national parliaments. (Branislav Radulović, Lawyers' Association of Montenegro, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

General public must understand this whole process as their own, as a way of being self-responsible and responsible to others. It is necessary to create the feeling of 'ownership' towards the things that happened in our recent past. (Neira Čengić, Faculty of Law in Sarajevo - Center for Interdisciplinary Studies, BiH, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

The goal to establish RECOM on a parliamentary level by signing an international agreement in two, three, or four years is not what such processes are about. A much higher goal, or maybe I should say a side effect contributing a great deal to the process, is the inclusion of a variety of organizations and individuals in a regional discourse, the establishment of partner relations and the assistance to society restoration efforts. Restoration process itself is very therapeutic. (Gordan Bodog, Izmir Association, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

Truth commissions may be exclusively NGO initiatives, while interpretation must be left to historians.

I can accept the idea of non-governmental organizations creating the commission and I support it. (...) Commissions should deal exclusively with victims and perpetrators and the interpretation of facts should be left to historians who are dealing with the past on a daily basis simply by doing their job. However, I feel strongly about the fact that the Republic of Croatia has institutions and this is primarily a job for institutions. (Davor Marijan, Croatian Institute for History, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

RECOM should have three levels: determining causes and explaining what happened, documenting war crimes, and making a list of all victims.

The real job must be done at three different levels: I understand the first level as a discussion about what caused it all and attempts to explain it, sort of a narrative approach to what happened in the past. The second level is an effort to document all war crimes committed in the recent past, while the third level is a list of victims. Having said that, I really think the regional commission needs to be understood as a form of regional cooperation.

(Ivo Goldstein, Faculty of Philosophy in Zagreb, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

Scientists should analyse crimes instead of counting victims. It is necessary to exchange all available data on human losses in the region.

A scientific approach to this issue should include a sociological and psychological analyses as well as a victimology analysis, to reveal general characteristics of a crime, and scientists should not be expected to be coroners counting the victims the government missed. We thought that dealing with the victims and those who suffered would primarily include interpretation of the suffering and of war characteristics which would help answer why things like that happened to us, why to that extent, and it all turned out to be counting the dead (...) all those who are trying to document human losses on the territory of the former Yugoslavia should be connected in order to exchange information they have. (Igor Graovac, Croatian Institute for History, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

It is necessary to make an exact list of victims belonging to all sides in the conflict.

In Croatia, just like in all other states, it is necessary to create a list of victims, first of all, belonging to both sides that took part in the war, instead of saying 'I believe there were over 18,000 victims. (Dražen Lalić, Faculty of Political Science, University of Zagreb, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.)

24. National consultation with civil society on the Initiative for RECOM

Pančevo, Serbia,
March 28th 2009

The first consultation with civil society groups in Vojvodina was organized by the Civic Action, Pančevo (Serbia) and was attended by 27 participants, mostly representatives of non-governmental organizations, human rights activists, several journalists, two representatives of the Jewish community in Pančevo, and three representatives of political parties. The consultation was opened by

Marijana Toma (Impunity Watch, Serbia), Dinko Gruhonjić (Independent Journalist's Association of Vojvodina, Serbia), Andrej Nosov (Youth Initiative for Human Rights, Serbia), and Abdullah Ferizi (Forum ZFD, Kosovo). Media who reported on the gathering were Kurir, Libertatea, Pančevac, RTV Pančevo, and Radio Vojvodina.

Participants of consultations held in Pančevo praised the initiative to create RECOM and most of them supported the idea.

The reason RECOM is needed on the territory of the former Yugoslavia is to make sure that the hatred and distrust that existed in the region and caused all these wars is not passed on to new generations. We want them to have the opportunity not to forget the past and history but to know it well and to build a sound future for themselves on the foundations of that history where hatred and wars could not happen again. (Abdullah Ferizi, ZFD Forum, Kosovo, National consultation with civil society, Pančevo, Serbia, March 28th 2009.)

I think that we don't really have to ask 'why RECOM?' It is like asking 'why do we need to drink water?' (Hrvoje Zovko, Croatian Radio-television-HRT, Croatia, National consultation with civil society, Pančevo, Serbia, March 28th 2009.)

As many non-governmental organizations as possible should be included in the coalition in order to strengthen its capacity.

What I am worried about is, that the non-governmental sector does not have an articulate, critical public pool and I think that way too little non-governmental organizations are dealing with this issue (...) Now that we are talking about organizational methods, I think that one of the first steps we should make is to include more non-governmental organizations and generally speaking we should put pressure not only on governments but also on the non-governmental sector. (Virdžinija Marina Guzina, Civic Parliament Vršac, Serbia, National consultation with civil society, Pančevo, Serbia, March 28th 2009.)

It is not easy to get involved in stories like this, you'll see. I really cannot see how we are going to level this down in our local environments and how we're going to create a network of non-governmental organizations in order to instrumental-

ize this story and maybe even bring it into local parliaments. This means that you have to help us because, I think, in the non-governmental sector there is no, how would I put this, common stance that we should enter this process. (Snežana Baralić-Bošnjak, Women's Peace Group, Serbia, National Consultation With Civil Society, Pančevo, Serbia, 28 March 2009.)

In its investigations RECOM should be guided by the facts established by the ICTY and International Commission on Missing Persons.

In order to avoid cardinal mistakes we should use the knowledge of others, in this case the facts established by the ICTY and the International Commission on Missing Persons which has done a very good job so far for the entire region. (Janja Beč Neumann, a sociologist and a writer from Serbia, National consultation with civil society, Pančevo, Serbia, March 28th 2009.)

I think that RECOM should decide in advance which previously established facts it is going to take in consideration as a starting point because RECOM would be a unique institution in the sense that it would have the benefit of cases and judgements issues by the Hague Tribunal and various national courts, which is not common in other contexts. I personally believe that RECOM should not challenge the judgements which have been hitherto issued by these courts. (Marinika Čobanu, Civic Action Pančevo, Serbia, National consultation with civil society, Pančevo, Serbia, March 28th 2009.)

Public hearings of victims and victims' family members should be held at a local level: this opens up a possibility for victims and the local community to hear each other and work together in order to overcome the negative legacy of the past.

I would like to hear a more detailed description of public hearings, so that we can gain more support, to include more people and implement it at the local level. To organize mini-forums in smaller communities, to document them and make it possible for as many people as possible to hear and see it because every individual counts. (Marinika Čobanu, Civic Action Pančevo, Serbia, National consultation with civil society, Pančevo, Serbia, March 28th 2009.)

Veterans' associations should be included more actively in the consultations process. Public hearing of perpetrators who are willing to talk about their participation in certain events should also be considered.

I think that the entire region will be specific, that everybody will recognize this initiative in their own way and they will certainly enter this whole story from their own perspective and with their own experience. But it's perhaps good that in Vojvodina that we don't have associations going around saying: "My God, Serbia didn't take part in the war". Serbia kept denying it the whole time and now we have these poor veterans asking for their pay. So we should probably hear those who participated in the war and those who were against it. (Snežana Baralić-Bošnjak, Women's Peace Group, National consultation with civil society, Pančevo, Serbia, March 28th 2009.)

I think that it would be very interesting to hear public hearings of perpetrators, too, of course if they agree to that. (Branislav Ramjanc, Civic Action Pančevo, Serbia, National consultations with civil society, Pančevo, Serbia, March 28th 2009.)

There are many of those who took part in the bloody events in the former Yugoslavia simply because they were forced to. Those are primarily younger people who were uniformed members of the unfortunate Yugoslav Peoples Army (JNA) and who were simply shipped to harshest war zones. They are, in fact, the first echelon soldiers asking to be recognized as participants but also as victims of war. (Gojko Mišković, Open Lycée, Serbia, National consultations with civil society, Pančevo, Serbia, March 28th 2009.)

RECOM members should be individuals who enjoy the respect of every community in the region. During the consultations process it is necessary to collect nominations for RECOM commissaries and create a list of potential commissaries.

It is important that the selection of the members of the commission are people known for their long-time engagement in dealing with the past, people who contributed with their own efforts to make a contribution in their own micro-space. (Snežana Baralić-Bošnjak, Women's Peace Group, National

consultation with civil society, Pančevo, Serbia, March 28th 2009.)

These [individuals] should be the best of us, people sensitive to the suffering of others, responsible, honest, and those willing to deal with these unpleasant and difficult issues. (Gordana Perunović-Fijat, Kikinda Club, Serbia, National consultation with civil society, Pančevo, Serbia, March 28th 2009.)

RECOM should name war crime perpetrators.

I think that war crimes perpetrators should be named and the rest should be left to state institutions and judiciaries to take action or not. (Gordana Perunović-Fijat, Kikinda Club, Serbia, National consultation with civil society, Pančevo, Serbia, March 28th 2009.)

Before it begins its work, RECOM must define what a victim is. The definition should clearly and precisely define who can be considered a victim.

I can hear that we are talking about victims here, but I don't see any preset criteria determining who can be considered a victim. We know that civilians are for sure victims, but we need some criteria determining it more clearly. (David Montijas, president of the Jewish Municipality in Pančevo, Serbia, National consultation with civil society, Pančevo, Serbia, March 28th 2009.)

RECOM should also make public positive experiences of solidarity and friendship among members of different communities during armed conflicts.

In Jewish culture we pay a lot of attention to such examples because it helps the healing process, stories about somebody helping somebody. There are many examples like that and it is important that the example of Vojvodina is made public because there are 200,000 deserters who risked their lives to help others and it is important to see who they helped. (Janja Beč Neumann, a sociologist and a writer from Serbia, National consultation with civil society, Pančevo, Serbia, March 28th 2009.)

The idea is to hear the positive stories through RECOM because whenever we talk about the conflict on the territory of the former Yugoslavia,

we keep forgetting a large number of people who were able to demonstrate their humanity and who remained honourable in difficult situations. (Andrej Nosov, Youth Initiative for Human Rights, Serbia, National consultation with civil society, Pančevo, Serbia, March 28th 2009.)

25. Local consultation with associations of victims on the Initiative for RECOM

Bijeljina, BiH,
April 11th 2009

The first national consultation in Bosnia and Herzegovina was organized by the non-governmental organization Povratak i održivi opstanak Association (BiH) and was attended by 26 representatives of non-governmental organizations, mostly victims of war associations, and other associations of citizens. Three of the present people were journalists, at the same time members of non-governmental organizations. President of the Islamic community in Bijeljina took part in the consultations, too. Consultations were monitored by an observer from the Bijeljina office of the Organization for Security and Cooperation in Europe (OSCE) Mission. Consultations were opened by Vehid Šehić (Citizens' Forum of Tuzla, BiH), Salem Čorbo, (Povratak i održivi opstanak Association, BiH), Bogdan Ivanišević (International Center for Transitional Justice) and Nataša Kandić (Humanitarian Law Center, Serbia). Dnevni Avaz, EuroBlic, RTRS, and RTV BN announced the news on the consultation.

Participants support the establishment of RECOM and they stress the importance of securing its regional character.

As someone whose terms of reference are building tolerance in the region, I'm thinking about this idea [establishing RECOM] as the only way to achieve that. It is especially important because at the national level and here in Serbia and also even in Croatia and other countries not very much has been done in terms of the process of building tolerance, particularly in terms of the process of coming to know the truth. (Radmila Žigić, Pan Radio, Serbia, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

I entirely support the Coalition for RECOM. The most important issue is that those involved in the coalition are people that want to hear the real truth and they are not biased with respect to one side or another, in other words, that they are persons of authority. (Admir Karić, Youth Group of the Helsinki Committee for Human Rights in Republika Srpska, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

RECOM should deal with all victims, regardless of their ethnic background. It is necessary to create an individualized listing of all victims and all perpetrators, containing their first and last names.

There is no truth without respect and equality for all victims and on the territory of Bosnia and Herzegovina. (Smilja Mitrović, Association of families of missing fighters and civilians of Semberija and Majevisa, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

This Commission should examine the entire truth regarding former Yugoslavia, including the crimes committed during the second world war and after. On behalf of all victims I support it because all victims would like to know that the perpetrator of the crime committed against them is named and punished. (Blagoje Josipović, Truth and Reconciliation Commission of Bijeljina municipality, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

It is the initiative of RECOM to note every victim and make a list of all victims regardless of their nationality. (Bogdan Ivanišević, International Center for Transitional Justice, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

You are talking here about Bosniaks, Serbs, Croats, and I advocate the inclusion of another category no one mentioned - the victim. There are some of us who do not belong to any ethnic entities and we are not national minorities, we are something 'former' that nobody cares to mention. There is no fear that we'll work on national quotas, rather we're interested in victims, with names and surnames. (Vehid Šehić, Citizens' Forum of Tuzla, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

Local communities should reconstruct the events that took place among them, immediately before the beginning of the conflict. It is necessary to hold public hearings of citizens in order to name perpetrators of war crimes and describe in detail all crimes that took place on the territory of that community.

I am personally familiar with those who lived in Bijeljina, but I am not going to talk about what I saw. If somebody needs it, I will give my statement about what went on in Bijeljina. We're now talking about Bijeljina, not about other municipalities. It's possible to give testimonies here and those that want to do so, let them. They were passing through Bijeljina for three days and destroyed 134 Roma houses. Who did it? I know it wasn't me. (Pašaga Beganović, Republika Srpska Roma Association, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

A place called Lokanj, we are neighbours there, and we want the truth and I support the truth, there's nothing without it. But why did it have to take 17 years, since 1992? 68 people were killed in a most monstrous way. That's true, the process will happen. The truth will come so that future generation will be good neighbours and so that we can say that is that; that group did it, that person ordered it. (Fahrudin Hasanović, Association of 'šehids' and killed fighters, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

A regional commission with a clearly defined mandate can help focus on the issue of victims, primarily the issue of the missing.

I hope that this commission will manage to discover the missing who will be given over to their families for a proper burial. (Mato Ežegović, a returnee to Pelagićevo, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

I see that there are many initiatives when it comes to the missing and I hope this one will do it in a specific way. Maybe this is an opportunity to put pressure on missing persons' institutions in BiH. (Vehid Šehić, Citizens' Forum of Tuzla, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

What I understand from this gathering today is that people need to talk about what has happened

to them or to people they know and that shows us what they really need. And that is a relevant indicator of what is necessary. We need to create a public platform for the voice of the victims. Of course, that presupposes specific procedures for publicly presenting data or personal statements. But definitely the idea that RECOM should organise public hearings of victims is endorsed at all consultations. The idea is supported because it is very easy to stray from the topic and instead to talk about what crimes the commission should deal with. (Nataša Kandić, Humanitarian Law Center, Serbia, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

RECOM can assist the civil society sector, which is struggling with the issues of war crimes, violations of humanitarian law as well as the legal difficulties faced by victims' families.

I think that this initiative makes a lot of sense and I also think that public activity of non-governmental organizations dealing with this issue is less intensive. I'm afraid that citizens' associations and non-governmental organizations are slowly losing power. Time is passing, interest is dissipating. There are various objective and subjective reasons that lead to that. I think that this kind of gathering and the creation of such a center [RECOM] that can coordinate the work. RECOM can achieve results and perhaps it is the last chance we have. (Sead Zahirović, independent war crimes researcher, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

The regional approach in establishing the facts about war crimes is more likely to be successful than a national (state) level activity.

Victims are forced, after being manipulated with for so long, to look at each other with disapproval and we have no choice but to try to find the truth together. That is what makes the Regional Commission so important. (Jusuf Trbić, Bosniak Cultural Community Preporod, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

A broader social community has a responsibility to respond to the horrible events of the past. I am afraid that we have not been able to do it so far. There are no significant results at the local, state, entity, or the regional level. The creation of this

commission can be a way to reach that goal. (Sead Zahirović, independent war crimes researcher, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

We are all in a way wounded, we have our stories, and we all have a joint interest which is the creation of this regional commission because in my belief, only victims can find the truth because all the victims belong to one nation, the nation of the unfortunate. We are all witnesses of the disintegration of our former country and we have all seen the truth being butchered. Everybody took a piece afterwards, each newly formed state, each new party, each political elite and we have also seen that those who planned the crimes, who supported the crimes, understand each other pretty well today and they don't have the problems that we have today. We are ready to confront each other while telling our stories here and they certainly don't do it. (Jusuf Trbić, Bosniak Cultural Community Preporod, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

The inclusion of representatives of religious community in the debate is suggested.

Religious elites are part of our reality and they significantly influence the creation of our societies but they can also help with the process of dealing with the past because of their enormous influence. That is why I think they should be included in the consultations process. (Amir Kulagić from Srebrenica, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.)

26. National consultation with students on the Initiative for RECOM

Prishtinë/Priština, Kosovo,
April 15th 2009

The National Consultation with students on the initiative for RECOM was organized by the non-governmental youth organization Integra Association (Kosovo) and was attended by 40 students and three monitors, members of associations of victims' families. Four panellists, Kushtrim Koliqi (Integra Association, Kosovo), Shukrie Gashi (Partners Kosova, Kosovo), Bekim Blakaj (Humanitarian Law Center, Kosovo), and

Ivan Novosel (Legalis, Croatia) gave their introductions as specified by the agenda. KosovaPress was the only media house that published an article on this event.

Participants supported the initiative for RECOM and the regional approach to the entire process.

We truly hope that this Coalition for RECOM will be successful and we hope it will be created soon and mobilize all its forces (...) I want one more time to ask you to approach the whole issue very seriously and I hope you will be lucky enough to go on with this Coalition. (Besart Metaj, a student, Faculty of Law, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

In my opinion there should be a deeper cooperation in the region and it should be designed as an inter-state cooperation because our main interest is to find war crimes perpetrators and bring them to justice. (Ylber Maxhuni, Youth Step Association, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

Up until this moment, ten years after the conflict, there were only two war crimes trials which were brought to an end with final decisions handed down by international judges here, in Kosovo. The sentences were disappointingly low from the point of view of the victims' family members. And that is why such a commission is needed. (Bekim Blakaj, Humanitarian Law Center Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

There is one war crime perpetrator in common for all of us, and I am talking about the same people who committed crimes in Croatia, Bosnia and Herzegovina, and here in Kosovo. That is why I believe it is necessary to cooperate because any help coming from any part of this region is very important. (Edmir Sejdiu, a student, Faculty of political science, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

It is necessary to establish the facts about all crimes committed in Kosovo and the process should begin with victims and their testimonies

while the judiciary from Kosovo and Serbia should process war crimes perpetrators.

There have been many crimes in Kosovo, various massacres and so on, but we need evidence for all that, it is necessary to find perpetrators of these crimes but not every time by balancing perpetrators with those who suffered the crimes. They cannot be put in the same category. (Lavdim Rizani, a student, Faculty of political science, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

Many perpetrators of more or less serious war crimes, murder, violence, and other kinds of crimes, are still at large living a normal life. They must be identified and they should be confronted with the facts. Victims are the facts against the perpetrators which is more or less the underlying concept of this commission. It is necessary to know what to do, to know names, to find evidence, to know all the events important for the commission, to know what happened. (Kushtrim Koliqi, Integra Association, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

Our job is to establish facts and present them to the authorities, and it is up to Serbian society, the Serbian government and our government to identify groups which were active in the region and within these groups to identify those who committed war crimes. (Ylber Maxhuni, Youth Step Association, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

Victims reluctantly give their accounts of the events because society has distanced itself from the problem and it is not searching for ways to include the victims in this process. The commission should know what its goals are, where to go and who to ask for information or help, instead of knocking on the wrong door. It is much better to make smaller and safer steps and know what we need to research and get a better understanding of the problems victims are facing because they do not have a clear picture of what happened. (Shukrie Gashi, Partners Kosova, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

All victims must be listed and RECOM must establish their exact number.

Each victim has a first and last name, each victim has dignity and personality. And we can't let people say one or two hundred thousand, they can't say one or two hundred people, one hundred or one hundred and one victims. Simply, victims must have a first and last name. They must be here, they must be recognized. (Ivan Novosel, Legalis, Croatia, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

It is necessary to give priority to elderly victims and witnesses because facts may be lost or forgotten once they die.

And what will happen to victims and those who eye-witnessed massacres, and who are now very old, having in mind that with each passing day they have more psychological and mental issues and less memory and some die as the time goes on. Don't you think that when they're gone the facts disappear. (Besart Metaj, a student, Faculty of Law, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

I think that is a very good idea to give priority to the elderly and re-take their statements again if they are able to repeat what they already testified about. A video recording of their testimony could be a welcome addition to the set of tools used by RECOM in this process. (Naser Lajqi, Syri i Visionit Association, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

RECOM should also tackle the issue of political prisoners.

Victims who can offer direct evidence for each war crimes trial or against the state that conducted criminal activities which are not encompassed by any of existing international conventions are political prisoners (...) I personally think that the commission or somebody else should by all means tackle political prisoners. (Liridon Jetishi, a student, Faculties of political science and law, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

RECOM should be independent from any form of political pressure in publishing its findings.

How successful can such a commission be in such a volatile political situation, when old national

passions are still being encouraged by all parties involved in this situation, victims and perpetrators alike, and when we are well aware that in order to succeed in publishing the facts about the crimes from the past, it is necessary to achieve good cooperation among all parties. (Kristijan Hasani, a student, Faculty of political science, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

The civil sector should cooperate with courts in Kosovo and with EULEX mission to Kosovo which is able to influence the government.

There are numerous facts obtained from victims of war, but what happened to those facts and how much did UNMIK judges who cooperated with our local judges really do? What this coalition should do is ask the judiciary, or now EULEX, to create a separate judiciary to deal with these facts. And we, as civil society, should take the facts presented by the victims, compile reports which we will review and determine whether they were included. (Naser Lajqi, Syri i Vizionit Association, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

Memorials being built far from the places where crimes took place are adding insult to injury for victims.

I am taking the Dubravë prison as an example. When we went to visit the prison, half of us regretted going there because the massacre took place inside the prison and the memorial was built on a meadow. Who needs a memorial on a meadow, who did they make it for? A memorial should be built at the very spot where the crime took place, it only takes one square meter, and I hope we can afford it. (Bledon Jetishi, a student, Faculty of Law, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

It is necessary to inform victims and civil society on the initiative for RECOM and later on about the activity of the regional commission. Cooperation with regional media outlets will be of great importance.

Facts and arguments are in place, but they exist in silence, they seem to be unable to find a way out. Victims' family members are the determining factor in collecting these facts and they don't even know

that this process is underway, that it is going on. In a way, the fact that we can speak openly and have a place to have these debates is a sure step forward, but the cooperation with the media can probably have the most significant impact on the families of victims because they still have a feeling that their stories are just an echo. (Florentina Hajdari, a student, Faculty of political science, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

The media are paying more attention to other less important issues instead of trying to shed light on the events from our recent past and inform the general public. Specifically, I think, and I am almost positive that my colleagues also share my opinion, is that our main problem is a lack of cooperation with the media. (Naim Maxhuni, a student, Faculty of political science, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

It is necessary to reduce the level of animosity between different ethnic groups in the region and prevent generalization of crime as well as laying the blame for individual criminal acts on the entire nation.

If we tell the Serbian people that they are all criminals, or if they tell us that we, Albanians, are all criminals, I think it will be an ideal breeding ground for hatred between the two ethnic communities. What we need to do is identify perpetrators of each and every crime committed in Kosovo. (Naser Lajqi, Syri i Vizionit Association, Kosovo, National consultation with students, Kosovo, Prishtinë/Priština, April 15th 2009.)

How can we achieve something like that when we know that we grew up in an atmosphere that we have enemies? Our enemies, the Serbs, have instilled in us hatred for them. And something else, too: how can we even begin to think that we have no enemies when we are growing up in such an atmosphere? (Lirie Avdiu, a student, Faculty of political science, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

In order to cut this revanchist policy short and in order to be able to make space to plant a garden of friendship and not of hatred in our community, we should do the opposite. At this moment we have to

forget the past hoping it does not happen again and turn towards the future which is creating conditions for a favourable climate to develop the idea of creating RECOM. (Shukrie Gashi, Partners Kosova, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.)

27. National consultation with young people on the Initiative for RECOM

Belgrade, Serbia,
April 16th 2009

National consultation with young people on the initiative for RECOM was organized by the non-governmental organization Fractal (Serbia) for 31 college and high school students, members of Fractal (Serbia), Civic Initiative (Serbia), and the Youth Initiative for Human Rights (Serbia). They debated the issue in four work groups which created a set of suggestions, conclusions, and recommendations. The consultation was opened by Shukrie Gashi (Partners Kosova, Kosovo), Andrej Nosov (Youth Initiative for Human Rights, Serbia) and Filip Pavlović (Fractal, Serbia).

Participants support the establishment of RECOM. Students, youth, NGO activists ought to have an active role in advocating the establishment of RECOM, and help implementing the activities of the commission.

We believe that this initiative is extremely important and for that reason we intend to give it our best effort both as organizations and as individuals gathered around these organizations and help implement this idea in order to achieve best results and the success of the initiative. In that respect you can count on us. (Srdan Vezmar, Youth Dialogue Programme, Serbia, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

RECOM should prevent further denial of war crimes, manipulation of victims and help solve the issue of the missing.

We would like to achieve, i.e. prevent further denial of war crimes which should be recognized as such, we have to achieve recognition of human rights violations over the years, and we also want to prevent manipulation with numbers of victims, we want

to clarify the destiny of the missing, of over 16,000 people listed as missing who may be dead or alive. That is what we want to know. (Morocco Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

RECOM will contribute to the establishment of cooperation and friendship between young people in the region and it will help restore the confidence of citizens with respect to state institutions.

We want to establish cooperation and friendship between young people living in these seven countries, young people from the entire region, to organize cultural exchanges, study trips, exchange programmes for college students and high school or elementary school students, to help establish the culture of the rule of law and consequently to help democratic processes in our respective countries: in other words, willingness to respect the law, to involve more people in political processes. (Morocco Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

Participants of the consultation recommended promoting RECOM, through street performances, media campaigns and figures of public interest.

In order to raise awareness about the need to initiate RECOM, it is necessary to engage all available media outlets and organize persistent and aggressive media campaigns. (Morocco Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

Media personalities, also, why not, we've seen that in the United States, persons of public interest, celebrities, play a significant role in supporting presidential and other candidates, and I am sure that would create a significant impact. (Morocco Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

Also, we should insist on organizing all sorts of campaigns in order to mobilize young people – media campaigns, street performances etc. Media campaigns should include young, active, and recognizable public personalities whose job will be to try to explain what RECOM is and why it is so important. Also, we should organize TV discussions, debate, or TV programmes for young people. (Peru Work

Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

In order to strengthen the support for the initiative for RECOM it is important to use peer-to-peer education programs through youth organizations activities, Internet groups, music, cartoons, movies, etc.

That is something we call the face-to-face approach, or peer-to-peer education. There were many suggestions in our group to, let's say, organize public educational programmes offered in schools. That may or may not be accepted as an idea, but that is a way to do it (...) All other forms of advertisement such as the Internet, facebook, myspace, forum, are a good idea. (Morocco Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

We should also engage our young people who will collect signatures of supports. All those who participate in these consultations should also spread the word, tell our friends about it face-to-face, tell them where we were, what we learned, and motivate them to start collecting signatures, too. It is also very important to include student and youth organizations, such as Youth Offices which can be found all over Serbia. (Peru Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

Participants of the consultations proposed the creation of a Youth Forum for the creation of RECOM.

A very useful move is to form a separate forum for young people who will conduct activities which will shadow the activity of the commission. (South Africa Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

To organize regional consultations with young people in an attempt to sum up all proposals made during national consultations.

We would like to suggest that after all regional and local consultations with young people, a conference for all participants of these consultations should be organized in order to specify and adopt joint recommendations. In other words, we would like to sum up one unique platform and a set of proposals made by youth groups. (South Africa Work

Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

Representatives of human rights organizations, lawyers, psychologists, social workers, members of various religious communities, and representatives of youth groups should be involved in all activities concerning RECOM.

So far we have not discussed the number of members RECOM should have or the appropriate selection criteria, we have only talked about who should participate in RECOM activities. So, young people, non-governmental organizations activists, and representatives of human rights non-governmental organizations which are most experienced in dealing with human rights should be included. Similarly, it is very important to include legal experts, psychologists, and sociologists. We have also talked about possible involvement of clergy representatives. Their influence should be monitored and they should be included in the consultation process only, without actually taking part in the work of the commission. (Peru Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

It is important to include representatives of religious communities in victim support programmes.

What is important to know is that the rural population are generally less educated: the influence of the church is more significant. For that reason, I believe that it is important to make sure that rural citizens have confidence in their religious leaders who may actually motivate them to come out and publicly testify about their experiences. (Peru Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

RECOM should consist of seven members, each coming from one of the countries formed on the territory of the former Yugoslavia. Their selection should be verified by their respective parliaments.

One of suggestions was that the commission should be made up of 7 members based on the number of countries participating in its activities (...) Each country's parliament should verify the selection of these persons in accordance with a predetermined procedure valid for respective parliaments and we

believe that it would empower the entire process. (South Africa Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

Future members of the Commission should adopt universal criteria for all countries, allowing each country to select its members independently. (Morocco Work Group, National consultation with young people on the initiative for RECOM, Belgrade, Serbia, April 16th 2009.)

Members of the Commission should be non-partisan persons of public importance enjoying credibility and respect throughout the region.

It is absolutely necessary that future members of the commission enjoy credibility, and respect, and that they are known for their impartiality. In other words, future members of the commission should be persons who are, for lack of a better word, free of a negative public perception and who do not participate who are not members of any political parties, but of course, no person can ever be perfect. (Peru Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

Choose one representative from Serbia and the entire region will like that person, but we are not going to like him or her. For that reason I believe that these should be intellectuals, persons not discredited by being associated with a political option or idea. (Argentina Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

RECOM should be mandated to deal with the period from 1991 to 2008 when the disintegration of the former Yugoslavia ended by Kosovo's declaration of independence.

The time period which should be covered by RECOM's activities should be from 1991 when Slovenia broke away from the rest of Yugoslavia (SFRJ), until 2008 when Kosovo declared its independence. This is the entire period the commission must include in its activity. (South Africa Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

RECOM should focus on establishing the facts which can help get a better understanding of the reasons that led to the conflict.

It is of vital interest for all in the region to establish objective facts on war crimes and the responsibility of perpetrators, including the responsibility of the international community. Also, it is important to determine the role of each ethnic community that participated in the conflict as well as the role of the international community in preventing or fueling the conflict. (Morocco Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

The Commission should not deal with what caused some of the events but be more focused on facts, because when we know the facts we can reach our own conclusions and realize why things happened the way they did. (Peru Work Group, National consultation with young people on the initiative for RECOM, Belgrade, Serbia, April 16th 2009.)

It is necessary to adopt a witness and victim protection programme that can guarantee identity protection.

We should organize public testimonies with possible witness/victim identification protection for those who do not want to disclose their identity. (Morocco Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

RECOM should establish a Memorial Day dedicated to all victims and advocate the plan to build a memorial with the names of all the victims fallen in that particular place.

[It is necessary] to mark a Joint Memorial Day dedicated to all victims, regardless of their origin. It should be a neutral day, for example the day of the formal creation of RECOM or some other date. Memorials should be built at the places where people lost their lives containing the names of all the victims fallen there. (Morocco Work Group, National consultation with young people on the initiative for RECOM, Belgrade, Serbia, April 16th 2009.)

It is important to set up a joint, inter-state scholarship fund for the children of the killed and missing.

The idea to create a joint, regional scholarship fund for the children of the killed or missing is an excellent idea. The problem in our region is that the governments do not have funds to that, but it is

important to plea with good-will people and hope for donations or even the financial support from the European Union to establish such a fund in order to help the victims or their families. (Morocco Work Group, National consultation with young people, Belgrade, Serbia, April 16th 2009.)

28. National consultation with associations of victims on the Initiative for RECOM

Belgrade, Serbia,
April 25th 2009

The consultation was organized by the Association of the families of the kidnapped and murdered in Kosovo and Metohija (Serbia) and attended by 29 participants, mostly members of associations of the families of the killed and missing from Kosovo and several victims' associations from Croatia. Participants came from Montenegro (11), Kosovo (3), and from different parts of Serbia (14). Nataša Kandić (Humanitarian Law Center, Serbia), Milosav Stojković (Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia) and Maja Stojanović (Youth Initiative for Human Rights, Serbia) opened the gathering. Media Agency FoNet reported on the event.

Participants National Consultations supported the initiative to create RECOM.

I have given it a lot of thought, obviously, considering the seriousness of the problem and experiencing it for ten long years and I decided to support this idea and I do thank Ms. Nataša Kandić for devoting her best energy to making things happen. (Desanka Pejčinović, 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.)

Why RECOM? Because all we hear in this region are lies. And refuting these lies, of course, is one of our goals (...) With RECOM we will build a public platform for the voice of the victims to be heard and through public hearings of victims we will be able to make the public in the region understand and respect the victims, feel solidarity and empathy not only for the victims we already recognize as victims,

but also for those we were not able to see in the past (...) For that reason we are going to make a list of victims and human losses and prevent manipulation of the number of victims on any side (...) Because with RECOM we will help Serbia to reveal its secrets and search for mass graves which will ultimately lead to solving the most painful issue of all – the destiny of the missing. Because we will create a better understanding and tolerance, and last but not the least, restore the dignity of victims and their families. (Milosav Stojković, 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.)

It was about time to form such a commission, to make sure we don't forget the crimes committed on our behalf, to make sure we don't forget the criminals who committed them and make sure they are brought to justice accordingly. My heart goes to all victims, Muslim, Croatian, and Serbian alike, but we gathered here today to discuss our victims and give our support to the creation of this Commission hoping that all criminals will be prosecuted accordingly. (Saša Ristanović, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, office in Shtërpce/Štrpce, Kosovo, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.)

I must admit that I have been a little sceptical at first about this initiative, but the fact is that the existing associations of victims have lost edge in dealing with these issues. The issue of victims is slowly being forgotten. However, now it seems to me that this initiative brought before us by Nataša Kandić makes a lot of sense and I am willing to give it my full support. Also, I would like to explain that Nataša Kandić pays more attention to arguments versus arbitrary assessments of those who criticize her work and who are dissatisfied and yet never tried to give her any evidence based on which she would either help or refuse to search for truth. (Marinko Đurić, 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.)

It is true that associations lose their edge. These associations are the most reliable source of information since we are direct witnesses and victims at the same time and because these associations are

made up of victims' family members, which may be an additional reason to support the creation of RECOM. Also, every government has a commission on missing persons, but there is not a single commission to investigate killed persons. And that should be enough for us to support the creation of this Commission. (Snežana Zdravković, 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.)

If this Coalition for RECOM can prompt institutions which haven't been willing so far to investigate any crimes in Kosovo, then I like this idea, and I personally know who killed my father and because of that man I have not been able to work on my land ever since or go back to live in my house. (Nenad Popović, 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.)

RECOM should provide reparations for victims and tackle the issue of the status and the rights of civil victims of war.

I hope that we will all benefit from the work of this commission. First of all, we need to find real instigators of this tragedy and discover the truth about the destiny of our loved ones. Secondly, our families who have suffered enormously should at least partly use the pecuniary aspect of compensation. (Saša Ristanović, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, office in Shtërpce/Štrpce, Kosovo, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.)

I think that these are issues of great significance which RECOM should by no means overlook. To be more precise, I will mention housing problems in Croatia. We are being robbed of our property. I don't know the situation in Kosovo but I believe that it is similar, and I believe that RECOM should deal with it. (Dragan Pjevač, Association of the families of the killed and missing Serbs in Krajina in Croatia, Serbia, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.)

It would be good if this commission could work out a plan to compensate those who have lost their

loved ones for emotional pain (...) and by all means to deal with the issue of stolen or usurped property. Those who robbed other people of their property should not go unpunished. (Nataša Šćepanović, 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.)

We are very dissatisfied. For the last ten years our families have been asking the same question – why. We know who perpetrators are and still there is no investigation. Why are our victims – civilian victims deprived of all rights? Our government does not treat them as victims of war. For our government they are just killed, missing, or disappeared (...) Ten years later our government is not able to help us with our family problems, leaving it up to us to do it by ourselves. They expect us to say that our kidnapped or killed family members are just dead. (Desanka Pejčinović, 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.)

I cannot realize that it has been ten years since we are in the same situation (...) and back then we were told it was only temporary, when we were declared internally displaced persons (...) we don't enjoy our basic rights to enjoy our property, we cannot move freely, we can't go to our birth place, to the place where our children and our ancestors were born, which is our inalienable right. (Zoran Petrović, Association of the families of the kidnapped, missing and killed in the period from 1998 to 1999 in Kosovo Crveni božur, Montenegro, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.)

I hear that our families staying in Montenegro have another problem in addition to what has already been said – officials of the government of Montenegro direct them to contact the government of Serbia for all issues concerning their status since they are displaced from Kosovo and Metohija and they don't consider themselves responsible for any of their problems. Here in Serbia, they say that they can offer no financing since these families and their associations are registered in Montenegro and they also don't consider themselves responsible. (Milosav Stojković, 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.)

RECOM should investigate a longer time period since crimes also took place after 2001.

So, let's make it until 2005, to include the March 17, 2004 violence. That pogrom should never be forgotten because after the horrific events of 1999 came March 17, 2004 and we should not forget it, ever. (Saša Ristanović, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, office in Shtërpce/Štrpce Kosovo, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.)

RECOM commissioners must be individuals accepted throughout the region.

The idea so far is good but I would like this commission to be unbiased, just, and honourable, to be made up of people with high moral values (...) who have never thought evil or done evil. That is important for all of us. Please do not any one person to become a commissioner whose presence will be offensive to any of us. (Nataša Šćepanović, 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.)

RECOM should have sub-commissions or offices in all post-Yugoslav states.

Are there going to be some sub-commissions, maybe (...) within these regional commissions, let's say for Serbia, for Belgrade, for our victims in Croatia, in Bosnia and so on. I think it will improve the functioning of the main commission. (Nataša Šćepanović, 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.)

If sub-commissions are formed, for example in Croatia, they should not deal with Croats only, but with all those who were victimized on that territory. (Snežana Zdravković, 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.)

RECOM should include representatives of the army and the police who have not committed crimes and who can help solve war crimes.

They are not all bad and they would like to help establish some facts. There are some members of the police and the military, I think two of them were in Montenegro in 2008, who have not committed war crimes and I think they should be given an opportunity to help solve some of the war crimes mysteries. I am thinking precisely of those who committed war crimes. (Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.)

I am a retired colonel; I was in a military unit which was deployed to Kosovo and Metohija and I am all too well aware of how difficult it was to remain an honourable man and soldier, and I know how I implemented the orders I received and how I treated everybody, except for the ones up in the sky since I was in the Air Defence Brigade. But my relationship with the people of other faith or nation has never been questioned. So, I know that there are people in my line of work who haven't committed any evil deeds and who can help a great deal. (Milosav Stojković, 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.)

Veterans should not be RECOM commissioners.

I think war veterans should not be included as RECOM commissioners (...) Maybe something else, some kind of reconciliation between veterans themselves. (Lozanka Radoičić, Parents' Association Vera Nada Ljubav, Serbia, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.)

Please, be careful, if these veterans were members of the KLA [Kosovo Liberation Army] they are not acceptable; please make sure you use the same standards because we would all react the same if similar people were included. (Nataša Šćepanović, 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.)

Killed soldiers who were sent to war zones without proper written decisions should be treated as all other victims.

I cannot stress enough that all the soldiers who were sent to Košare, to Morina and who knows where else in 1998, are also victims. We wrote criminal complaints against generals but this country knows no victims and no responsibility. So, please, help us begin with these victims first because only a handful of people in Serbia knows about how many soldiers and civilians were really killed, not even the people in Kosovo, only those we talk to. (Lozanka Radoičić, Parents' Association Vera Nada Ljubav, Serbia, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.)

All victims must be equal and all should be part of a collective memory.

I believe that in Serbia, not to mention other states in the region, not all victims are equal. Some are more important than others (...) with all due respect to victims but some are forgotten and neglected. I think that RECOM can help all victims in the region to get equal status. (Marinko Đurić, 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.)

I am asking you on this occasion to help us prevent Serbia kill our dead and our victims one more time. I say that the Albanians killed them when they were alive, and that was something we could not control. But for a state to kill their dead again by silence, that is another murder and an even bigger sin before God and in the eyes of the law which, unfortunately, is not recognized here. (Lozanka Radoičić, Parents' Association Vera Nada Ljubav, Serbia, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.)

Those who would be included in the work of this commission, regardless of their religious and national background, should by all means be careful not to prioritize victims according to their faith and nation. (Zoran Petrović, Association of the families of the kidnapped, missing and killed in the period from 1998 to 1999 in Kosovo Crveni božur, Montenegro, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.)

Leaders of associations of victims should circulate news about the initiative for RECOM at meetings with their members. Victims should be actively involved in offering support to RECOM.

We mainly socialize with people who have the same problem as we do. Usually families want to close the story. But if they are convinced that RECOM is a good idea and it has an honourable goal, and if it can enable more people to learn about the facts, then associations of families of kidnapped and missing would support it (...) That communication should be better and easier to convey what we are doing here and it is that we want to achieve. (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.)

I expect RECOM to achieve something, not overnight, of course, that is impossible, but little by little (...) It depends on how much all of us are willing to invest in this, we are the fighters now to win as many people to support this idea. (Desanka Pejčinović, 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.)

It is necessary to compile an exact register of all victims, all suffering, and all crimes. RECOM should request UNMIK and EULEX to open their archives.

It is absolutely mandatory to ask UNMIK and EULEX to open up their archives. (Snežana Zdravković, 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.)

I think that there are no data bases in Serbia at all and those who should be dealing with it are not doing it the way they are supposed to (...) That bothers us a lot and if it is up to different associations to do the job, it will never be done properly. (Dragan Pjevač, Association of the families of the killed and missing Serbs in Krajina in Croatia, Serbia, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.)

I must reiterate how important it is to establish a commission that will deal with killed persons and to establish the date a person was killed, kidnapped, how the victim died, every little detail. That is a job only experts can do and I think that such a commission would be of great help in doing that job properly. (Nataša Šćepanović, 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.)

RECOM should solve the problem of documenting the death of missing persons.

They ask me, a child, what is the date of death. I just shrug my shoulders (...) I don't know (...) they put the date when he was kidnapped. And what about a seven-year-long search? (...) The cause of death in the UNMIK generated documents and in the documents issued by the Institute for Forensic Medicine in Kosovska Mitrovica are not the same. And the date is different. So, the date he was declared missing - 2000, date found - before 2004. It is a long period, and I found out he was dead on February 8th 2007. Until then I suspected he might be dead but without any proof or facts. (Snežana Zdravković, 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.)

My father was kidnapped, later he was found and buried. The death certificate issued in Istok states that he died of natural causes. Can you believe it? What can I do with that paper? I don't have the cause of death; there was no identification and no word about who did it. (Nataša Šćepanović, 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.)

An important part of RECOM's activity should be hearing victims. It is necessary to provide for the security and wellbeing of those that testify.

I had an opportunity to hear a testimony of a prisoner from Bosnia and the testimonies from people from Kosovo are the last ones I heard. It was truly very impressive how other nations survived (...) We all grieve our loved ones, but when you hear that there are even worse destinies than yours, I guess

one not only feels better but understands other better. There is no doubt in my mind that we should do it. (Marinko Đurić, 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.)

There is a big difference between a public hearing and a hearing of victims, as organized within this commission and forum (...) The atmosphere is somehow sad and all, but relaxed. It is not at all to what it looks in a courtroom because here they are all together, the Serbs, the Albanians, the Croats, the Muslims, everybody. If we are ready to do such a thing, whether we are safe at that moment or not, I think we are doing the right thing, fulfilling a goal we set for ourselves. (Snežana Zdravković, 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.)

I think we all owe it to our loved ones. I owe it to my son, to tell the truth (...) The single biggest problem is not fear, but the media which for some reason is not prepared - I don't know why - to write about establishing the truth. (Lozanka Radoičić, Association Vera Nada Ljubav, Serbia, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.)

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. (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. (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. (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. (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. (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. (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. (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 urbicide. 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. (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. (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. (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. (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. (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. (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. (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. (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. (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. (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. (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. (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. (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. (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. (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. (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. (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? (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. (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 (International Center for Transitional Justice), and Branko Todorović (Helsinki Committee for Human Rights in the Republic of Srpska, BiH) gave opening statements. Vehid Šehić (Citizens' Forum of Tuzla, BiH) was the moderator. Amir Kulagić (from Srebrenica, BiH) also gave an opening statement. Press, SAN, Dnevni avaz, Oslobođenje, Dnevni list, Nezavisne novine, Tuzlanski list, BHT1, and FTV reported on the event.

Some associations supported the establishment of RECOM.

I am here to endure all this and to say that RECOM should be established firstly because its list would also include all the crimes and the missing and the killed from the Serb nation and I will be satisfied at least with this part if I did not have the satisfaction of seeing members of the Bosniak nations be held accountable. (Radojka Filipović, Bratunac municipal organization of the detained and killed soldiers and missing civilians, BiH, Local Consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

The initiative itself is surely needed and if we bear in mind the definition that an initiative means the noticing of a problem and the approach to this problem. The problem solving has its shape and form. Here I can say only one more thing, Medicine is a pill that is sometimes in the beginning bitter, but the results of these pills can bring to healing. (Dževad Bektašević, Association Families of War Victims Vlasenica 92 – 95, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

RECOM should be supported only if it deals with causes of the armed conflicts as well.

If we could work on this, which I still doubt, could we establish a commission, which would really seek the truth? (...) We want to start with the leadership, from the causes of war, who advocated for the war. (Kada Hotić, Association Mothers of Srebrenica and Žepa Enclaves Movement, BiH, Local Consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

It is necessary to chronologically list events so that we can all together come to the real truth, to make a list of events until 1995. We usually know the part about 1995. We all know, but we should know the beginning, August 1991, and if we work in this direction, I can give my support. (Hiba Ramić, Mezarje Foundation, BiH, Local Consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

We only had to survive all these years and we want responsibility. We want responsibility from the first date, the first crime, I do not care at all about the nationality. Every person should be held accountable for his bad deeds, regardless of nationality. But we will not in any moment miss any date, any killing, any crime committed, regardless of who was the

victim. (Raza Hrvaić, Organization of Šehids and Killed Soldiers of the Srebrenica Municipality, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

RECOM should establish facts about crimes in BiH

All these dates, all these events, killings should be supported by facts so that courts and investigators could make appropriate judgements. That is why I personally believe that it is never too late to put facts on the table and discuss them, so that we all can eventually live more peacefully. (Mevludin Lupić, Association of family members of the detained and missing persons from Zvornik Municipality, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

It is necessary to create a database and identify all masterminds and perpetrators besides all victims

Besides identification of victims, we lack identification of perpetrators. We identify victims, so let's also identify perpetrators. Let's leave these prefixes and let's identify perpetrators. (Dževad Bektašević, Association Families of War Victims Vlasenica '92 – '95, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

To give full support to criminal justice to work, to have full names of all perpetrators, to make a database, to have a number, not just the number, but the full names of our children. All children who were born have names and social security number. By doing this we would prevent this competition or date how many persons were killed and where, and not the denial, like victims of the genocide in Srebrenica are usually denied. (Munira Subašić, Associations Mothers of the Srebrenica and Žepa Enclaves Movement, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

RECOM should collect information on places of executions in order to find concealed mass gravesites and investigate events that lead to transfers from primary into secondary and tertiary mass gravesites.

Besides information on events, we also need information on places where crimes and executions were

committed, - information on locations of primary gravesites, then information on events that caused this and that caused the disturbance of these primary locations of mass gravesites where victims were buried or individual graves. I don't undermine the importance of individual graves in any event in relation to mass graves, and information on locations of these secondary and tertiary mass graves. (Dževad Bektašević, Association Families of War Victims Vlasenica 92 - 95, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

The search for the missing should be a major priority of the commission.

Since we survived, and all these tortures, and all that we are going through today, I wonder if we will live to find our closest family members. Looking at the material that we received for today's meeting, for today's consultation, and looking at this number of 16,252 victims, who are still lying maybe in hundreds of mass gravesites, and if it was up to me, I would say that the first priority is to find all the missing, to find the ones included in this number. (Mevludin Lupić, Association of family members of the detained and missing persons in the Zvornik Municipality, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

RECOM must investigate allegations on human organ trafficking during the armed conflict in BiH.

We have information that approximately 200 young men were taken somewhere where their organs and blood were taken away, and there were special crews and equipment, who took these parts from these young men. It should be investigated if it is true or false. Because this hurts us, I mean that my child was skinned alive somewhere, that his organs were taken out. (Kada Hotić, Association Mother of the Srebrenica and Žepa Enclaves Movement, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

Civilian and military victims of armed conflicts should not be made equal in investigations.

Persecution of civilian population can't be compared to the persecution of those who bore rifles

and were members of a military formation. Today, these numbers are being made equal. It is impossible to make a balance in this war: they are trying to make it up with the previous war (...) This means that civilian is a civilian, a soldier should not be mentioned because after all he was a member of the army, those are separate issues. However, here we exclusively speak about civilians, people who were taken and killed at their doorsteps or a bit further depending on where one was killed. (Hakija Smajlović, Association of family members and detained persons in the Zvornik Municipality, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

Not all of the killed in this war can be victims. Victims with arms are the killed soldiers and they are not victims, and the ones who had no arms, who were helpless, they are victims. First of all, the World also marked us as victims when they lifted weapons embargo, the World forbade us to defend ourselves against the fourth armed force in Europe, we fought them with our bare arms. (Kada Hotić, Association Mothers of the Srebrenica and Žepa Enclaves Movement, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

National prefixes are unacceptable for victims and for perpetrators.

It is unacceptable to apply these national prefixes towards victims when bodies are being identified or towards identified bodies. We need an equal approach to victims. Victims all have names and last names, everybody should accept victims. (Dževad Bektašević, Association Families of War Victims Vlasenica 92 - 95, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

We always listen to the same definitions and the same notions during these gatherings, but why are we victims at all? Has any one of us decided to be a victim? I don't think so. In order to become a victim, there must have been a crime. In order for a crime to exist, there has to be a perpetrator. There is no victim without this. Please, it hurts me a lot to hear the prefix Serb, Croat, Bosniak perpetrator. (Amir Kulagić from Srebrenica, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

The Commission has to prevent lies from being presented in public hearings and must determine mechanisms to prevent false accusations of individuals.

The fact is that lately many people have been accused on the basis of spoken words: it is then discovered two or three years later that the accusations dervied from a certain interest and were not supported by any factual evidence. How can we prevent these things? I personally know several people from various nations who spent two or three years in detention for being falsely accused. Satisfaction cannot be gained for such things: public hearings deal with very sensitive issues and can often counteract the problem. (Nedeljko Simić, Srebrenica Council of Youth, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

It is said that in this country people are being punished for telling the truth and lies are rewarded. Unfortunately, we live in an environment like this. This commission and these consultations should encourage people to speak freely, again with full responsibility for what they are saying, about their views of the past. (Vehid Šehić, Citizens' Forum of Tuzla, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

It is necessary to remove persons directly or indirectly involved in commisison of war crimes from positons within state services.

A disappointing and underlining issue was addressed by the Helsinki Committee last year: certain individuals within certain institutions who participated in the gravest breeches of international humanitarian law still remain in power. Many have very high ranking positions in the police force, the army, parliaments and local authorities: they conceal information on mass gravesites and other relevant information about crimes committed during the war, thus demonstrating the support to the ideology based on ethnic cleansing and persecution of people because of their ethnic or religious background. (Branko Todorović, Helsinki Committee for Human Rights in Republika Srpska, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

State archives are important for the work of RECOM. The concern was expressed regarding

the way RECOM would come to these documents.

In order to prove the truth, present authorities have to take an active part and contribute. We cannot make a study about what was happening during the war : it is all written somewhere. The one who wrote these things down should show this to us. (Senad Avdić, Organizations of the demobilized war veterans of the Bratunac Municipality, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

We know the killed, we know that there are more gravesites, we know that identifications are happening, all of this is happening, but these very important facts from the top about why this all has happened to us. That is still concealed. Who will give this to us so that we can know it? How can we force people: these are secrets and they are concealed. (Kada Hotić, Association Mothers of the Srebrenica and Žepa Enclaves Movement, BiH, Local consultations with Victims' Associations and other civil society organizations, Srebrenica, BiH, April 26th 2009.)

It is necessary to mark sites where civilians were executed.

[We have] To mark sites where crimes were committed, regardless of where they are and what crimes were committed. We have to learn to have [these sites marked], to know [where they are]: I was in Croatia and I saw a site and I liked it very much. Nobody can deny something if it is marked. If it is not marked one can still say that this or that number of people were killed. (Munira Subašić, Association Mothers of the Srebrenica and Žepa Enclaves Movement, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.)

31. Local consultation with civil society, associations of victims and media on the Initiative for RECOM

Livno, BiH,
May 9th 2009

The consultation organized by the Center for Civic Cooperation (BiH) and was attended by

16 participants from Livno, Glamoč, and Gra-hovo, representatives of non-governmental organizations, media, and victims' associations, as well as a representative of the Islamic community from Livno. Vehid Šehić (Citizens' Forum of Tuzla, BiH), Eugen Jakovčić (Documenta, Croatia) and Aleksandar Trifunović (Buka Media Project, BiH) gave introductory presentations. Dnevni list published an article on the event.

Participants support the initiative to create RECOM.

I salute this Initiative and the creation of such a body, but it shouldn't be dragged on indefinitely. (Himzo Zlatarević, Glamoč Association of detained persons, BiH, Local consultation with civil society, Livno, BiH, May 9th 2009.)

This is a moment when the victims get together: they are the category that suffered the most. When more victims join them, because a crime committed against a child is a crime regardless of who committed it, then we will have a chance to bring those who committed it to justice. And it is important to encourage those who suffered the most to endure as long as it takes to end the process. (Ale Kamber, Avaz daily paper, BiH, Local consultation with civil society, Livno, BiH, May 9th 2009.)

It is necessary to choose the best people to be RECOM commissioners.

Only honest people should be elected members of this commission. Scientists and historians; not fighters because they all have their perspective, they just defend themselves. And it has been said a long time ago that those who fought in wars cannot be leaders in peace. BiH is the best example of that because most of the former soldiers have bloody hands and they can be found everywhere, from municipal authorities to the government and the Parliament. (Hajro Gromilić, Oslobođenje daily paper, BiH, Local consultation with civil society, Livno, BiH, May 9th 2009.)

Victims no longer believe in justice.

None of these people were ever invited to testify in court and they refuse to talk about it now. And what do we do now? How do we wake them up, their consciousness, and make them repeat what they told so many times before? Their statements

have never been recorded. I don't know if they are being kept at the Prosecutor's Office and I would not even know how to contact that office in Livno and ask whether they have the documents. (Himzo Zlatarević, Glamoč Association of detained persons, BiH, Local consultation with civil society, Livno, BiH, May 9th 2009.)

There is no justice for perpetrators, not in this war or in the other war, which means there is no justice. There will never be justice and it may happen again that your next door neighbour with whom you got on well and shared bread comes to slit your throat. And I think that is something people in the region have finally accepted as a fact. (Nurka Bašić, Teledom Associations Glamoč, BiH, Local consultation with civil society, Livno, BiH, May 9th 2009.)

Victims should be encouraged as much as possible to endure this process.

It is very important to encourage the victims who suffered the most to endure and unite in this process, which I think they have already. For an average person a moral punishment is a lot worse than the legal one. (Ale Kamber, Avaz daily paper, BiH, Local consultation with civil society, Livno, BiH, May 9th 2009.)

It is necessary to make recordings of victims' testimony lest we forget.

We need to make sure that the witnesses know that their testimony will at least be recorded and preserved (...) and because of that I support this. (Nurka Bašić, Teledom Associations Glamoč, BiH, Local consultation with civil society, Livno, BiH, May 9th 2009.)

It is the task of all of you, for all who will be trained to investigate the facts, the families of the killed, the families of the missing, victims of crimes, prisoners, known and unknown raped women, abused children, and all those who have to say something to say that, to give your testimonies to activists trained to take your statements. Once you start telling your story, you will have some kind of moral satisfaction (...) When a victim dies, the story dies, too. In order to prevent the death of the story, we have started this very tough job. (Željka Mihaljević, local radio station, BiH, Local consultation with civil society, Livno, BiH, May 9th 2009.)

RECOM should be authorized to interview any person who can help collect evidence of war crimes.

This commission should at the same time represent an investigative body authorized to interview any persons possessing relevant information on war crimes and which can also collect information on institutions and individuals and their role in the recent wars and everything else that happened. (Eugen Jakovčić, Documenta, Croatia, Local consultation with civil society, Livno, BiH, May 9th 2009.)

A collective memorial for all victims in Bosnia and Herzegovina should be built.

Why not a collective memorial for all victims in BiH, on a neutral terrain, even if separate memorials to civilian victims already exist? (Ale Kamber, Avaz daily paper, BiH, Local consultation with civil society, Livno, BiH, May 9th 2009.)

One participant was doubtful about the possibility to come up with one truth for all victims in BiH.

I am sceptical about the creation of this commission because it will be of mixed composition and we'll have three truths in BiH. What I am telling you here now is that someone may want to analyse and split in three different truths and ask me how I came up with it. (Sead Delalić, Livno Association of detained persons, Local consultation with civil society, Livno, BiH, May 9th 2009.)

Victims and perpetrators should not be labelled by their national background because each victim has their own name and identity.

Victims and perpetrators have first and last names and ID numbers and they should not be identified by a national prefix. Perpetrators should only be identified as criminals (...) Perpetrators, just like victims, should be identified by first and last name if they are available. (Jozo Vidović, Association of the families of killed homeland defenders of the Livno municipality, BiH, Local consultation with civil society, Livno, BiH, May 9th 2009.)

We should all be tasked with preventing the transfer of hatred to new generations in the region.

It is our task, not only those who are teachers by vocation, but all of us to teach our children not to sing hate songs. That is a task for all of us because the children to not sing hate songs because their hearts are infested with hatred, they are not aware of it, they know nothing, and we should not wage a war on them because if we do, we are going to lose our future. (Anto Mišković, Center for Civic Cooperation, BiH, Local consultation with civil society, Livno, BiH, May 9th 2009.)

It is necessary to identify all criminals because it will offer a moral satisfaction to victims.

The crucial thing is to identify criminals and give that moral satisfaction to victims (...) There are no small and big victims. All victims are equal and we are all equal before God, especially if victims are civilians, old people, or children. (Mirsad Cero, Medzlis of the Livno Islamic Community, BiH, Local consultation with civil society, Livno, BiH, May 9th 2009.)

32. National consultations with civil society on the Initiative for RECOM

Prishtinë/Priština, Kosovo,
May 9th 2009

The consultation was organised by Partners-Kosova (Kosovo) and was attended by 22 participants mostly representing the non-governmental sector and victims associations. There were two representatives of the government of Kosovo (Missing Persons' Commission), an imam and a journalist. Four representatives of different international organizations took part in the discussion. Shukrie Gashi (Partners Kosova, Kosovo), Nataša Kandić (Humanitarian Law Center, Serbia), Salem Čorbo (Povratak i održivi opstanak Association, BiH) and Avni Melenica (22 May Association, Kosovo).

Participants had different opinions on whether it is more important to establish a national truth commission which will cooperate with RECOM once it is created or to opt for RECOM only.

A national commission will be legalized and we will soon send a letter to the president and prime minister and the justice minister to ask them to form the commission here and that commission should then

discuss things with founders, the Humanitarian Law Center, the people in Croatia and those in Bosnia. They should discuss with them what problems we are supposed to solve. If things differ from this, then we, the associations, will not cooperate. (Halit Berisha, Shpresimi Association, Kosovo, National consultation with civil society, Prishtinë/Priština, May 9th 2009.)

We are not going to obstruct it but we have our reservations about the composition and the creation of this commission. We know that there were many such commissions in different countries where conflicts occurred, and we know that they came into being or disappeared overnight. But Kosovo is quite different and we at the Council [of the Association of the families of the missing from Kosovo], approximately 25 associations, we always spoke in favour of such a commission which would be formed by the Kosovo government and that is should cooperate with all associations and the Center [the Humanitarian Law Center] and others. (Ymer Merlaku, Association of the families of the missing from Klinë/Klina Municipality, Kosovo, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.)

The initiative for RECOM is good. A national initiative which is state sponsored is very good. We should make our suggestions and work hard until it is created. It is a good idea. We need to form a national commission but we all need to work and help create RECOM. That should be the initiative and the conclusion of this conference and until next time we should all work hard. (Shaban Terziu, Landsdown, Kosovo, National consultation with civil society, Prishtinë/Priština Kosovo, May 9th 2009.)

I believe that if we allow different NGOs and individuals to be in charge of this, it will not go far. It is a job for the government. And regarding this national commission, we are talking about it simply because it will have better resources – and we should help the work of this commission in many ways. (Sylejman Bytyqi, former political prisoner from Ferizaj/Uroševac, Kosovo, National consultation with civil society, Prishtinë/Priština Kosovo, May 9th 2009.)

For that reason, I will once more reiterate that we should be organized on a national level in one segment and in another we should focus on RECOM.

We need to make sure that both segments go on and that they don't stop. (Rushdi Jashari, Association of victims' families, Kosovo, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.)

If we do it on the national level, we will not be able to avoid communication with the region. We should hear their needs from the people working in the field and we should not be the ones telling them what they need. And if they need to ease their emotional and psychological suffering then it is legitimate and it counts. After all I am convinced that if the commission is created on the national level people will feel more comfortable and feel that they belong to the initiative to create RECOM once they understand they are the masters of their own homes because the problem is bigger than we are able to comprehend. What we have today is a problem from the past. (Eli Krasniqi, a sociologist, Kosovo, National consultation with civil society, Prishtinë/Priština Kosovo, May 9th 2009.)

It is important to support those who speak very strongly about the importance of creating a truth commission in the Balkans. This commission has the most fundamental importance for victims, their families, and for the entire society to be able to move forward. It is also very significant for the good relations in the region and also for European relations. This would be the first intuition of its kind in Europe to deal with establishing the truth and creating conditions for reconciliation. (Haki Abazi, Rockefeller Brothers Foundation, Kosovo, National consultation with civil society, Prishtinë/Priština, May 9th 2009.)

If such a regional commission is formed it is not going to be led by any organizations which are members of the coalition advocating the creation of RECOM. We are simply people who believe in a regional cooperation and we want to put pressure on our governments to create this regional commission because we believe that it will ratify certain things in the future. I ask you not to centralize this issue by creating a national commission in Kosovo. This commission is not going to be led by civil society representatives. It is going to be led by the most competent people in the world, in the Balkans, and I believe in regional cooperation. (Kushtrim Koliqi, Integra Association, Kosovo, National consultation with civil society, Priština/Prishtinë, Kosovo, May 9th 2009.)

Bosnia and Herzegovina twice tried to form a national Bosnian commission. Twice! It failed both times simply because in BiH it is objectively impossible to reach the truth and the facts about war crimes if Croatia and Serbia are not involved in the process simply because many perpetrators and those who issued orders and made decisions, and different police or military formations came from Serbia. It is clear that such issues cannot be clarified at a national level. (Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.)

The mandate is important for the functioning of the commission. It is important that the commission has a full mandate. A regional commission has a much broader mandate and it is recognized by all institutions. Therefore, the idea to create a regional commission is much more viable. (Ylber Maxhuni, Youth Step, Kosovo, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.)

Why a regional approach? We tried several times to obtain a municipal commission for truth and reconciliation in Bijeljina and we got it. And then, you can imagine what happened. Authorities always have a way of surprising you. A man who was commander of the Batković prisoner camp near Bijeljina was elected member of the commission. The result was that all institutions and associations refused to participate in the work of the commission and be humiliated by his presence. (Salem Čorbo, Povratak i održivi opstanak Association, BiH, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.)

Civil society in Kosovo must consolidate and adopt a unified position with the Kosovo Government and then support the creation of the regional commission.

It is important at the beginning to have consultations and consolidate in order to adopt a unified position of the civil society and primarily with the government of Kosovo and to proceed when the time is right and establish the regional commission. It is clear that the government of Kosovo can help consolidate the civil society sector in Kosovo which is still rather reserved. (Mazlim Baraliu, Faculty of Philosophy in Prishtinë/Priština, National consultation with civil society, Priština/Prishtinë, Kosovo, May 9th 2009.)

The support of the civil society sector is indispensable for the creation of RECOM.

Regardless of the structure and the composition of the commission, it cannot be successful without the support of the civil society, i.e. non-governmental organizations. NGOs are active in different regions and they are an irreplaceable tool in reaching victims and their families. And one aspect of the work of the commission is to deal with victims, to help find missing persons, or to help secure financial compensation for the families of the victims who are today entirely neglected and left out of any re-socialization programmes. (Ylber Maxhuni, Youth Step, Kosovo, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.)

The mandate of the commission should be proposed by victims and the civil society sector and the governments in the region should create RECOM.

I am pleased that the President and the Prime Minister of Kosovo supported the creation of RECOM and that we are initiators of the commission for establishing and telling the truth. The fact is that in most cases these commissions are formed by the government and the government defines their mandate and their goals, the government gives them authority and sets limits on their activity. The government should in fact accept the recommendations which should at the same time be a part of the final report of the commission. (Avni Melenica, 22 Maji Association, Kosovo, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.)

Some participants are afraid that the support of the Kosovo politicians to the initiative to create RECOM is being over-exploited. Others disagree.

I believe that the formal or, I would even say individual support of the representatives of our institutions is being overly politicized. I believe that most of our leaders, with all due respect for their positions, are not experienced enough in dealing with the suffering of the people of Kosovo. That is why we conveyed our request to our statesmen to be more cautious about whom and what they support and that they should be careful about what formal steps they undertake since it can harm the process and humanitarian activities. (Haki Kasumi,

Coordinator of the Council of the Association of the families of missing persons from Kosovo, National consultations with associations of victims and civil society groups, Prishtinë/Priština, Kosovo, May 9th 2009.)

The support of the Kosovo Government will always come and in this case, the support of the Missing Persons Commission of the Kosovo Government. This is an overall effort to act for the benefit of the entire community, which is one of main priorities of the government of Kosovo. (Kushtrim Gara, Missing Persons Commissions of the Government of Kosovo, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.)

I think that at this moment we did not ask for any political support for the creation of the commission because it will only come in two years. We, as the initiators, as members of the Coalition, we ask the politicians to support this initiative on the level of regional cooperation, regional approach to the issue of missing persons and establishing the facts on war crimes. Only when the consultation process is over and when we are able to make a proposed model of the commission, we, the civil society sector, we will only then contact the governments and the parliaments in the region and then it will be their turn to make decisions. (Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with civil society, Prishtinë /Priština, Kosovo, May 9th 2009.)

The commission should deal with war crimes committed in the recent past, to have a defined time and location framework, and only to deal with mass and not individual crimes.

These commissions should only deal with crimes committed in the recent past because the focal points of the work of these commissions are statements of witnesses, victims, and war crimes perpetrators. In order to be fast, accurate, and efficient, the commission should have precisely defined tasks and a precisely defined time and location framework for its research. The commission should only deal with mass crimes where there were many victims and not with individual crimes. (Avni Melenica, 22 Maji Association, Kosovo, National consultation with civil society, Prishtinë /Priština, Kosovo, May 9th 2009.)

Financial compensation and reparations must be awarded to victims and not to those who

participated in wars, which was the case up till now.

Reparations in all states in the region must be awarded to victims. I can understand the manifold advantages enjoyed by war veterans, but it is quite unacceptable to neglect victims and their families, especially when bread winners were killed which put their dependants in extremely dramatic and difficult situation. (Salem Čorbo, Povratak i održivi opstanak Association, BiH, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.)

It is necessary for the entire region to adopt a new attitude towards witnesses of war crimes.

The judiciary of BiH pays three convertible marks if a witness from Bijeljina comes to testify in Sarajevo. They don't even pay them trip expenses. They all say they want perpetrators to be punished but in reality, there are many different obstacles set by a number of people. Efforts of the non-governmental sector are being undermined and you will understand the situation if you just remember the fact that the most prominent positions in Bijeljina in the police and other institutions are still being occupied by the very same people who were in power in the period from 1992 to 1995. (Salem Čorbo, Povratak i održivi opstanak Association, BiH, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.)

Albanian and Serbian veterans associations from Serbia should be invited to attend consultations in Kosovo.

I ask you to invite the following associations of veterans: the Society of War Veterans of the Kosovo Liberation Army from Medveđa, Bujanovac, and Preševa and the Association of the Families of Killed Veterans. Other associations of war veterans should also be invited, including the ones from Serbia. During a conference I attended at Mount Jahorina I spoke to a reserve member of the army from the Karadak zone and he gave me a lot of information. He was from Surdulica and we talked about including veterans from Serbia in our consultations. The information he gave me were very specific and they made a lot of sense. (Shaban Terziu, Landsdown, Kosovo, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.)

A Serbian commission needs to fulfil certain conditions before it is established: the missing need to be found in order for a commission to be created.

Serbia needs to fulfil some conditions before this commission is established – to help find all missing persons. To bring all those perpetrators to justice and make them pay compensation for human losses and for the damages they caused. Then this commission can be formed. There are still 300 missing persons in Glogovac and Skenderaj municipalities. Their families will never approve of commissions we discuss here. They want to find their loved ones. (Xhafer Veliu, Pengu and Liresë Association, Kosovo, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.)

It is necessary to include religious communities in the consultations on the initiative for RECOM.

Representatives of religious communities should be invited by all means and if they are not able to show up one time, they will come the next time. (Mazlum Baraliu, Faculty of Philosophy in Prishtinë/Priština, Kosovo, National consultation with civil society, Prishtinë/ Priština, Kosovo, May 9th 2009.)

Socio-psychologists should be included in the Coalition for RECOM because the level of serious trauma left as a result of the conflict.

The pain is too strong and the trauma is overwhelming. This is an element because of which we sometimes lose track in our effort to build something pragmatic, something we all need (...) For that reason I think it is very important to engage people who can deal with it, socio-psychologists, for example, to help alleviate the pain. (Eli Krasniqi, a sociologist, Kosovo, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.)

33. National consultation with artists on the Initiative for RECOM

Prishtinë/Priština, Kosovo,
May 10th 2009

The consultation with artists on the Initiative for RECOM was organized by the Youth Initiative for

Human Rights (Kosovo). Ten film and theatre artists took part in the consultation, most of whom are active in the non-governmental sector and as many as 22 monitors, mostly from the YIHR, two from international organizations, and one observer from the Swiss embassy, and a journalist. Nataša Kandić (Humanitarian Law Center, Serbia), Haris Pašović (a theatre director from Sarajevo, BiH) and Salem Čorbo (Povratak i održivi opstanak Association, BiH) gave introductory presentations. Koha Ditore reported on the event.

It is necessary to first form a national commission of Kosovo which will cooperate with the regional commission.

I have no objections to the Initiative for RECOM, if it is created in a realistic context, following the establishment of the Kosovo commission which will cooperate with similar commission or better yet, maybe similar commissions will be formed for other parts of the former Yugoslavia. Then it would be much more efficient with respect to the context in which the war in Kosovo took place. The war was waged here and everybody ignored the fact that the occupation was under way since 1989 in which all former Yugoslav republics took place; federal forces from all parts of the former Yugoslavia (...) We are still in a never-ending war with the opposite side. (Albert Heta, Stacion Association, Kosovo, National consultation with artists, Prishtinë/ Priština, Kosovo, May 10th 2009.)

That was our job – you are Albanian and you carry heavy things. We can never forget that. We know how collective memory is used. It is still fresh on our mind, the battle for Kosovo and the creation of policies which served as the basis for extinction plans (...) A Kosovo commission or a regional initiative? Why? In reality it will look the same but in people's minds that picture is very important because Kosovo is not a republic, it was simply an autonomous province which was later taken away. After heavy human losses (...) people want to feel that they are their own masters, the masters of their land; they want to know they own it. (Eli Krasniqi, a sociologist, Kosovo, National consultation with artists, Prishtinë/Priština, Kosovo, May 10th 2009.)

Regional approach creates opportunities for the clarification of many unsolved crimes as well as their recognition.

I live in Bijeljina. On April 1st units from Erdut base came to Bijeljina, attacked the town, and killed a huge number of civilians. A lot of Albanians were killed selectively and that was the largest execution of Albanians in the war in Bosnia and Herzegovina. Their bodies were immediately transported to their families in Tetovo and other place. They were buried without prior identification, without forensic findings. Now, only their families know that they were killed in Bijeljina in April 1992. No one else knows about it and there are no trials (...) Some bodies were transported and buried and others were just dumped into the Drina River and buried in various cemeteries from Sremska Mitrovica almost as far as Belgrade. This commission would hopefully be able to help us the civil society sector in their efforts to find the truth about this. (Salem Čorbo, Povratak i održivi opstanak Association, BiH, National consultation with artists, Prishtinë/Priština, Kosovo, May 9, 2009.)

War crimes denial is still present in Serbia. We have to do something, we have to insist on the establishment of facts, and once they are established we have to urge institutions to accept them and that will create a significant pressure on the government of Serbia to stop denying war crimes (...) If the entire region is not included in the establishment of facts in order to force the non-democratic parts of the Serbian society to stop denying war crimes, and to start talking about them, what do you think a Kosovo commission can do? You had the best commission ever, the Goldstone Commission which no one ever had anywhere in the world. You have ICTY judgements for highest ranking Serbian Army and police officials. That means that you are officially recognized as victims and there is no dispute about that. But what the non-governmental organizations from Serbia and Croatia want is to make it a public knowledge. (Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with artists, Prishtinë/Priština, Kosovo, May 10th 2009.)

Whether Kosovo wants it or not, it should by all means be a part of this commission simply because if we create national commissions and if there are victims in Serbia, how can we go to Serbia and ask people there to cooperate with us in searching for the victims. (Nora Ahmetaj, human rights activist, Kosovo, National consultation with artists, Prishtinë/Priština, Kosovo, May 10th 2009.)

I understand the frustration which is fully justified because Kosovo football players cannot play in Belgrade. That is not fair. But I think that a way to have a football match between representations of Serbia and Kosovo is an initiative like this (...) You should be aware of the danger that you, victims of the Kosovo battle myth may create a new myth about the Albanian Kosovo battle which will in the future harm other people. (Haris Pašović, a theatre director from Sarajevo, BiH, National consultation with artists, Prishtinë/Priština, Kosovo, May 10th 2009.)

There are people here who claim that there were no Serbian victims, not a single one. That is why I think it is very important to have a commission like this which will enable the truth to be heard on the regional level so that a farmer in Šumadija will know what happened to a victim in the Dubravë/Dubrava prison, where Serbian forces killed prisoners. (Bekim Blakaj, Humanitarian Law Center, Kosovo, National consultation with artists, Prishtinë/Priština, Kosovo, May 10th 2009.)

Artists have hard time finding motives to deal with war themes and it is necessary to help them get involved in this initiative.

There was some kind of negative influence on artists if they chose to tackle war topics. That was politics. I don't want to say most, but some artists who dealt with war themes got involved or involved themselves in politics so that it is really discouraging for us. (Zana Hoxha Krasniqi, a film director, Kosovo, National consultation with artists, Prishtinë/Priština, Kosovo, May 10th 2009.)

Maybe there are ways for artists to get involved and help people open up and speak because that is for their own good, that is their right, that is how they will ease their suffering, and maybe later, even obtain some financial compensation. In this case I think we should be getting more money for artistic performances, plays, films, and so on. (Visar Krusha, a screen writer, Kosovo, National consultation with artists, Prishtinë/Priština, Kosovo, May 10th 2009.)

It is necessary to exert pressure on the public through the media and through the international community on the governments in the region to help create RECOM.

I think that the media should pressure the public to understand our efforts, and on the other hand The European union, the Office of the United States of America [in Kosovo] should exert pressure on our governments to help create a commission like this (...) These issues cannot be solved without a government decision and the western powers should use a little arm-twisting and tell Tadić, for example, well, we are not going to give you the money or you can't go to Europe until you do this, and they will have to do it. That's the way things are done. (Petrit Çarkayhiu, Oxygen, Kosovo, National consultation with artists, Prishtinë/Priština, Kosovo, May 10th 2009.)

34. Local consultation with civil society on the Initiative for RECOM

Prijedor, BiH,
May 13th 2009

The consultation was organized by Association of Women from Prijedor Izvor (BiH) and was attended by 21 representative of the local community in Prijedor and surrounding villages and five OSCE observers. Edin Ramulić (Association of Women from Prijedor Izvor, BiH), Vesna Teršelić (Documenta, Croatia), Bogdan Ivanišević (International Center for Transitional Justice) and Branko Todorović (Helsinki Committee for Human Rights in the Republic of Srpska, BiH). Kozarac.ba announced the event.

Participants supported the initiative for RECOM.

On behalf of the Association I belong to, I would like to support the initiative for the establishment of RECOM and to tell you that we are going to be at your disposal with all our capacities, whatever they are. (Sudbin Musić, Association of concentration camp prisoners Prijedor '92, BiH, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

I support this initiative and I believe that one day it will come into being as a regional fact-finding commission. (Sabahudin Garibović, Association of Concentration Camp Prisoners Kozarac, BiH, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

I salute this Initiative for the establishment of the commission and I am glad that I am here today with you and I hope that all of us here are ready to tell the truth and face the truth in order to make the future for our children better than the present. That is why we need to have this commission. (Senka Jakupović, DIAKOM Association, BiH, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

I think that all those who still have doubts or who want to bring any kind of confusion into the work of this Coalition should give up now. This should be a positive Coalition, a positive process, maybe even the most positive in the entire region, and it should only be joined by people who honestly want to give their contribution. (Šefika Muratagić, Ključ budućnosti Association, BiH, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

RECOM should help discover the truth about the fate of missing persons.

My husband was taken in 1992 and last year I found some of his bones which we buried according to our rituals. Ever since then, my children and I, we have a place to go to pay our respects. And we found some peace. And I would want all people searching for their loved ones to be able to find the peace after so many years and to know where their loved one is resting eternally. I care a great deal about this commission. (Senka Jakupović, DIAKOM Association, BiH, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

The Coalition should try hard to earn the trust of victims.

And we have to be trusted by all those who know the truth, the victims, so that they come forward and tell us the truth. And we will earn their trust only if we tell the truth ourselves. We should not wait for the politicians to back us up. We need people who suffered the horrors of war and their truth, and we will impose that truth upon the politicians and they will have to accept it eventually. (Senka Jakupović, DIAKOM Association, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

RECOM should help victims tell their stories and make sure it is record as part of our historical heritage.

People who live in Bijeljina like I do may never find out what happened in Livno or in Prijedor even, let alone some other places. For that reason (...) this commission should create opportunities for people to tell their stories, give as many details as possible, and to make sure their suffering becomes not only part of our history but the a part of our existence, as well. (Branko Todorović, Helsinki Committee for Human Rights in the Republika Srpska, BiH, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

Victims' associations have a moral strength to be active participants in consultations and give their unwavering support to the creation of RECOM.

Representatives of victims' associations almost always fully agree on everything. Why? It is because they have a moral strength and every other strength to be active participants of this process and to give their unwavering support to this project. This gives us hope that we will reach the goal that we set before us. (Nedeljko Mitrović, Republic organizations of the families of the detained, killed, and missing soldiers and civilians of Republika Srpska, BiH, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

RECOM can use new information and evidence for a revision of tried war crime cases, allowing victims to gain another chance at achieving justice.

In cases where defendants were acquitted of charges for war crimes, the court did not deny the commitment of a war crime, but instead described the crime in detail. So, in that domain, if there are people who believe that the judgements failed, that something was overlooked or that something was recognized as a war crime which in fact was not a war crime, that is where I see an opportunity for RECOM to step in and revise the judgements. (Bogdan Ivanišević, International Center for Transitional Justice, Local consultations with civil society, Prijedor, BiH, May 13th 2009.)

Most judgement can be amended. Unfortunately, most of these judgements failed to identify by name all victims of a particular crime and they especially failed to process all other facts relevant for the suffering of these victims. (Edin Ramulić, Association of Women from Prijedor Izvor, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

Special attention should be paid to avoid political instrumentalization of RECOM.

First of all, I think that all of you will agree that the entire project must be free from politics. It doesn't mean that we will not include political institutions because we can't do without them. But when I say free from politics I mean free of manipulation and instrumentalization. (Nedeljko Mitrović, Republic organizations of the families of the detained, killed, and missing soldiers and civilians of Republika Srpska, BiH, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

It is necessary to stress the points of agreement of participants in the consultations process instead of instating on their disagreements.

RECOM is a mechanism which is a motive or an initiative for all of us here today. We should not analyse each and every person's motives, initiative, or willingness to do this and we should not create reasons to disagree but conditions for the verification of our collective will to work and use the methodology which will satisfy everything that does not project dissatisfaction. (Enes Alibegović, Association of civilian victims of war, BiH, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

Some participants believe that reconciliation should be the main goal of RECOM and some believe that reconciliation should be every person's personal decision.

I think it is crucial to achieve reconciliation. (Nikola Drljača, Municipal organization of detained and killed war veterans of Novi Grad, BiH, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

I don't know if the word 'reconciliation' will find its way in the documents we plan to submit to our governments simply because people who have suffered a lot may feel they are being forced to accept it. And I think that a decision to reconcile is a deeply personal decision and that fact-finding will certainly help people make such a decision. (Vesna Teršelić, Documenta, Croatia, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

Participation of young people in the consultative process is an opportunity for them to develop a feeling of compassion for others.

Since 1992 a new generation of young people has grown in all former Yugoslav nations. They grew up in a ghetto, without much contact with other nationalities. Their participation in gatherings like this one could help them get to know other nationalities and the facing with the past feeling could really do them good. And let's not forget, they are the future. (Ervin Blažević, Mladost Youth Association, BiH, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

Special attention must be given to Bosnia and Herzegovina because of a very deep division between people in the communities where they live.

Special attention must be given to Bosnia and Herzegovina regardless of situation in other parts of former Yugoslavia. Unfortunately, Bosnia and Herzegovina is still very deeply divided. (Sudbin Musić, Association of concentration camp prisoners Prijedor '92, BiH, Local consultation with civil society, Prijedor, BiH, May 13th 2009.)

35. National consultation with civil society on the Initiative for RECOM

Podgorica, Montenegro,
May 18th 2009

The consultation was organized by the non-governmental organization Institute Alternative (Montenegro) and attended by 28 representatives of the civil society sector of Montenegro. Tea Gorjanc-Prelević (Human Rights Action, Montenegro), Stevo Muk (Institute Alternative, Montenegro) and Aleksandar Trifunović (Buka Media Project, BiH) opened the gathering. Vijesti and Radio Free Europe reported on the event.

The future commission should have a regional character.

The conflict began in the country we all know as Yugoslavia and it ended in several different states created during the war. The war was not limited to one state within its borders but instead, it often spilled across the border and for that reason we believe that the most efficient way to establish the facts about war crimes is to create such a regional body. (Tea Gorjanc-Prelević, Action for Human

Rights, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

We are going to face all forms of obstruction here in Montenegro. The solution will be that all of us act on the regional level and find mechanisms which will make it possible for this effort to evolve. Without it we cannot have, I don't want to say reconciliation; we cannot have normalization of relations between the nations of the states which were involved in the war conflict. (Radan Nikolić, Association of veterans from the wars waged in the 1990s, BiH, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

I personally cannot accept the model which implies having national commissions which have representatives. That is what we've had so far. Montenegro had its own Missing Persons Commission. That commission had its representatives at the regional level. However, they do not participate in any efforts at all and the voice of Montenegro or the voice of the families of the missing are not heard. So, this should definitely be organized at the regional level. (Radan Nikolić, Association of veterans from the wars waged in the 1990s, BiH, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

It is necessary to create national commissions which will cooperate with the regional commission.

I think that at the very beginning of the process it will be extremely difficult to organize it at a regional level and I think that we should all first deal with our own countries and initiate the creation of commissions or research centres (...) but in the end, it should all be formed as a regional commission and regional reports. (Mirsad Rastoder, Forum Magazine, BiH, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

Each state should have its own model because each state is specific in its own way and there can be no universal model for each state involved in the process. It is clear that we should not have a regional commission at the very beginning which would be superior to other commissions, but instead, representatives of national commissions should be representatives in the regional commission. (Boško Nenezić, Center for Monitoring, Montenegro, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

It is necessary to include veteran's organizations in the work of the future commission. Those who participated in the commitment of war crimes could help RECOM identify perpetrators.

Veterans and veterans' organizations from all former Yugoslavia republics will be the most insignificant obstruction, I am sure. I must also say that we quickly bonded as if the war had never happened. We are not warriors, we are fighters, and we did what we were supposed to do. The war was waged by politicians who very quickly reconciled after the war. (Radan Nikolić, Association of veterans from the wars waged in the 1990s, BiH, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

I think that there are people who took part in those crimes, who are either victims or perpetrators, and I believe that they would be willing to share their testimony with someone. RECOM could initiate such contacts, set up a secured telephone line, for example, which is a necessary precondition since it could be a life-threatening situation for those who decide to come forward and testify. They could definitely help us find the missing and tell us I was there and there with my unit. Don't forget how we got to see the video of the execution of Bosniaks by the Scorpions unit members. (Sonja Radošević, free lance journalist, BiH, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

It is necessary to secure the support of international organizations for the creation of RECOM, primarily the support of the European Commission.

The European Commission is the international factor RECOM needs to plead with for any kind of available support, from financial, which is very important, to a political support in exerting some pressure on those countries in the Western Balkans which are not ready to join the process and act with more transparency with respect to this initiative. (Momčilo Radulović, European Movement in Montenegro, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

RECOM should tackle the role of the media in the wars waged in the 1990s. Media outlets should assume responsibility for re-introducing European values in post-Yugoslav societies.

As a citizen, I think it is very important to properly establish criteria for differentiating between those who ordered the crimes and those who executed them, as well as those who influenced the public opinion (...) There is an abundance of materials testifying about the role of the media in the process of introducing a fascist climate in Montenegro. I think that RECOM could dig up a lot of facts in that area. (Omer Šarkić, citizen of Montenegro, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

In addition to dealing with victims, I believe that it is also necessary to deal with the media as such, their role in the 1990s, and especially those who are still active (...) Unfortunately, they cannot be held responsible by the law, which is something I would like to see happen RECOM would be an ideal environment to analyse their texts and their reports in the early 1990s in order to categorize them morally and professionally. (Momčilo Radulović, European Movement in Montenegro, National consultation with civil society, Podgorica, May 18th 2009.)

Television stations are responsible in more ways than one. They clearly helped introduce fascist reasoning into the Montenegro society in the 1990s and they should now carry an additional burden in the process of undoing the damages caused in the 1990s and in the effort to establish European values. (Daliborka Uljarević, Centre for Civic Education, Montenegro, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

The commission should have its commissioners appointed proportionally according to a national key. It should be gender sensitive. Commissioners should be brave people. The question was raised as to whether commissioners should receive a salary or not.

It is important to make sure that if the commission has 100 members, 42 of them should be Montenegrins, male or female, 32 should be Serbs, male or female, 17 male or female Bosniaks, one male or female Croat, and five to seven should definitely be Albanians or percentage equivalent. (Gojko Raičević, internet portal www.in4s.net, Montenegro, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

It must be comprised of, first of all, courageous people who will be able to investigate under pres-

sure (...) It would be best if they come from non-governmental organizations which would urge them on and ask them how far they have got and who would publicly disclose what facts and what documentation they collected. I think that is going to be the most difficult part of the job. (Ljiljana Raičević, Women's Safe House, Montenegro, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

The question is how to motivate the best people to get involved? Does it have to be comprised of professionals? Because these people, whom we refer to as 'prominent public persons' are not accidentally what they are, and their involvement would require them to neglect their jobs and devote their time to this activity, which is not necessarily less significant than their jobs but it definitely is a new, different job. (Boško Nenezić, Center for Monitoring, Montenegro, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

Public hearings are crucial for the work of RECOM.

I think that public hearings are of huge importance. I know that people who would hear it on public TV in Montenegro would probably also want to come forward and give their accounts of the horrors of war which they cannot tell anyone and who cannot go to neighbouring countries (...) It is still early, but it would be efficient and it would motivate and encourage other people to do the same in the if-he-can-do-it-I-can-do-it-too manner". (Ljiljana Raičević, Women's Safe House, Montenegro, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

It is important to establish the fate of all missing persons.

I would like to stress the importance of the issue of missing persons. There is really nothing more human and nothing more necessary than to find the grave of absolutely each and every victim of war atrocities. So, all victims are victims and they have no nationality. (Radan Nikolić, Association of veterans from the wars waged in the 1990s, Montenegro, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

It is necessary to support memorial parks for victims.

I expect you to support the initiative to build a memorial park for the victims of crimes committed in the period from 1991 to 2001 and according to a proposal of the Bosniak Forum that would be in the Pobrežje Park, in order to pay respect to all victims and give an opportunity to the families to re-examine their conscience with respect to the victims in such a place. (Mirsad Rastoder, Forum Magazine, Montenegro, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.)

36. National consultation with women's groups, women academics, and women politicians on the Initiative for RECOM

Zagreb, Croatia,
May 21st 2009

The consultation with women groups, scientists, and politicians was organized by women organizations: members of the Coalition for RECOM in Croatia, B.A.B.E. Association, Centre for Women War Victims ROSA, Coordination of Women Groups SEKA, Lesbian Group KONTRA, Poreč Centre for Civic Initiative, Womens Room, Cesi, Delfin Pakrac. Domine Split and Documenta. The consultation was preceded by a press conference where Vesna Teršelič from Documenta, Marica Šeatović, wife of the killed Mihajlo Šeatović from Novska and Rada Borić from the Centre for Womens Studies, Zagreb gave statements. HRT and Novi List reported on the event. Nela Pamuković (Centre for Women War Victims Rosa, Croatia), Paula Zore, Suzana Kunac (B.A.B.E Association, Croatia), Staša Zajović (Women in Black, Serbia) and Vesna Teršelič (Documenta, Croatia) opened the gathering. The consultation also contained a lecture called the importance of the gender dimension in the process of dealing with the past held by Vesna Kesić (a journalist and feminist, Croatia) and Rada Borić (Centre for Women Studies and a feminist, Croatia). During the course of the programme Marica Šeatović, the wife of the killed Mihajlo Šeatović from Novska, and Marija Lovrić, the wife of the killed Branko Lovrić in Osijek, gave their testimonies and once more drew the attention of the participants to the need of establishing new mechanisms of dealing with the painful sides of the past. A total of 39 women participated in the work of the consultation. Novi list and HRT1 reported on the event.

The role of RECOM is to develop a clear and efficient process of dealing with the facts and thus bring divided communities closer together and prevent new conflict.

Commissions should use its structure, its committees, emissaries, and members to establish the truth about war crimes which will subsequently become a part of the collective memory of these communities. From the impression I have got visiting different communities throughout Croatia I have a feeling that the peace process hasn't even begun yet and that this commission has a lot to do in presenting the facts, the truth, and the justice for victims because without it I think that potentially, there is plenty of room for a new conflict. (Suzana Kunac, B.A.B.E Association, Croatia, National Consultation with Women's Groups, Zagreb, Croatia, 21 May 2009.)

Women, victims of rape, must be provided access to mechanisms of transitional justice.

We need to find out how many rape cases were processed before national war crimes chambers (...) We need to find out how much accessible transitional justice mechanisms are for women who were victims of rape. Some cases of mass rape had even attracted the attention of the media all over the world, but somehow, it still got neglected and forgotten by transitional justice mechanisms. (Vesna Kesić, a journalist and feminist, National Consultation with Women's Groups, Zagreb, Croatia, May 21st 2009.)

RECOM should have a special committee tasked with dealing with rape cases.

I liked the experience from Japan Rada Borić told us about, the women's tribunal. Maybe it would be too much to ask for a women's tribunal if we manage to establish this commission, but I think that it is very important that investigating rape crimes becomes a part of the mandate of the commission. In that case having a sub-committee or other body dealing with these issues may not be a bad idea. (Mirjana Bilopavlović, Delfin Association, Croatia, National Consultation with Women's Groups, Zagreb, Croatia, May 21st 2009.)

What we call a 'feminist perspective' is in fact the notion that women are primarily victims in a war as women and only secondarily as members of

respective nationalities. And of course it matters to us that every woman is given individualized treatment. (Rada Borić, Centre for Women's Studies, Croatia, National Consultation with Women's Groups, Zagreb, Croatia, May 21st 2009.)

It is necessary that RECOM is gender-equal. Women's groups should support RECOM by providing documentation and contacts with women-victims.

If RECOM is not gender-equal, I think it will mean that we did not achieve anything. What kind of institutional reform and public policy are we suggesting after that? That is the essence of the commission. And what is also important is to make sure that transitional justice mechanisms empower women's groups, local movements, and local endeavours to establish a more gender-equal society. (Vesna Kesić, a journalist and feminist, Croatia, National Consultation with Women's Groups, Zagreb, Croatia, May 21st 2009.)

Gender should be taken into consideration in criminal proceedings and in the work of the commission in order to properly analyse gender dimension of inciting and carrying out war crimes (...) It is necessary to establish what experience future members of the commission have in dealing with gender issues, with victims, especially concerning a feminist approach and to make sure that commission reports contain a gender perspective clause. (Vesna Teršelić, Documenta, Croatia, National Consultation with Women's Groups, Croatia, May 21st 2009.)

It is good to have RECOM because we are overwhelmed with issues regarding the war and I don't want to say that we are forgetting it, but simply that it needs to be documented. We sometimes don't even know where these women are so that we can have some kind of closure. (Rada Borić, Centre for Women's Studies, Croatia, National Consultation with Women's Groups, Zagreb, Croatia, May 21st 2009.)

RECOM needs to advocate peace education programmes in schools.

RECOM should also be mandated to advocate peace education programmes for schools and a national action plan which will enable women to take part in that. If we take part in the creation

of a national plan then we can maybe manage to introduce an article regarding the commission, the creation of commissions, dealing with the facts and so on. (Rada Borić, Centre for Women's Studies, Croatia, National Consultation with Women's Groups, Zagreb, Croatia, May 21st 2009.)

It would be useful to encourage the establishment of national commissions at the time RECOM is established.

When I think about our parliament at this moment, I think that the Croatian Parliament would gladly support the creation of such a regional commission in order to demonstrate that Croatia was the greatest victim and so on. That's why I think it would be more interesting to see when the Croatian Parliament will be able to develop some kind of, I would call it empathy, in this society i.e. what represents the state entity of the Republic of Croatia. Therefore, I think that having a national commission is also interesting and I think it we should also push for that at the same time. (Aida Bagić, Documenta, Croatia, National Consultation with Women's Groups, Zagreb, Croatia, May 21st 2009.)

RECOM may be more influential if established by the UN.

I am afraid that the initial shock is going to be horrible. There will be a lot of confusion. Let's try to ask for the UN-sponsored commission. Has anyone thought about that? I'm not offering anything. Why would a UN-sponsored commission be better? (Vesna Kesić, a journalist and feminist, Croatia, National Consultation with Women's Groups, Zagreb, Croatia, May 21st 2009.)

RECOM needs to deal with the responsibility of the media.

I am asking you to make sure that RECOM tackles the issue of the responsibility of the media by establishing individual liability of certain journalists. In Croatia, Serbia, and in BiH they caused a lot of damage and we know that the International Criminal Tribunal for Rwanda (ICTR) sentenced a journalist from Rwanda. They should not be left alone and they cannot be allowed to be hold editor-in-chief positions in our TV stations and influence our destiny again. They must be responsible for what they did. (Mirjana Galo, HOMO,

Croatia, National Consultation with Women's Groups, Zagreb, Croatia, May 21st 2009.)

It is necessary to create a special fund for the victims of war.

Victims' Fund, we actually have a fund for those indicted by the ICTY but we don't have a fund for victims. (Mirjana Bilopavlović, Delfin Association, Croatia, National Consultation with Women's Groups, Zagreb, Croatia, May 21st 2009.)

RECOM needs to develop mechanisms for creating climate of empathy and compassion with victims belonging to other nationalities.

All commissions should insist on changing the moral, emotional, and cultural climate in our respective societies in a sense that some familiar models that exist in the very essence of war, which have triggered the war, are still present. And contrary to such societal and institutionalized heartlessness, indifference, war crimes denial, and acceptance of violence, this commission needs to insist on the creation of a totally different climate of solidarity, empathy, and compassion as civic values in an effort to combat the dominating nationalistic-militaristic model of behaviour. The development of such a demilitarized culture is a pre-condition for the creation of a different future. (Staša Zajović, Women in Black, Serbia, National Consultation with Women's Groups, Zagreb, Croatia, May 21st 2009.)

RECOM needs to pay extra attention to the suffering of minorities and document their testimonies because many witnesses die.

Members of minority ethnic groups watched the events from a totally different angle and they simply know the story. With many of them dying of old age many stories will be lost forever. I would like to ask that the commission devotes some of its resources to investigating events concerning the civilian population as well as those directly involved in war actions that directly affected the life of civilians in occupied areas. (Milena Perčin, Association Woman, Croatia, National Consultation with Women's Groups, Zagreb, Croatia, May 21st 2009.)

37. Fifth Regional Forum on Transitional Justice: the RECOM initiative

Budva, Montenegro
May 29th - 30th 2009,

The Fifth Regional Forum gathered 316 participants from more than 200 non-governmental organizations from all successor states to the former Yugoslavia. Organized by the Centre for Civic Education and Human Rights Action from Montenegro with the support of the Coalition for RECOM Secretariat, the Forum represented the greatest gathering in the region devoted to transitional justice to date. It was the first forum in which members of the Coalition for RECOM discussed the model and other elements of RECOM in four workshops. A day prior to the beginning of the Forum, members of the Coalition, organized the first foundation assembly of the Coalition in which the Statute of the Coalition was adopted and members of the Coordination Council were elected. Ranko Krivokapić, the Speaker of the Montenegrin Parliament, Pierre Mirel, Director of the European Commission Directorate for the Western Balkans, and Ron J.P.M. van Dartel, Ambassador of the Kingdom of The Netherlands to Montenegro and Serbia made opening addresses at the Forum.

As part of its resolution on the Stabilization and Association Agreement and its European orientation, the Montenegrin Parliament unanimously established an obligation of Montenegrin Government to form a documentation and research centre with the task to investigate all events which may have the elements of war crimes from 1991 until 2001 (...) The main goal is for it to become part of our textbooks and part of our educational system and our culture. The time has come for us to learn about our defeats and our mistakes, not any less than we learn about our victories. When we succeed in doing that, I think we will be able to succeed as a society to understand our defeats and mistakes from the early 1990s which would be the protection in human spirit in order to prevent it from recurring. (Ranko Krivokapić, the Speaker of the Parliament of the Republic of Montenegro, Fifth Regional Forum on Transitional Justice, Budva, 29 and 30 May 2009.)

For all that the EU can do and is doing it cannot take ownership of the process. We can help, we

can support, but we cannot take ownership of the process. The process is yours, process is the process of the countries. Truth, accountability and reconciliation must come from the region itself if it is to have a lasting effect. It is for your countries, with our support, to overcome the legacy of the past (...) And this is why I would like to warmly commend the initiative of NGOs, your initiative to establish the assembly coalition for a regional commission. With initiatives like this, and with continuous support and pressure from us, I hope that countries in the region will slowly be able to come to terms with their past and to be able thereafter to construct their future. (Pierre Mirel, Director of the European Commission Directorate for the Western Balkans, Fifth Regional Forum on Transitional Justice, Budva, 29 and 30 May 2009.)

The right way to deal with the past is exactly the task that you have set yourself in the regional Coalition for RECOM. It is important that this is done so through an inclusive process that unites the broad variety of organizations and people and involve all relevant parties. I wholeheartedly support your objective. (Ron J.P.M. van Dartel, Ambassador of the Kingdom of The Netherlands to Montenegro and Serbia, Fifth Regional Forum on Transitional Justice, Budva, 29 and 30 May 2009.)

Participants of the Forum represented organizations for human rights, education, democratic development, associations of victims and victims' families, youth, war veterans, detainees, missing persons, etc. from BiH, Montenegro, Croatia, Serbia, Slovenia, Macedonia, and Kosovo. Several dozens of journalists also attended the gathering and they covered and reported on the event in the following media: TV CG, HRT1, RTS, RTRS, TV FBiH, TV Atlas, TV In, TV Vijesti, MBC Montenegro, printed media Blic, Borba, Pančevac, Pobjeda, Vijesti, Dan, Novi list and Koha Ditore, Beta agency and web pages e-Novine, Pešcanik, B92, PCNEN Montenegro, CDM Café del Montenegro, PG Portal Info, Regional Business Journal, Centre for Development of Non-governmental Organizations, and Smedia.

37.1. Workshop: Why RECOM

A total of 57 participants of the Fifth Forum took part in the debate about the mandate. Shukrie Gashi (Partners Kosova, Kosovo) and Vesna Teršelič (Documenta, Croatia) opened the gathering.

War veterans do not realize that RECOM is open to their problems

What bothers people (war veterans) the most is that they still live with the clear idea that they were defending a people's country, something that belongs to them. They feel the worse when they are all in a package together with others called perpetrators or criminals (Miloš Antić, Center for War Trauma, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM is acceptable only if all victims are taken into considerations, and if we do not look at who has what name.

I believe that we will not join the institution or non-governmental organization until we are completely convinced that you will take all victims into consideration, work with all victims, go all the way for all victims, establish who committed crimes in order to serve justice regardless of the name of the perpetrator, without paying attention where victims are from and when they disappeared (Marko Grabovac, Association for search of missing soldiers and detained civilians of Brod municipality, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Reconciliation is a long-term process and it is too early for it.

We Albanians have no need for revenge but we also cannot forget what happened to us – however it is still too early for the word reconciliation due to many different reasons – family members still do not know where their closest are and I think family members will only become even more stressed out and sad until their missing family members are found (Ymer Merlaku, Association of the families of the missing from Klinë/Klina Municipality, Kosovo, Fifth Regional Forum on Transitional Justice, Montenegro)

I support the reconciliation process, but I think that it will last for many years. (Haxhi Nalli from Krushë e Madhe/Velika Kruša, Kosovo, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

However, one weak cheek cannot be washed with another weak cheek. We must have direct answers

to such questions and strong stance in order to start a process of non-decorative reconciliation before a regional commission. (Milika Pavlović, a writer from Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

The task of RECOM is to identify all crimes, to accelerate the process of finding mass grave sites and to find mortal remains.

The task and the objective of RECOM should definitely be to identify all events which happened not only on the territory of Vlasenica Municipality, but rather on the entire territory (...) for the identification of the location of mass gravesites and individual gravesites (...) we need reports about the events. We need information about the disturbances of primary locations (...) acceleration of the process of search and exhumations. (Dževad Bektašević, Association Families of War Victims Vlasenica 92 - 95, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should assist in making courts more efficient in prosecution of war crimes, regardless of victims' nationality.

RECOM must put stronger pressure on authorities in order to for them to engage and to make courts work faster and more efficiently when punishing perpetrators of crimes in all ethnicities using the same standards and not selectively. (Anđelko Kvesić, Croatian Association of Concentration Camp Prisoners in the Central Bosnia Canton, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009)

What happens if witnesses die in the meantime? What happens with the defendants in that case? We need to think about this as well. I think that we as RECOM should become more active and refresh court cases with new testimonies. (Naser Lajqi, Association Syri and Vizionit, Fifth Regional Forum on Transitional Justice, May 29th - 30th 2009, Budva, Montenegro)

RECOM can assist truth-seeking about missing persons and perpetrators of crimes.

I support RECOM in order to help us and family members of missing persons to find truth, for perpe-

trators to know that they committed a crime so they do not transfer their responsibility on paramilitary units and uncontrolled gangs, because it needs to be known that the military and the police chain of command was the one to commit the crimes. (Xhafer Veliu, Pengu i Liris Association, Kosovo, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM will teach us to commiserate with others.

I must say thank you to the (Coalition for) RECOM for teaching us to listen to each other and to cry for others' sufferings. (Gordana Đikanović, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

We need RECOM to establish facts about those who committed crimes and to remove anathema from whole nations being considered criminal.

It is not easy to live in Serbia and to carry a burden for something that was committed by individuals. When I say individual, I do not mean one man but many of them with their first name and last name. Maybe RECOM will help all the ethnicities and all the states to remove the anathema about criminal nations so that my children who were born in Priština can go there without fear of someone doing harm to them because they did not do harm to anyone only for being Serbs. I hope that RECOM will help us rise above considering whole nations criminal. Every perpetrator of crimes should be held responsible for what their crimes were. (Gordana Đikanović, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM can produce a joint document about what happened.

When speaking why we need RECOM, among other reasons, we need it because I think that we need a joint book, a joint document about what happened in the past and about which we will more or less agree. (Lidija Zeković, a human rights activist, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

I created a group for collection and processing of information at the Kosovo level. I institutionalized this and engaged representatives of all archives in order to gather data about all crimes committed, murders, massacres, destruction of religious buildings, and other buildings, destruction of houses and so forth: I also collected information about killings, missing persons, expelling. (Jusuf Osmani, Kosovo Archive, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

As association, we recorded testimonies, we have names of witnesses, the association submitted a list of three hundred names and murderers or potential perpetrators of crimes because it is not done deal until it is completed in court. However, it is only us who recorded it. Many of the witnesses are no longer alive which means that years are passing by and such information needs to be recorded so we can further proceed on this issue. (Gordana Đikanović, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Budva, Montenegro, Fifth Regional Forum on Transitional Justice, May 29th - 30th 2009.)

Commission will have legitimacy if states participate in its founding.

That is why I believe that establishing such a commission is very important. I also find it very important for our states and authorities in our states (...) to simply give legitimacy to such a body. It will be very difficult to succeed without their participation. (Lidija Zeković, a human rights activist, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Commission should first be created at national and then at regional level.

The proposal of the association is to start the initiative first at the local level and then the countries in the region should connect (...) RECOM cannot hide behind what we used to call brotherhood and unity. The Commission is necessary but it should be first at the national level and then at the regional level. (Bajram Qerkini, Kujtimi Association, Kosovo, Budva, Montenegro, Fifth Regional Forum on Transitional Justice, May 29th - 30th 2009.)

We need to create an office and each of these places should have its documentation in order to

avoid manipulation. (Jusuf Osmani, Kosovo State Archive, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

37.2. Workshop: Structure of RECOM and criteria for selection of commissioners and selection process for RECOM commissioners

Aleksandar Trifunović (Buka Media Project, BiH) and Bekim Blakaj (Humanitarian Law Center, Kosovo) moderated this workshop. A total of 24 people, mainly representatives of non-governmental organizations, participated in the discussion.

RECOM should have a central office, several national offices, and field offices in places where large numbers of crimes were committed.

The central office of the regional commission should designate other offices on territories of a country since it will most likely be necessary that the commission in Croatia should open offices in places where the most serious crimes were committed, such as Krajina, Slavonija, Dalmatia, Knin after the Storm and Flash Operations. (Suzana Kunac, B.A.B.E. Association, Croatia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

I think it is necessary to have one central office, which would collect information from regional and field offices. It was planned that each country should sponsor the work of its offices; I think it has its positive side because there is a possibility for the network of regional offices in each of the countries to be expanded to a lesser or greater extent depending on the needs (...) Why do I say a central office? For one simple reason; because that would be the place where all information would be collected and at the same time initiatives addressed to the highest government officials and respective institutions within the states would go from this office. (Žarko Radić, Republic organizations of the families of the detained, killed, and missing soldiers and civilians of Republika Srpska, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

As far as [the selection of] commissioners for the main office are concerned, each of the countries should nominate members who would take part

in the work of the commission. (Ylber Maxhuni, Youth Step, Kosovo, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Commission [offices] should be organized at national levels because each commission knows its own country and people. We are in touch and we know each other very well. Then, all these commissions should deliver information to a central commission, which would be organized at the level of all successor states to the former Yugoslavia. (Lozanka Radoičić, Parents' Association Vera Nada Ljubav, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Bosniak people from Kozarac, where I come from, will definitely support RECOM because in this area crimes were committed against them. There were three detention camps that have already been proved, prosecuted and so on, which means that this is now a fact (...) But, what's going to happen with Serbs, who are in Prijedor, will they support RECOM? But they should not deal with the issue of Serbs in Sarajevo, but Serbs should be the ones dealing with crimes committed against Muslims in Prijedor, you know (...) RECOM should have an objective and that is how will local population deal with this fact that crimes were committed, how will they acknowledge these crimes and condemn them (...) I think that the commission will have to have an office here sooner or later because there were three camps in this area and if this area is skipped in Bosnia that means failure. (Ervin Blažević, Mladost Youth Association, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Each country should be represented by an equal number of commissioners in RECOM.

I think that each country should be represented with the equal number of commissioners in the Commission. (Ylber Maxhuni, Youth Step, Kosovo, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

The commission must be regional, we should have commissioners at the regional level and we should establish a principle for this, let's say that each country should have two commissioners or something like that and this regional commission should

represent some sort of a supreme body and the highest organ, it should adopt reports and possibly present them in public from public hearings. After this, executive operational bodies or sub-commissions should be organized at national levels, which would have easier access to information and victims, locations and various places. (Andrej Nosov, Youth Initiative for Human Rights, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should be an independent body and should not serve national requirements.

We have already given some supranational sense to this project and in this sense it should not serve to build a structure that would have its own national meaning, [rather, it should be] in accordance with the principle that the number of victims should be proportionate to the number of citizens, that commissioners are elected according to this principle. (Amir Talić, Association of Concentration Camp Prisoners of Sanski Most Municipality, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

A question was asked if Serbs from Kosovo would recognize a RECOM office in Kosovo or would they only accept an office in Serbia.

Would Serbs from Kosovo recognize this Kosovo commission [RECOM sub-commission] or would they prefer a commission in Serbia? We are talking about local, national commissions, what would be the structure of commissioners of these commissions? Should it contain Albanians only or Serbs and should others also take part? (Gazmir Raci, ProPeace Platform, Kosovo, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM centre should be in Bosnia and Herzegovina or some other country outside the region of the former Yugoslavia.

According to all indicators, Bosnia has suffered the most on all sides, the most of the victims are from this area and it seems logical, (...) that Bosnia should be a regional place for all and then, of course, these centres at state levels would be organized. (Marinko Đurić, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Fifth Regional Forum on

Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

As far as the main office of the commission is concerned, maybe it should be located in some third country, if all countries agree, I mean somewhere outside the region of the former Yugoslavia. (Ylber Maxhuni, Youth Step, Kosovo, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should have commissioners qualified to assess authenticity of victims and witness statements.

If one of the objectives is to name perpetrators in these reports, then it is necessary that the structure of this organization has people and functions that would assess the authenticity of these testimonies. (Duško Medić, Green Network of Vojvodina, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Institutions should not be represented in RECOM.

People nominated for commissioners cannot have things in their biographies that could harm the integrity of RECOM or the idea itself. In my opinion, this refers to persons who have been politically active, especially in the past, or active in any way in the army or any military structures. (Marinko Đurić, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

I think that commissioners within this commission should not be representatives of institutions (...) Why not include war veterans as well? (Gazmir Raci, ProPeace Platform, Kosovo, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

There are suggestions that war veterans should be members of RECOM.

And why not include war veterans as well? (Gazmir Raci, ProPeace Platform, Kosovo, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Participation of representatives of civil society provides ethical dimension of the commission's work.

When the commission is established one day, I don't know by which criteria representatives of civil society will be elected because it is very difficult to assess the legitimacy of people from the civil society, but it is very important that their voice and the number of them that are commissioners provide a sort of ethical quality to the work of the commission. (Sanja Elezović, Open Society Institute, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

The criteria for the selection of RECOM commissioners should provide for the representation of all social groups, including academics, psychologists, sociologists, lawyers, human rights activists, associations of victims and all commissioners should take an oath, which would represent a moral obligation for them.

The moral sense of the selection process should also be defined by certain criteria, for example, biographies (...) I wouldn't want to assess if he is a former police officer, former soldier, or somebody else. It is irrelevant in this moment (...) Just like doctors, these people as well should take some sort of an oath, which would establish this moral dimension of what they will do tomorrow. (Amir Talić, Association of Concentration Camp Prisoners of Sanski Most Municipality, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

As for the criteria, I think that in any case we should take into consideration those basic criteria, if someone was convicted of a felony, and after this, when we come to the structuring of commissioners, we should take into account the representation of all interested groups, including human rights defenders, civil society organizations, victims, and all other groups that could contribute to the credibility of the commission. (Andrej Nosov, Youth Initiative for Human Rights, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

This regional commission must be a team of experts, people who are capable of speaking to victims, taking statements, documenting facts in an objective manner, hence, without directing speech, without

manipulating this what is said, and when I say this, I mean that it should also include psychologists and sociologists, but also victims and people who used to be some authority. (Borka Rudić, BH Journalists Association, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

80% of my fellow citizens are spread around the world and I am interested in how will these investigators find all these people from Australia to America. Additionally, most of these people went through detention camps, they are of poor health and they are practically dying out. Many of the witnesses have died in these last fifteen years. (Ervin Blažević, Mladost Youth Association, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

An incredibly important criterion is for people sitting in the commission to have a huge emotional, psychological, and mental capacity to handle everything that they may hear and that they may work on (...) It is also extremely important to bear in mind the representation of academic community because it has a power to balance this emotional and psychological level. (Emina Bužinkić, Croatia Youth Association, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

The Coalition for RECOM should retain some sort of ownership over RECOM even when it is established in order to avoid politicization and presentation of false statements in public.

I think that we should have a management structure and that the present Coalition for RECOM has to retain property right of RECOM because, in my opinion, if it is left to the national levels, the level of the states and governments, RECOM will surely be politicised and politicians will try to prevent truth-telling in various ways. (Borka Rudić, BH Journalists, BiH, Fifth Regional Forum on Transitional Justice, Budva Montenegro, May 29th - 30th 2009.)

Participants had differing opinions regarding the possibility of foreigners participating in the work of the commission.

It seems that international commissioners could represent a huge problem in communities in which

the international community has lost its credibility. In this sense, I would not agree that they should be in the commission. On the other hand, it seems to me that there is a great part of the public that sees international experts as independent experts. Therefore, this is a very important discussion. (Emina Bužinkić, Croatia Youth Association, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

I think that the possible selection and participation of foreigners in the commission, I would not say the international community for in this case we are talking about individuals, could be carried out in accordance with the same criteria as the selection of commissioners from countries in the region; it should be a person with moral integrity and an clean record and with all of the things that could guarantee the quality of his participation. I think that in this sense we should not make a rule about whether or not to have foreigners in the commission. (Amir Talić, Association of Concentration Camp Prisoners of Sanski Most Municipality, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

37-3. Workshop: Mandate of RECOM

A total of 56 participants of the Fifth Forum, including human rights activists, prosecutors, attorneys and 10 representatives of victims' families from the region, participated in the workshop on the RECOM mandate. Gordan Bosanac (Centre for Peace Studies, Croatia) and Bogdan Ivanišević (International Centre for Transitional Justice) opened the debate.

RECOM should deal with discovering mass gravesites, forcible disappearances, mass killings, and deportation of civilian population.

I would definitely note mass gravesites as a main priority: those are the most serious crimes (...) followed by forcible disappearances (...) I think that these things should constitute the entire mandate of RECOM: the fates of these people, possible places where their bodies could be concealed, the way in which they disappeared. Killings come next; I mean other sorts of killing not related to mass graves, that we know of, and then camps, (...) and large scale ethnic persecution. (Salem Čorbo, Povratak i održivi opstanak Association, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should cover the time that preceded the beginning of armed conflicts in 1991 and also the time after 2001.

Albanians from Kosovo see discrimination in continuity: things didn't start to happen there in the 1990s. Most people would say that it all started in the 1980s, after 1981 when arrests started to happen, even murders, when soldiers were being killed in various military barracks in different parts of Yugoslavia: I think it would be nice if we discussed this more today. (Nora Ahmetaj, a human rights activist, Kosovo, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

In Kosovo we should focus on the time after March 11th 1981, when a student in a student canteen in Prishtinë threw a tray at the time Tito's baton relay arrived in the centre of Prishtinë, and there was a request for Kosovo to obtain the status of a republic. The student yelled 'Down with Tito' (...) therefore, the armed conflict in Kosovo practically began on March 11th 1981, and in my opinion, it ended on June 9th 1999 when the Kumanovo Agreement was signed. (Teki Bokshi, an attorney from Kosovo, Fifth Regional Forum for Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

The Commission has to explain what happened before the war began because the war didn't start out of nowhere; political turmoil preceded all that, conflicts, and so forth. To start from January 1991 only, and to talk about how the war started without making an introduction, without making a foundation that could help us observe the circumstances before the war more realistically, is in my opinion only partial work. (Amir Kulagić from Srebrenica, BiH, Fifth Regional Forum for Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

The situation in Kosovo and Metohija has not been defined and completed: crimes are still happening there. Nothing can be closed with 2001 when people were kidnapped in 2006 and we still have no information about them. (Olivera Budimir, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Sex crimes, forcible mobilization of refugees and institutional responsibility should be part of the RECOM's mandate.

Sex crimes, rape, forced prostitution, sexual slavery, forced pregnancy (...) should all fall within the scope of RECOM's mandate. In addition to this, the forcible mobilization of refugees that was carried out in Serbia in 1993, 1994, and particularly in 1995 [should also be included in the mandate] (...) I would love to see institutional responsibility be addressed in what is called the anatomy of crime. (Staša Zajović, Women in Black, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should deal with victims of NATO bombing.

There are victims who obtained this status because of the NATO bombings. There are a lot of people who went missing, in trains, on bridges... That is something that should be acknowledged. (Olivera Budimir, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should determine the nature of the armed conflicts and the responsibilities of the international community.

RECOM's mandate should include two things. The first thing should be the character of the armed conflicts (...) We still have to reinvestigate the entire situation, from Srebrenica to now, to see what the international community has done in order to solve the problem of the conflicts in the former Yugoslavia. (Narcis Mišanović, United organization of veterans of Bosnia and Herzegovina, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should unite victims' associations in their demands for finding missing persons and the punishment of the perpetrators involved.

I do not have the right to judge here, to call names and decide who is a greater and who is a lesser criminal. I do not have the right to do this, but I do have the right to say that we must unite in order to find as many missing persons as possible and to bring to justice to the ones who committed crimes against them. If we turn into courtrooms, if we pose as attorneys, judges, prosecutors, and so on, RECOM will fail. (Marko Grabovac, Association

for search of missing soldiers and detained civilians of Brod municipality, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should make a list of human losses during the armed conflicts.

The regional truth-seeking commission should create a list of human losses or a list of victims, but so that each person who was killed, kidnapped, abducted, disappeared or died in some other way has a file, which will contain personal information. There has to be space where it will be written whether this person was a member of the army or a civilian, the circumstances in which this person died or was killed must be stated, and whether this person is identified, buried, and so on. (Amir Kulaglič, from Srebrenica, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should protect NGO documents.

I think it would be good if RECOM started working on the creation of a joint database, not only of victims, but also with documents that can be found in non-governmental organizations: to organize them, protect them in an appropriate manner so that documents could not only aid in the identification of victims, but also help establishing other facts that could clarify circumstances or patterns of crimes in a certain location and prevent the loss and destruction of these documents. (Amir Kulaglič, from Srebrenica, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should deal with institutional responsibility.

I would entrust RECOM with a mandate to deal not only with acts committed by individuals, but also to deal with the activities of institutions and the authorities. Why shouldn't RECOM deal with crimes instigated by media agencies, i.e. their editors in chief, journalists, and so on; why shouldn't RECOM deal with the fact that certain police authorities and entire police forces in some countries in the region were perpetrators in some way, i.e. perpetrators of crimes that were committed in camps, prisons, and so on. (Ibro Bulić, Prosecutor's Office of BiH, Fifth Regional Forum

on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

There is no such thing as a simple crime; crime is very sophisticated. Someone planned it. Someone organized it. Someone committed it. Someone applauded it. Someone instigated the commission of crimes, and so on. I support all those who say that we should focus on institutions, that is, the people within the institutions. (Amir Kulagić, from Srebrenica, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should establish facts that have not been established so far and which relate to the conflicts in the region and facts relating to individual responsibility.

Here are facts that the International Criminal Tribunal for the former Yugoslavia has established and which I think we should not re-establish but simply copy them, borrow them (...) The second list of facts should contain facts that have been established so far, i.e. facts established before courts in countries in the region. However, there will be some problems because one fact may be differently established by different courts. The next list of facts would contain facts that have not been established and which should be established, which should be put on the list of facts that should be established. These would be some facts concerning the conflict, conflicts in the region, followed by facts relating to individually committed crimes, individual responsibility. (Ibro Bulić, Prosecutor's Office of BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should deal with victims, and establish why were innocent people killed and help families find mortal remains.

Ladies and gentlemen, I don't care that you are here to comfort me, saying that this country is to blame. That is not important to me. What is important to me is that I know that three people [my mother, father, and brother] I listed as dead; to find their mortal remains and bury them according to my customs and the customs of my nation, and to know at least who did this and his reasons behind it. (Milosav Stojković, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia Fifth Regional Forum on

Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

According to the Geneva Conventions, victims are protected persons against whom a crime was committed.

In international criminal law, i.e. in international customary law, victims can be defined as protected persons - all protected persons - against whom crimes were committed. (Ibro Bulić, Prosecutor's Office of BiH, Budva, Montenegro, Fifth Regional Forum on Transitional Justice, May 29th - 30th 2009.)

Whoever was exposed to violence, to humiliation: let's not forget this. Through physical abuse, sexual abuse, non-sexual abuse and all other forms of abuse, to killings and torture, is a victim involved. And that is inadmissible and unacceptable behaviour. (Srđan Dvornik, human rights activist, Croatia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

The RECOM mandate must not be limited. The Commission must protect and preserve documents, and it is up to the courts to complete the work.

That is why I think that when it comes to the mandate of the body itself, it has to be unlimited. Because statutory limitations are not applicable to war crimes [it is essential] to protect documents from disappearing. If you preserve documents, the day will come sooner or later when a criminal will be called a criminal and a victim will obtain satisfaction. Every crime is equal and each document that can be saved today must be preserved in order to put certain pressure on our countries to cooperate in order to legally complete this workload. Who will complete it? Only state authorities and courts. We can't take over the role of any judicial organ. (Branislav Radulović, Association of Lawyers of Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should succeed, that is why it should not deal with causes of war.

I think we should not deal with causes: by this I mean with who is responsible for starting the

2 Ibrahim Čekić, former political convict from Montenegro, Fifth Regional Forum for Transitional Justice, Budva, Montenegro, May 29th - 30th 2009: *I think that you are making a huge mistake by trying to deal with consequences because we should firstly deal with the cause, i.e. with the cause of everything that brought us today in the situation where we have Srebrenica, Dubrovnik, Bijeljina, I don't know, Sarajevo, and so forth.*

3 Milena Parlić, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia Fifth Regional Forum for Transitional Justice, Budva, Montenegro, May 29th - 30th 2009: *It is very important for us that crimes are individualized, that politics is completely left outside RECOM, that it does not exist at all. This means that all victims should be equal, that is the most important for us.*

war; a Serb wedding couple, Borovo village, and so on. However, we must always bear in mind that RECOM must succeed. If it is the other way around, it will not succeed, all seven governments and parliaments will not adopt it. (Jasna Bogojević, an activist of non-governmental organizations from Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

The causes, political implications, and perpetrators - all these are second class things, are irrelevant, but yet objects of derision not to be neglected. They come to the agenda later and the only area where RECOM can have a complete mandate is in relation to victims' statements given by them, relating to what happened, to bring this thing to an end. (Srđan Dvornik, human rights activist, Croatia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

I think that the commission should deal more with the question of facts than legal qualification of certain violations. The commission should not get involved in legal implications, but it should only list types of violation like abduction, rape, and so on, while the question of criminal prosecution is, of course, a matter for courts and judicial authorities. (Howard Varney, International Center for Transitional Justice, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

RECOM should deal with the issues faced by the erased persons from the citizenship of Slovenia.

There are citizens of Slovenia who have been erased and in order to explain to you how big a problem this is, I must tell you that there are still 12,000 people who have been cleansed from Slovenia. I would not like to relativize this with more serious cases that happened in Yugoslavia with arms, but these crimes also remain. I do not know if this is the right word, I have already forgotten to speak Serbo-Croatian, but such things should also be in the interest of RECOM. (Aleksandar Todorović, Civic Initiative of Erased Persons [from citizenship of Slovenia], Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

37.4. Workshop: Public hearings and relations towards perpetrators of war crimes and other serious violations of war crimes

A total of 75 participants of the Fifth Forum took part in the debate, including 25 regional representatives of victim's families associations. Besides suggestions and proposals regarding the topics of the workshops, several participants also presented the opinion that the priority should be establishing the causes of wars and crimes,² and representatives of Serb associations pointed to the fact that Serbs need guarantees that all victims will be treated equally.³ Tea Gorjanc-Prelević (Human Rights Action, Montenegro) and Dinko Gruhonjić (Independent Journalist's Association of Vojvodina, Serbia) were moderators of the debate.

The public testimonies of victims serve as an open space for catharsis and compassion.

Public hearings are very important, especially in evoking empathy: take the case we mentioned earlier, the killing of Bosniak young men and the video footage [The Scorpions]. It was broadcast by all the TV stations in Serbia: at first, it shocked the public, but then compassion towards the victims became apparent. RECOM is practically the first and I'm afraid to say also the last serious opportunity to hear the voice of the victims. (Dinko Gruhonjić, Independent Journalist's Association of Vojvodina, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Therefore, public hearings will be some sort of a relief, a form of catharsis and, of course, valuable help to those who will prosecute war crimes. (Jusuf Trbić, Bosniak Cultural Community Preporod, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

I don't know if you've heard of the Erased in the Republic of Slovenia? We personally made no progress before we started testifying. The public didn't know about us, the Slovenians didn't feel for us: but when we started testifying in the public 5% of the Slovenian public support rose to 45% of public support. (Irfan Beširević, Social Centre, Rog, Slovenia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

I think it is very important to see victims with a full name, a face, tears in their eyes and pain, no matter how hard it is. This may be the only way to come to our senses after all these years: maybe then our children can start doing something else in this region, without being constantly reminded of the past. (Ljiljana Stojanović, Centre for Democracy and Development of the Southern Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

As far as public hearings are concerned, I would like to say that it is the right [course of action] and it leaves a huge impact on all the people around us and people in the region (...) (Ljubiša Filipović, Association of the families of the kidnapped, missing and killed in the period from 1998 to 1999 in Kosovo Crveni božur, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

The concept of the victim should be defined in accordance with human rights standards.

A victim [is] each individual or a group against whom a crime has been committed, i.e. a victim is a citizen against whom any sort of violence motivated by criminal and inhumane act or activity in violation of international standards guaranteeing human rights has been committed. (Velija Murić, Montenegro Lawyers' Committee for Human Rights, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

We should point our finger at the facilitator of all this, and should make distinctions among victims. A victim killed on his or her own doorstep is one thing and one who came to another people's land looking for something is a completely different thing, and so forth. (Ibrahim Čikić, former political detainee from Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

A victim can be defined as one who was killed on his or her doorstep: but victims are also those who took refuge or who were forced out of their homes, which means that they were not killed. Therefore, the notion of victim is composed of many different factors and I think that in the work of RECOM, especially in public presentations we should avoid making equalization where we should not. (Esad

Kočan, Monitor Magazine, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Public hearings should not be limited only to victims.

I think that we should listen to all those who want to give an account because we are not able to assess if someone is a criminal or not. Of course, we should provide a mechanism, it may not be the right term, of witness protection. (Jusuf Trbić, Bosniak Cultural Community Preporod, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

As far as perpetrators are concerned, I think that they suffer just the same, they have lots of traumas and victims' stories can encourage them to speak and what I find very important is that they do not argue, do not insult, and make the story look like it is. It is important to open a space for discussion, to make room for all stories. (Teufika Ibrahimfendić, Vive žene, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 28th and 29th 2009.)

In order to find where the missing are, we should adopt a clause providing those who are not so guilty, who bear less responsibility, who were not such big war criminals an opportunity to testify in public, to publicly disclose things they participated in, directly or indirectly, so that we can come closer to the truth. (Nada Dabić, Esperanca, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

We should make a distinction between those who committed crimes while executing orders, thus respecting orders of their superiors or political stances or national stances, from those who practically committed crimes in their own name following their criminal impulse. (Velija Murić, Montenegro Lawyers' Committee for Human Rights, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Among members of the army and police, there are always those who have a pressing need to speak under certain conditions and in relation to certain horrific cases. Not publicly – it has shown that it always ends in a disaster [for them] when they speak in public (...) But if we manage to make a

different atmosphere, to make a supportive atmosphere for those who speak publicly, who testify about crimes, then it would probably be easier for them to apply and speak about crimes within the framework of these public hearings. (Nataša Kandić, Humanitarian Law Center, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 28th and 29th, 2009.)

When selecting victims who should testify in public, a priority should be given to victims whose accounts can be corroborated by witness statements.

I think that a selection should not be made. I think we should let people who really wish to speak publicly, speak. I really wouldn't make any selections according to the manner in which they can speak. What matters is the wish of those people to participate. (Ljupka Kovačević, Anima, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

I am in favour of hearing both victims and witnesses. I also think that when we make a selection of those who will speak publicly, that we should give priority to the victims whose accounts can be corroborated by witness statements. (Dragoljub Duško Vuković, journalist from Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

I think that women and others who have been victims of rape should be heard separately. (Sonja Radošević, journalist from Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Victims should testify freely and should not be examined as they would be in court.

I think they should be allowed to speak freely and that it should not take the form of a formal investigation. We should respect what people say in the course of their testimony (...) Some may say more, some may say less, but I believe they shouldn't be examined critically (Ljupka Kovačević, Anima, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

There is a dilemma whether or not victims should publicly say the names of perpetrators.

Is it appropriate to name the perpetrator? I'd say no during public reporting, during public testimony. However, since not all testimonies will be public, I think the commission should be in possession of this information. (Ljupka Kovačević, Anima, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 28th and 29th, 2009.)

If RECOM establishes enough evidence on the basis of factual background in this situation, it may name perpetrators and I believe that it should do so in such situations. (Tea Gorjanc-Prelević, Human Rights Action, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

I've had the opportunity to listen to many people who mention the names of those who committed crimes. Of course, there is a difference between people speaking about something they heard about and something that they witnessed, that they saw with their own eyes. If in such cases they mention perpetrators or persons who were involved in such a story then these people must be given an opportunity to respond to this. (Jusuf Trbić, Bosniak Cultural Community Preporod, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Speaking from the perspective of a professional journalist (...) I must say that it is very dangerous to handle names of perpetrators if there is no evidence. By doing this, we enter the zone of possible libel and so forth, so victims can find themselves in a situation where they can be sued by perpetrators or alleged perpetrators because they were not able to prove that this person was a perpetrator and we, or the commission, will not be able to protect them. (Dragoljub Duško Vuković, a journalist from Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Names of perpetrators or witnesses, or any names, penetrates the judicial field, the legal structures of any country. Hence, are we going to have two judicial systems then? One civil and one state, or are they going to build upon each other, so that [RECOM becomes] public service for institutions of public prosecutor and state prosecutor in prosecuting war crimes? (Bruno Čavić, a Croat war veteran, Croatia, Fifth Regional Forum on Transitional

Justice, Budva, Montenegro, May 29th - 30th 2009.)

Therefore, it is one thing if someone mentions a name during his or her testimony, but it is a completely different thing if this name stands in a report. Quantity of evidence matters in both cases. Because one can be held accountable for libel, one can be free from libel charges if one had sufficient grounds to believe the authenticity of what one had said. Hence, if RECOM could establish enough evidence on the basis of its facts in a situation like this it would be able to name these perpetrators and I think it should do so in such situations. (Tea Gorjanc-Prelević, Human Rights Action, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Victims' families should decide on amnesties for perpetrators.

All those who do good, those who should be rewarded, should be amnestied. I think that our families should have an exclusive right to decide about whether to grant amnesty or not. God will punish all those who did evil and every perpetrator has a name. (Verica Tomanović, Family's association of kidnapped and missing person on Kosovo and Metohija, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

There is a dilemma whether to call representatives of institutions to testify in public or not.

Should we organize public hearings of representatives of institutions? I don't think so. (Ljupka Kovačević, Anima, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

As far as the issue of public hearings of representatives of institutions is concerned, I think it is a very relevant issue because if we manage to hear the representatives of institutions, we would establish a specific contact with them, i.e. with institutions that should institutionally deal with war crimes, reparations, injured parties, and so forth. (Velija Murić, Montenegro Lawyers' Committee for Human Rights, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

If we are to establish facts and come to conclusions based upon these facts that will deter us and our children from committing war crimes, then I believe people who want to speak only because they are looking for amnesty themselves should come clean: I agree that these people should be given an opportunity to speak the truth. (Dragoljub Duško Vuković, a journalist from Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

Non-governmental organizations and associations of victims should encourage victims to participate in public hearings.

The role of non-governmental organizations and associations of victims is to encourage victims to testify. (Ljupka Kovačević, Anima, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.)

38. Local consultation with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters on the Initiative for RECOM

Novi Travnik, BiH,
June 6th 2009

The consultation was organized by the Citizens' Forum of Tuzla (BiH) and attended by 24 representatives of associations of concentration camp prisoners, šehid families, families of killed combatants, as well as a representative of one association of civil victims of war. On this occasion representatives of Croatian and Bosniak associations of concentration camp prisoners from the local community met for the first time. Vehid Šehić (Citizens' Forum of Tuzla, BiH), Eugen Jakovčić (Documenta, Croatia) and Bogdan Ivanišević (International Center for Transitional Justice) opened the consultation. Portal live.ba announced the event.

For most participants RECOM is an opportunity to find out about the events in their area, to allow ordinary citizens to talk about it, and to stop the separation of children.

Crimes must not be forgotten but they must be forgiven. I have been taught ever since I was a little boy that one of the most valued characteristics in every man is his ability to forgive his adversary or his enemy. For that reason I believe that RECOM will make it possible for all of us to learn and tell about the things that happened in this region. (Anđelko Kvesić, Croatian Association of Concentration Camp Prisoners in the Central Bosnia Canton, BiH, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

You can help us legalize our status as concentration camp prisoners because we could not do it through the Association of Concentration Camp Prisoners of BiH. You help us now and we will help you later. This initiative is good and we need it (...) We should not forget that our children are being separated, too and this thing should be done as soon as possible to avoid an irreparable damage in the relationship between our children. Please bear in mind that Bosniaks, Croats, and Serbs have different education systems while we don't even have a law on education. (Husein Plivčić, Association of Concentration Camp Prisoners of Vitez municipality, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

We support the creation of this regional commission simply because one component does not want to cooperate with another one, that is our problem, not the people, but presidents and politicians (...) Let concentration camp prisoners, the families of killed combatants, and the handicapped tell us what is on their mind. Once the commission is created a huge problem will be solved. (Mirsad Dizdār, Association of Concentration Camp Prisoners of BiH, office in Jajce, BiH, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

The criminals who wronged us are at large, living freely, even occupying high state positions in this government that's not doing anything for us who suffered fighting in the homeland war. It is very important to mention that the judiciary and the Prosecutors' Offices are not doing anything in BiH to protect the victims of the homeland war, and

especially not for us, concentration camp prisoners. I believe that this commission will help serve the justice and discover the truth and help us exercise the rights concentration camp prisoners are entitled to according to the Geneva Convention. (Marko Krajina, Croatian Association of Concentration Camp Prisoners from Fojnica, BiH, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

I salute this initiative and I think we should consider it from a victim's point of view because our governments could have solved this problem had they wanted to. I really salute this initiative because I truly believe that through a constructive dialogue we'll be able to create a truly democratic society and the basic component of each democratic society is a powerful civil society sector able to recruit its recourse in reaching a shared idea. (Sandra Velta, Croatian Association of Concentration Camp Prisoners from Busovača, BiH, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

This is my signature supporting this idea and it represents 150 members from my association and me which means you have 151 votes for this initiative. (Petar Madacki, Croatian Association of Concentration Camp Prisoners from Kiseljak, BiH, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

Associations of concentration camp prisoners should act jointly to exert pressure on the government to support the creation of RECOM.

Associations of concentration camp prisoners have their names and their different prefixes and they are usually opposed to each other. That just helps the governments who don't really want us to become part of the state system (...) We could create a mother organization through which we can fight for our rights, interests, truth, and goal because this relationship between us is a real impediment. (Miralem Aletić, Association of Concentration Camp Prisoners of BiH Busovača, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

A concentration camp prisoner is a concentration camp prisoner and if we are going to become part of the system, we should do it together. Our problems and our wounds are identical, and maybe we were tortured in the same way. What's the difference? Why do we have to be separated? It is in compliance with policies employed by nationalistic parties, from Belgrade to Zagreb, and it is very detrimental for us. (Tahir Tahirović, Association of Concentration Camp Prisoners of BiH Busovača, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

We legalized that kind of politics by voting for them and at every election we give them more power. They don't come on their own. What is really an issue here is that we should be able to recognize the need to start talking about each and every crime in a civilized manner, regardless of who's the victim and who's the perpetrator. (Fuad Kečo, Demobilized Combatants Association, BiH, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

How to find a way to make our politicians, who are not interested to help us in any way, create this commission? It is contrary to their interests. So, let's not talk about who will finance it, who will be a member, let's find the ways to make representatives of our legislative and executive authorities to pass laws allowing us to form this commission. (Anđelko Kvesić, Croatian Association of Concentration Camp Prisoners in the Central Bosnia Canton, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

Some participants believe that RECOM members should be experts and individuals who are able to conduct hearings of victims and perpetrators regardless of their nationality, while other believe that victims should be members of RECOM.

People that were not wounded or imprisoned, or those who did not take part in this bloody conflict should be members of the commission, because everybody waged a war on everybody (...) The com-

mission should be made up of people immune, so to speak, from all kinds of conflict. (Petar Madacki, Croatian Association of Concentration Camp Prisoners from Kiseljak, BiH, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

I think that the regional commission should be made up of experts who are insensitive to national issues (...) They should be able to listen to these people who have been wronged, to be strong and patient to listen to the accused party and they should be primarily people who will not pay much attention to victim's name but how the victim was tortured and what the victim has been through. They should be able to see a big picture regarding what we need to do in order to secure reconciliation. (Matija Jakšić, Croatian Association of Concentration Camp Prisoners, Jajce, BiH, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

I salute the initiative to create this commission and I hope the judiciary will make the necessary decisions. This commission should engage family members of the killed, šehid family members, members of families who lost a member or members, victims, concentration camp prisoners from any component, a Serb, a Croat, a Muslim, and become a member because the method of one's own experience is something quite different. (Marjan Krajina, Croatian Association of Concentration Camp Prisoners and Prisoners of War, Fojnica, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

Associations should help commission by providing access to information and documents they own.

The documentation, the numbers, all associations have some documents and they need to use it help the work of the commission. (Tahir Tahirović, Association of Concentration Camp Prisoners of BiH, Busovača, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

Some participants are afraid that RECOM will be manipulated if financed by the governments.

If our governments finance the operation of RECOM concentration camp prisoners will not be mentioned. Then our ministers will give those jobs to their family members, they will hire their own drivers, and we will continue to suffer the way we do today. (Redžo Isić, Association of Concentration Camp Prisoners in Central Bosnia, Local consultations with associations of prisoners of war, concentration camp prisoners, combatants, and victims of, Novi Travnik, BiH, June 6th 2009.)

Some participants do not believe that the Commission will help concentration camp prisoners exercise their right to compensation.

The Central Bosnia Canton is the only canton with a special regime. You have to pay a fee in order to be examined and assessed by a commission of experts and you receive their positive or negative answer. The fee is 28 KM but you can never receive a positive answer because they request medical results and opinions from 1992 and 1993 which none of us can submit because nobody thought about going to a doctor's office after being released from the camp. And who can guarantee that this commission will help us get our compensation? (Redžo Isić, Association of Concentration Camp Prisoners in Central Bosnia, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

The most important issue is to find mass graves and mortal remains of the missing.

A dead head is worth nothing, at least where I come from and I am pretty sure in the entire BiH society. We all have had our property rights violated but the most important issue, as you mentioned today, is to know where the grave of the loved one is. It is important to find out where your loved one is, where is the body when you know that the person is dead. I would like to apologize to concentration camp prisoners, they did sustain a blow, but the harshest blow was dealt to the victims – just the thought that I no longer have my son. (Kulaš Haso, Association of the families of šehids and killed combatants of the Army of BiH, BiH, Local consultations with associations of prisoners of war, concentration

camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

I would like to salute this initiative to create the commission simply because it may help find the missing and satisfy the victims i.e. the families of the killed and missing. (Zilha Imamović, Association of the Families of the Killed from Kiseljak, Local consultations with associations of prisoners of war, concentration camp prisoners, and combatants, and fallen fighters, Novi Travnik, BiH, June 6th 2009.)

39. Local consultation with civil society on the Initiative for RECOM

Leskovac, Serbia,
June 11th 2009

The consultation was organized by the non-governmental organization Žene za mir from Leskovac (Serbia) and attended by 30 participants: 21 activists from non-governmental organizations, two members of the Democratic Party, one member of the Serbian Renewal Movement, a war veterans representative, a representative of the municipal authorities, two journalists, and activists of non-governmental organizations. Maja Pešić (Women in Black, Serbia), Nataša Kandić (Humanitarian Law Center, Serbia) and Staša Zajović (Women in Black, Serbia) opened the gathering. Jelena Cakić, a Women for Peace activist from Vlasotince moderated the debate. Bogdan Ivanišević, an International Center for Transitional Justice consultant monitored the consultation. All participants supported the initiative for establishing RECOM. TV Leskovac, TV Studio MT, TV K1, and JUGpress.com reported on the consultation.

RECOM should not include government representatives or members of political parties.

Nor should it happen that there are representatives of government [in RECOM]. I keep mentioning this at these gatherings because in this case the commission wouldn't be the same as it would be if it only included independent intellectuals, celebrities, and persons with integrity. So, we should be very careful when we suggest people who should chair this truth commission. (Dobrosav Nešić, Human Rights Committee Leskovac, Serbia,

Local consultation with civil society, Leskovac, Serbia, June 11th 2009.)

It is very important that representatives of governments do not chair this commission. From the moment government representatives penetrate these regional commissions; they will pollute everything, simply because there isn't a worse kind of people than politicians (...) That's why I think that commissioners should be people with great integrity, people who have proved to be successful in their area of expertise, who are not affiliated with certain parties or members of certain parties. (Vjačeslav Nešić, Serbian Renewal Movement, Serbia, Local consultation with civil society, Leskovac, Serbia, June 11th 2009.)

War veterans are bothered by generalizations referring to them, and they do not deny that among them there were some who killed and looted, but there are also victims among them.

There are a lot of victims among war veterans as well, there have been a lot of stances presented that I have taken note of, there are a lot of generalizations, which bother us as well, veterans do not deny that there were some who stole, looted, killed, and so forth, but that does not mean that all veterans did this. (Vesna Karanfilović, Veterans of Serbia for Peace Association, Serbia, Local consultation with civil society, Leskovac, Serbia, June 11th 2009.)

As long as we do not speak up about what happened, we are considered accomplices.

I will remind you of the fact how roofs in Leskovac became all white because of satellite dishes installed during the Battle of Kosovo, the one from 1999. Do you think that any of these satellite dishes were bought? I was offered any car I wanted for a hundred marks in the street. As long as we remain silent about this, we will remain accomplices. (Srdan Dimitrijević, Movement for Leskovac, Serbia, Local consultation with civil society, Leskovac, Serbia, June 11th 2009.)

We should put every little crime, from pillaging to the destruction of other peoples' property, within the framework of RECOM jurisdiction and see who did all this: the reasons behind it the crimes. (Aleksandar Mihajlović, Democratic Party, Serbia, Local consultation with civil society, Leskovac, Serbia, June 11th 2009.)

We should make a precise definition of who can be considered a victim. We must not forget about forcibly mobilized refugees and citizens, as well as deserters who ended up in prisons.

I think it is very important not to forget about refugees, who were just hunted down in Macedonia and taken back to frontlines in Croatia and Bosnia. I also think we should pay some attention to those people, who did not want to go to the frontlines, but were forced in various ways or ended up in prisons. (Ljiljana Stojanović, Centre for Democracy and Development of Southern Serbia, Serbia, Local consultation with civil society, Leskovac, Serbia, June 11th 2009.)

RECOM mandate should encompass the time before the war in Slovenia started.

We have often been told the beginnings of the conflict: the one I had the chance to learn about recently was the story of the Yugoslav flag being set on fire at the football game in 1989. Therefore, we cannot relate solely to Slovenia 1991; it all started much much earlier. (Nebojša Kitanović, Serbian Renewal Movement, Serbia, Local consultation with civil society, Leskovac, Serbia, June 11th 2009.)

RECOM is expected to create a record of the killed and missing Roma. The question is if the fact that Roma in Macedonia still do not have documents falls under the mandate of RECOM.

There is very little talk about the missing and killed Roma. Nobody is researching, as far as I, as far as I (...) I am sorry if it is so (...) Roma who took refuge in Macedonia still do not have any documents. (Ašim Saitović, Municipality of Leskovac, Serbia, Local consultation with civil society, Leskovac, Serbia, June 11th 2009.)

Non-governmental organizations and members of the Coalition for RECOM should contact local authorities and prompt their involvement in the consultation process.

First as members [of the Coalition], as representatives of these non-governmental organizations, we should make contact with representatives of the local authorities, officials from our towns, and then, on the basis of our conclusions involve them more in the work of [the Coalition for] RECOM.

(Jasmina Mitrović, Democratic Party, Serbia, Local consultation with civil society, Leskovac, Serbia, June 11th 2009.)

Victims' families should make decisions regarding amnesties of perpetrators, who repented and provided information about mass gravesites.

I think that the opinion of victims and victims' family members about the perpetrators should be involved. This is very important simply because there is this idea that people who disclose information about mass gravesites or about places where people who are still missing on the territory of the former Yugoslavia are concealed are granted amnesties. I am not sure that the victims would have understanding for the involvement of perpetrators. (Ljiljana Stojanović, Centre for Democracy and Development of Southern Serbia, Serbia, Local consultation with civil society, Leskovac, Serbia, June 11th 2009.)

The transparency of the process has great significance. Serbs have to be convinced that they are not the only ones who are guilty.

It will be very important for the media to cover this with a comprehensive transparency, so that people can get the impression that they are not the only ones who are guilty, that they are not the only ones accountable (...) I think that people would be more relaxed, and that the problem can be approached with more ease. (Valentina Vukosavljević-Pavlović, Fund for Development of Leskovac, Serbia, Local consultation with civil society, Leskovac, Serbia, June 11th 2009.)

RECOM should not avoid perpetrators. Their confessions are very important.

Victims always have a subjective approach to the event (...) With this regard, we should not avoid perpetrators; we should chase them, go after them and make them confess the crime (...) I do not mean that perpetrators should be involved in this way, but that in the course of the work of the commission, we should also have an opportunity to hear that side, I mean when a victim points a finger at someone, the commission should find this person and continue its research, and obtain at this side information that will give a comprehensive truth. (Živojin Tasić, literature teacher from Leskovac, Serbia, Local consultation with civil society, Leskovac, Serbia, June 11th 2009.)

40. Local consultation with young people on the Initiative for RECOM

Novi Sad, Serbia,
June 12th 2009

The consultation was organized by Fractal (Serbia) and the Youth Dialogue Programme (Serbia). A total of 18 young people, representatives of non-governmental organizations from Vojvodina, three participants from the League of Social Democrats of Vojvodina Youth, and one representative of the province authorities participated in the consultation. Parts of the film *Dealing with the Past: Truth Commissions and Societies in Transition* (examples from South Africa and Morocco) were screened. Marijana Toma (Impunity Watch, Serbia), Mario Mažić (Youth Initiative for Human Rights in Croatia) and Maja Ladenac (Independent Journalist's Association of Vojvodina, Serbia) opened the gathering and Srđan Vezmar (Youth Dialogue Programme) and Filip Pavlović (Fractal) were moderators. Danas and MINA announced the consultation.

The regional approach to fact-finding about crimes is important because of the responsibility we, as a society, bear with respect to victims.

It is very important to establish a commission like this one and establish facts because of the responsibility we have with respect to survivors and all societies we live in. These facts are rather complex and the only way to observe it is to use a regional approach. Focusing on victims in the regional concept erases borders between these victims, makes them equal; and through this, the victims become our responsibility. (Maja Ledencac, Independent Journalist's Association of Vojvodina, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

RECOM should deal first and foremost with the interests of victims.

There are at least three kinds of interests when it comes to commissions: perpetrators who want to avoid punishment and public humiliation, commissions who would like to play justice and equity, in my opinion, and the victims who want to learn the truth (...) It is very hard to satisfy the interests of

all parties involved. I believe that the commission and commissioners should primarily be focused on victims because I believe that their story is of utmost importance. (Dejan Rašeta, Youth Dialogue Programme, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

The public should be prepared for the establishment of RECOM through learning about examples of positive experiences gained in other societies.

The youth and the public will try very hard to exert pressure: this initiative will then again be left in the hands of institutions, and it is possible that it will be disrupted. I don't know if it can be avoided, in order to prevent this initiative from being left in the hands of politicians and political parties. (...) Better results can be gained by the commission if it gains the support of the public before it is established: public awareness could greatly contribute to the success of the commission. I think this should include the promotion of positive examples from around the world, so that the public can see that justice can be served, and that people can be held accountable for their deeds. (Ruža Helać, Fund for the Development of the Non-profit Sector in the Autonomous Province of Vojvodina, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

I guarantee you that half of the students do not know exactly what Srebrenica represents. Because we, as a civil sector, are informed, we are not aware of the level of ignorance and lack of information available to the public; we do not know that. That is why the role of the media is so important, and that is why it is of great importance that we broadcast these stories on RTS, on major TV channels, because we must not disregard the lack of information available. (Ana Marija Popović, Youth Initiative Team, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

It should be a priority of RECOM to deal with journalists who participated in war propaganda.

I think RECOM should also point to the journalists who carried out war propaganda and instigated commission of certain crimes. (Srđan Vezmar, Youth Dialogue Programme, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

The initiative for RECOM represents an opportunity for each society to correct its mistakes and take responsibility for its actions.

As a matter of fact, I think that one of the main motives for avoiding the process of dealing with the past on a political and international level could be, I dare to say, a certain illusion that the picture of this society and societies in the region could be damaged, thus making a distorted image of the state itself (...) I believe that through recognition of atrocities committed in the past, we will be able to overcome certain problems and gain a level of social maturity. (Filip Pavlović, Fractal, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

We are considered aggressors and are not looked upon very kindly in the world, i.e. in the media. We should correct our mistakes, and lead by example: others must take responsibility for their own mistakes, and by this I am referring to Croatian mistakes. Hence, we should clean up our own mess first, solve our problems and thus improve the image of our country in the world. By doing this, we would improve the entire situation. (Mile Novaković, Sigo ando Them Association, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

The most important thing for RECOM is to support victims because institutions cannot ignore them.

This will happen in the moment when associations of victims start to put pressure on the state (...) these are groups of people who you can ignore for some time, but you cannot ignore them completely when they are standing at the doors of institutions and making demands. That is where I really see a possibility for RECOM to prepare for possible problems in the future. (Marijana Toma, Impunity Watch, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

RECOM should deal with crimes against civilians, disappearances, but also with war crimes committed against prisoners of war.

The focus should be on the missing, but I also believe that it should encompass all crimes. The time period should not exceed three years. (Jovana Kolarić, a student from Novi Sad, Local consulta-

tion with young people in Vojvodina, Novi Sad, Serbia, June 12th 2009.)

Maybe the mandate of the commission should be narrowed down to certain aspects of crimes because of the limited capacity of our society, so that we would not stretch to all aspects of crimes and accomplish nothing. (Ruža Helać, Fund for the Development of the Non-profit Sector in the Autonomous Province of Vojvodina, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

War is war. There are shootings, there are killing; soldiers attack soldiers. However, when a soldier shoots at a civilian, that is really not humane and I believe there is no excuse for that. Other massacres of civilians should be dealt with first, as well as exhumations of gravesites near Srebrenica and other areas. The commission should put a deadline that should not be too long. I believe that these issues can be solved between one and two years. In my opinion, that is the most pressing issue. (Mile Novaković, Sigo ando Them Association, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

We shouldn't forget that crimes against prisoners of war are very horrific and that if we focus solely on civilians, then we lose sight of Lora, for example: this represents a huge problem. (Marijana Toma, Impunity Watch, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

War veterans should be involved in activities concerning RECOM.

My advice for RECOM is to include war veterans because war veterans already cooperate among themselves. Yesterday, Croat war veterans and Serb war veterans had a discussion: and already there is a level of cooperation among them. I think they should also be included because they can provide firsthand [information]. (Nenad Vezmar, League of Social Democrats of Vojvodina Youth, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

RECOM should not offer amnesty to perpetrators.

RECOM (...) should disregard amnesties. Because I don't believe that a confession alone should absolve a perpetrator: justice is not served. Because I can't

free a man from punishment, not me, not anybody; if he committed genocide against civilians, soldiers, prisoners of war, then I cannot accept anything less than justice. I do not believe that because of an admission of guilt, we should say "Ok, it's forgotten thanks for helping, you are free now." No, he should not be sentenced to 20 years, but he should be sent to jail for five to ten years minimum. (Nenad Vezmar, League of the Social Democrats of Vojvodina Youth, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

A TV station with regional frequency bands should be established, dealing solely with crimes.

I suggest that you make a regional TV station where only this topic shall be deliberated because, until we have RECOM set up and running, governments may change, we may have a different RTS: programming may be different. (Nenad Vezmar, League of the Social Democrats of Vojvodina Youth, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.)

41. National consultation with women's groups

Prishtinë/Priština, Kosovo,
June 25th 2009

The consultation was organized by the non-governmental organization Partners Kosova (Kosovo). A total of 24 women's organization representatives participated, in order to discuss human rights and provide support to victims. The film *Dealing with the Truth: Truth Commissions and Societies in Transition* was screened. Shukrie Gashi (Partners Kosova, Kosovo), Nora Ahmetaj (human rights activist, Kosovo), Suzana Kunac (B.A.B.E. Association, Croatia) and Gazmir Raci, (Pro Peace Platform, Kosovo) opened the gathering.

The majority of participants supported the civil initiative for RECOM and believe that the involvement of institutions in the region is essential.

I want to congratulate you on this initiative. This is a great accomplishment (...) We should look for greater involvement of the parliament, as well as relevant ministries and parliamentary committees.

Their participation will bring us to the creation of documents, to the implementation of these documents and the implementation of recommendations. (Belgijzare Muharremi, Open Door, Kosovo, National consultation with women's groups, Prishtinë/Priština, Kosovo, June 25th 2009.)

I received a message today and from now on I will be an advocate of this commission. Why do I say this? First of all, to treat myself because it's been ten years and if we don't meet in one group regardless of the level, we will end up in a war again. (Sakibe Doli, Safe Home, Gjakovë/Đakovica, National consultation with women's groups, Prishtinë/Priština, Kosovo, June 25th 2009.)

One asked a question if it is a good time for establishing RECOM considering the political instability in Kosovo and problems arising in Serbia.

When were these commissions established in other countries? Right after the conflict or sometime after the conflict? Was the conflict over? One of the challenges for establishing this commission or a coalition in general is, for sure, political instability, which at the moment prevails in Kosovo, and problems coming from Serbia perhaps are representative of resistance from certain groups, when we speak about the work of this coalition. (Eli Krasniqi, a sociologist, Kosovo, National consultation with women's groups, Prishtinë/Priština, Kosovo, June 25th 2009.)

The Coalition for RECOM should demand an apology from states that started the wars, especially from Serbia, which would have an impact on the strengthening of victims' trust in RECOM.

During the commission establishing phase, the coalition should demand that the states responsible for starting the wars by committing crimes, Serbia in this case, offer a public apology. This is very important for victims themselves. This will have an impact on them being involved in the process of testifying if they know that this commission at least asked for a public apology. (Veprorë Shehu, Medica Kosova, Kosovo, National consultation with women's groups, Prishtinë/Priština, Kosovo, June 25th 2009.)

If RECOM recommends that governments pay

pecuniary compensation to victims, this will motivate victims to support RECOM.

I am interested the fact that the mandate will provide compensation or reparations for victims. I think it is a significant motive, besides the objective to establish social justice. (Veprorë Shehu, Medica Kosova, Kosovo, National consultation with women's groups, Prishtinë/Priština, Kosovo, June 25th 2009.)

The issue of rape must be in RECOM's mandate. The role of women's groups is to encourage victims to testify.

Rape as a war crime must be in the mandate of the commission. I believe that it is important and that without it the commission would not be authentic and that there is a gender dimension to the war. (Suzana Kunac, B.A.B.E. Association, Croatia, National consultation with women's groups, Prishtinë/Priština, Kosovo, June 25th 2009.)

Representatives of various organizations working with women have a moral and a human obligation to work with female war victims in order to give them an opportunity to be heard in a dignified way. If they don't want it [testimony] to be given in the presence of the other party or other people, any form [of testimony] that they accept is useful because it helps them free themselves in the spiritual and psychological sense. (Shukrie Gashi, Partners Kosova, Prishtinë/Priština, National consultation with women's groups, Prishtinë/Priština, Kosovo, June 25th 2009.)

Commissioners elected to sit in this commission should have extensive knowledge. It is not necessary that they are psychologists, but they need to have knowledge about traumas, especially when we speak about the trauma caused by sexual abuse during the war. This means that the process of testifying and approaching these victims is very important. (Veprorë Shehu, Medica Kosova, Kosovo, National consultation with women's Groups, Prishtinë/Priština, Kosovo, June 25th 2009.)

Women are a part, an essential part of society according to international humanitarian law: their rights are violated not only when they are a direct objective or a target of the regime in various ways, but their rights are also violated in the physical and psychological sense. Women must lead this

process because they know what they need. They are double victims and the main component of transitional justice. (Nora Ahmetaj, human rights activist, Kosovo, National consultation with women's groups, Prishtinë/Priština, Kosovo, June 25th 2009.)

RECOM should help the families of the missing in implementing their rights that derive from the basis of death, that is, disappearance of their closest family members.

Wives of missing persons (...) could not say that their husbands are deceased because they did not see them or receive their bodies and unfortunately all their efforts to declare them dead were misinterpreted by their husbands' families. We did something with the International Committee of the Red Cross in order to make it easier for them to access legal rights even in cases when the mortal remains were not sent, but this is not enough. Maybe this could also be included in the scope of the commission's work. (Veprorë Shehu, Medica Kosova, Kosovo, National consultation with women's groups, Prishtinë/Priština, Kosovo, June 25th 2009.)

RECOM should have a mandate to assess what kind of a conflict occurred between the countries in question because victims' reparations depend on this.

Was it a genocide, or was it ethnic cleansing? There is a big confusion in this sense (...) The sole definition of this as a conflict or a war gives you a right to claim compensation. If it is a conflict, there is no compensation. Forget about it, there is no reason for establishing a commission. This should be called a war, and a war with intent to commit genocide and ethnic cleansing. (Veprorë Shehu, Medica Kosova, Kosovo, National consultation with women's groups, Prishtinë/Priština, Kosovo, June 25th 2009.)

42. Local consultation with civil society on the Initiative for RECOM

Pejë/Peć, Kosovo,
June 26th 2009

The consultation was organized by the non-governmental organization Syri i Vizionit (Kosovo), and was attended by a total of 34 participants,

including representatives from non-governmental organizations, associations of war veterans and the media. The consultation was monitored by four representatives of the Pejë/Peć, Istog/Istok and Klinë/Klina municipal authorities and three representatives of international organizations. Salem Čorbo (Povratak i održivi opstanak Association, BiH), Bekim Blakaj (Humanitarian Law Center, Kosovo), Valdete Idrizi (Community Building Mitrovica, Kosovo) and Vetton Mujaj (Syri and Vizionit, Kosovo) opened the consultation. Zeri and TV Dukagjin reported on the event.

A great number of participants supported the initiative for establishing RECOM.

I want to focus on the initiative, which I approve of: I think this is the right moment for civil society to focus on this matter (...) I think we [in Kosovo] are running late in this process compared to Bosnia and Croatia (...) I think this represents one of the solutions for collecting facts in order to direct these facts to the appropriate addresses. (Elbert Krasniqi, Youth Committee, Kosovo, Local consultation with civil society, Pejë/Peć, Kosovo, June 26th 2009.)

We should really embrace such an initiative (...) God help us that by establishing this commission we start progressing and that (...) people will not be hesitant. I cannot point at a person and say he or she is to be blamed. We talked about the Government of Serbia here; those who killed will definitely not provide evidence. If they were willing, they would not have killed. (Lale Grabanica, Elena Gjika, Local consultation with civil society, Pejë/Peć, Kosovo, June 26th 2009.)

The Problems faced by disabled war veterans and war veterans must be resolved by law and through institutions.

We have 2,500 killed soldiers of the Kosovo Liberation Army. We have disabled war veterans, who are neglected by society and who still receive one small percent of compensation. Therefore, war veterans and members of KLA are not covered by the law at all (...) We should institutionalize the search and rehabilitation of war victims: this must be carried out in a lawful, institutionalized manner. (Pren Marashi, Association of War Veterans, Kosovo, Local consultation with civil society, Pejë/Peć, Kosovo, June 26th 2009.)

If RECOM provides compensation for the violence endured, a positive psychological response can be gained from the victims.

I would not underestimate the judicial or legal effect of this process. The knowledge that someone was freed or compensated for the violence endured can have a considerable psychological impact on a victim: this is of great significance. Justice in a certain way provides an opportunity to close this pain. (Lulzim Arapi, Association for Psychological and Social Support for Children and Families, Kosovo, Local consultation with civil society, Pejë/Peć, Kosovo, June 26th 2009.)

Participants expressed doubt over the identification of mortal remains, and criticized the manner in which the identification of these remains was conducted.

This is the only concern I present today for the first time. Even though they paid 70,000 marks, even though this person was buried and has a headstone, is the person buried the right person? So, these people we receive, are they who we think they are? Or could it be a completely different person? (Sabrije Zeqaj, Hendikos Association, Kosovo, Local consultation with civil society, Pejë/Peć, Kosovo, June 26th 2009.)

Victims of sexual violence, including women, require moral support, and must be seen as equal to other civilians before the law: they must have psychological support and the right to reparations. Their decision to testify in public must be respected.

There is a category of war victims: women who suffered sexual violence or any other acts of brutality. When the law regarding civilian victims was passed, we were disappointed because it did not include this category of persons (...) We proposed an amendment to the law enabling these victims in the future to claim reparations and to be morally supported and recognized. However, no response has been received, even though female members of the parliament were present at this gathering. (Ilirijana Hoti, Medica Kosova, Kosovo, Local consultation with civil society, Pejë/Peć, Kosovo, June 26th 2009.)

To my knowledge, some non-governmental organizations are actively dealing with this issue. However,

there are no official institutions dealing with women victims of rape in comparison to those dealing with participants of the war. [Rape can be described as one of many] syndromes of war, not a syndrome of the Vietnam or Bosnian war alone. There are no institutions here dealing with this issue. And you know that the treatment is very expensive. This is our concern. (Pren Marashi, Association of war veterans, Kosovo, Local consultation with civil society, Pejë/Peć, Kosovo, June 26th 2009.)

But when we talk about cases of sexual violence, when we speak about women, we also have to respect their reluctance to testify in public. (Valdete Idrizi, Community Building Mitrovica, Kosovo, Local consultation with civil society, Pejë/Peć, Kosovo, June 26th 2009.)

Conflicting opinions were presented in relation to reconciliation as an objective of RECOM, as well as the task of truth-seeking.

We are not ready for reconciliation, we just want fact-finding. At the same time, the word truth, truth commission, what kind of a truth? Everyone has his or her own version of truth, and that is the reason why we are very careful when it comes to RECOM. It is a regional commission for fact-finding and confirmation of facts about crimes committed in the former Yugoslavia and other serious human rights violations (...) We have removed this word [reconciliation] on purpose. (Valdete Idrizi, Community Building Mitrovica, Kosovo, Local consultation with civil society, Pejë/Peć, Kosovo, June 26th 2009.)

The conceivable objective or purpose of the work done by the commission seems to be reconciliation. I do not wish to speak lightly: however, it is my belief that this issue has negative connotations. The way we can solve our problems is through communication, by speaking about these problems. Maybe commissions like this one could help people open up about their experiences. I think this may have a psychological effect. We call it emotional catharsis; where all these emotional charges are being discharged. (Lulzim Arapi, Association for Psychological and Social Support for Children and Families, Kosovo, Local consultation with civil society, Pejë/Peć, Kosovo, June 26th 2009.)

People who are here cannot ask for reconciliation because a victim is not looking for reconciliation.

4 The representative of the Medžlis of Islamic Community Trebinje signed the statement on accessing the Coalition for Establishing RECOM on behalf of the Council.

5 Some participants had remarks in view of the organization of the consultation, for example, that they were not able to contact the Center for Civic Cooperation because the invitation contained an incomplete phone number. In their opinion, that was the main reason for the poor response of representatives of associations and nongovernmental organizations.

Please, make sure that this commission is not looking for reconciliation in the future and must not mention reconciliation because it focuses on victims and victims do not look for reconciliation. (Pren Marashi, Association of war veterans, Kosovo, Local consultation with civil society, Pejë/Peć, Kosovo, June 26th 2009.)

We should not get involved in politics; we should find the perpetrators of crimes. As for a formal apology, there is time for that. French and Germans waited for thirty years and we might also reconcile after a certain period of time. (Atdhe Berisha, Kalaja, Kosovo, Local consultation with civil society, Pejë/Peć, Kosovo, June 26th 2009.)

43. Local consultation with associations of victims, concentration camp prisoners and NGOs

Trebinje, Bosnia and Herzegovina,
June 27th 2009

The consultation was organized by the Centre for Civic Cooperation from Livno (BiH) and Solidarity for South from Trebinje (BiH). Out of 10 participants, one was a representative of the Medžlis of Islamic Community Trebinje.⁴ Nataša Kandić (Humanitarian Law Center, Serbia) and Aleksandra Letić (Helsinki Committee for Human Rights in Republika Srpska, BiH) opened the gathering, while Sonja Garić (Centre for Civic Cooperation, BiH) and Stanko Buha (Solidarity for South, BiH) moderated the event. Radio Free Europe and RTV Republika covered the event. The participants⁵ supported the idea of establishing RECOM. EuroBlic, Nezavisne novine Daily and SRNA published articles about the consultation.

The Islamic Community of Trebinje supports the idea of establishing RECOM.

I want to say that I really honestly welcome the organization of this gathering. I support this idea. I signed the joining statement on behalf of the Trebinje Islamic Community Council, which gathers more than 600 families all over the world. (Husein Hodžić, Medžlis of Islamic Community Trebinje, BiH, Local consultation with associations of victims, concentration camp prisoners and NGOs, Trebinje, BiH, June 27th 2009.)

The main objective of RECOM is to establish facts that cannot be challenged.

Depending on the town we sit in, depending on where we have discussions and with whom, this picture has thousands of faces; we have a situation today, which does not offer a comprehensive picture of what happened (...) It is necessary to establish the facts, so that no one can challenge them anymore and we will, simply because of the force of these facts, accept that this is what happened. (Nataša Kandić, Humanitarian Law Center, Serbia, Local consultation with associations of victims, concentration camp prisoners and NGOs, Trebinje, BiH, June 27th 2009.)

So many painful issues have remained buried somewhere and we have never initiated an open communication, discussion and dialogue about this (...) We need to start talking about events. We should start a simple dialogue, a civilized dialogue, and present facts and see which issues we should work on. (Alma Mašić, Youth Initiative for Human Rights, BiH, Local consultation with associations of victims, concentration camp prisoners and NGOs, Trebinje, BiH, June 27th 2009.)

All these facts should be written down. If we do not write down all that happened (...) our children will have to solve these same things in the future (...) Victims speak like politicians and politicians use victims for their pre-election campaigns and manipulate them. I think it is time for all of us to wake up and say, and write, all that has happened to us in the past, and to move on towards the future. (Sonja Garić, Centre for Civic Cooperation, BiH, Local consultation with associations of victims, concentration camp prisoners and NGOs, Trebinje, BiH, June 27th 2009.)

RECOM is the last chance to hear the voices of the victims and victims should be members of the commission.

I haven't met a single victim that didn't have a need to have his or her story heard (...) The establishment of this commission for war crimes and human rights violations is a gift from the heavens for victims of war. This is the last chance for their stories to be heard, to be noted down, because when these national oligarchies of ours make an agreement, no one will need us anymore. (Izo Rokolj, a returnee to Trebinje, BiH, Local consul-

tation with associations of victims, concentration camp prisoners and NGOs, Trebinje, BiH, June 27th 2009.)

I only want victims to participate in the election of commissioners (...) not to have those that committed crimes sitting on the commission. It is normal that he will prove that an event or a process happened in another way. What I'm trying to say is that a victim should be the main organizer for establishing RECOM: a living witness who can provide evidence. (Borislav Hamović, Association of Concentration Camp Prisoners Trebinje, BiH, Local consultation with associations of victims, concentration camp prisoners and NGOs, Trebinje, BiH, June 27th 2009.)

Those who were detained in concentration camps have had such an experience that they never want to speak about all the things they went through. I have never insisted that my wife, with whom I still live, or my 15-year-old daughter, say anything (...). I only rely on you, on this commission, and I wish that you succeed, but only to tell the truth. (Srećko Barićanin, the Committee of Disabled War Veterans, BiH, Local consultation with associations of victims, concentration camp prisoners and NGOs, Trebinje, BiH, June 27th 2009.)

Are we in favour of this commission or not? And what kind of a commission? I personally support the commission. I am for a multi-centred commission, which would not be seated in one place. I want the commission's work to be focused on telling the truth, personal stories and to prove things with personal stories to decision makers. (Stanko Buha, Solidarity for South, BiH, Local consultation with associations of victims, concentration camp prisoners and NGOs, Trebinje, BiH, June 27th 2009.)

Establishing the facts about the war should include the preparations made before the war commenced.

This war was prepared long before it actually started (...) I claim now and I will have this opin-

ion for as long as I live, that we should start from point zero, from the preparations of the war to see who is to blame. (Kosta Kosović, Association of Concentration Camp Prisoners Trebinje, BiH, Local consultation with associations of victims, concentration camp prisoners and NGOs, Trebinje, BiH, June 27th 2009.)

Victims, perpetrators, and representatives of institutions should be involved in public hearings, but RECOM must provide protection for victims, especially victims of rape.

How can she publicly confront the perpetrators? I think we need to be very careful with this, especially when it comes to women victims of rape, people who suffer from posttraumatic stress disorder etc. We have to protect these people. Should we have public hearings of representatives of institutions? Of course, I would put all this in public: victims as well as perpetrators. (Blažo Stevović, Alternative Club Trebinje, Local consultation with associations of victims, concentration camp prisoners and NGOs, Trebinje, BiH, June 27th 2009.)

RECOM mandate should encompass restitution of the usurped property.

Most of the property has been restored, but there are still cases of usurpation where an owner of an apartment, an inhabitant of an apartment received a decision, an order to leave the apartment against his wishes. There is not a force or law that would help Ekrem Kadrović restore his house at the Sunčani brijeg here in Trebinje. There you go, that is one example. The Islamic Community's property is being sold before restitution and nationalization, while the property of the Orthodox Church has restored all of its property and even received more. So, there are examples of the violation of human rights. (Husein Hodžić, Medžlis of Islamic Community Trebinje, BiH, Local consultation with associations of victims, concentration camp prisoners and NGOs, Trebinje, BiH, June 27th 2009.)

The consultations continue.

Annex II

Official Initiatives for Truth-Seeking About War Crimes

There is no official body in the successor states to the former Yugoslavia, which would systematically and on the territory of the entire country or countries in the region investigate and disclose the facts about human rights violations committed during and after the armed conflicts.

1. Truth and Reconciliation Commission of the Federal Republic of Yugoslavia

The former Federal Republic of Yugoslavia (FRY) is the only country to have established an official body for truth-seeking about the past. The decision on establishing the Truth and Reconciliation Commission was adopted by the President of the Federal Republic of Yugoslavia Vojislav Koštunica on March 29th 2001. The task of the Commission was to “organize investigative work on discovering records about social, international and political conflicts, which led to the war and to disclose information about these events; to inform the domestic and international public about its work and results; to establish cooperation with similar commissions in the neighbouring countries and abroad in order to exchange work experiences”.¹ The Commission did not have the support of human rights organizations or the critical public in Serbia and it was not accepted by the countries in the region or by victims from other ethnic communities. As a result, it was abolished before a single public hearing was organized or before any other significant activities were conducted. It formally ceased to exist with the adoption of the Constitutional Charter of the State Union of Serbia

and Montenegro and the Law on Implementation of the Charter from February 4th 2003 without having published a single report.

2. Attempt to establish a Truth and Reconciliation Commission in BiH

The United States Institute for Peace (USIP) has twice tried to initiate the establishing of a Truth and Reconciliation Commission in Bosnia and Herzegovina; first time in 1997 and then again in 2005.

Regarding the first initiative, USIP recommended and supported the establishment of a network of civil society organizations and interested individuals that would lead a consultative process which would result in recommendations to establish a Truth and Reconciliation Commission in Bosnia and Herzegovina. All the activities were led by the Association of Citizens Truth and Reconciliation, which was created by non-governmental organizations and individual citizens who supported the idea of establishing a truth commission in Bosnia and Herzegovina. The International Criminal Tribunal for the former Yugoslavia (ICTY) was against this initiative because, as they said, the jurisdiction of the two institutions would overlap in terms of documenting crimes and collecting evidence. The ICTY also stated that contact (of the commission) with witnesses would endanger the investigation and work of the Tribunal. The result of the first initiative was a proposed draft Law on the Truth and Reconciliation Commission

¹ Official gazette, Federal Republic of Yugoslavia, no. 15/01, 59/02. 30 March 2001.

2 According to the Decision by the Human Rights Chamber, Republika Srpska's responsibility for the violations of the Article 8 of the European Convention on Human Rights was determined, since Republika Srpska had not disclosed information about the fate of the missing from Srebrenica to their families. By that decision, Republika Srpska was obliged to undertake efficient, unbiased and purposeful investigation and to pay four million Convertible Marks to the account of the Foundation Srebrenica – Potočari Foundation as collective compensation to the victims of the crime.

which was sent to the BiH Parliament in 2003 for discussion and adoption. However, it was never put on the agenda.

The second initiative developed into two parallel processes: the first process included the creation of a network of civil society organizations, while the second one was related to the establishing of working groups of representatives of the political parties in the BiH Parliament, which would, with the assistance of USIP, prepare draft law on establishing a Truth and Reconciliation Commission. By doing this, they tried to initiate a direct dialogue between civil society organizations and political parties about the needs and models of the truth commission.

The working group already had available the draft Law on the Truth and Reconciliation Commission, which was created during the previous initiative. The entire process was sponsored by the Dayton Project non-governmental organization. During its mandate, the working group made changes in some of the articles of the previous draft law, but it stopped working in June 2006, after which the entire process on establishing a truth commission was aborted without public explanation. There was never any discussion in the BiH Parliament about the initial draft law or the amendments to the draft. The ICTY supported the second initiative, but this did not contribute to the establishment of the Commission.

The public and a significant number of civil society organizations in BiH, especially associations of victims, did not support the aforementioned initiatives and publicly expressed reservations and even negative positions regarding the idea of establishing a truth commission.

3. Commission for Investigating the Events in and around Srebrenica between July 10th and 19th 1995 – Srebrenica Commission

The Srebrenica Commission was created by the decision of the Republika Srpska Government on December 15th 2003, as a temporary investigative body mandated to investigate the execution sites and mass gravesites, victims' identities, and also to determine the fates of victims, who were the

subject of a lawsuit filed before the Human Rights Chamber for Bosnia and Herzegovina. By doing this, the Republika Srpska Government, on the one hand implemented the Decision of the Human Rights Chamber for Bosnia and Herzegovina in the case *Selimović et al. vs. The Republika Srpska* (Srebrenica Case), and the order of the High Representative for Bosnia and Herzegovina, Paddy Ashdown, which supported the Decision of the Human Rights Chamber.² In June 2004, the Commission published its initial report, which was rejected by the High Representative Paddy Ashdown, and then, according to his powers, the High Representative called upon the Republika Srpska Government to provide information to the Commission, so that the Commission could make a report based on documents, truth and facts. In October 2004, the Srebrenica Commission published a new report, which was accepted by the High Representative as an important official document, which disclosed the facts about the most serious crime committed on the territory of Bosnia and Herzegovina.

In its work, the Commission fully adopted the historical context presented in the final ICTY verdict from the Krstić case, in which the Republika Srpska Army (VRS) general Radoslav Krstić was sentenced for *aiding and abetting genocide*. Concerning methodology, the Commission based its work primarily on the documentation from different domestic official institutions, such as documentation from the Republika Srpska and the Federation of BiH police, the ministries of defence of the Republika Srpska, and the Federation of BiH, relevant international organizations such as the International Commission on Missing Persons (ICMP) and the International Committee of the Red Cross (ICRC). The Commission also collected documentation from different civil society organizations in BiH. Furthermore, members of the Commission interviewed a large number of individuals, victims and witnesses and authority representatives, who possessed information about the crime and who could provide help in any way in order for the Commission to fulfil its mandate.

The Srebrenica Commission discovered 32 mass gravesites which were unknown until then and determined that 7,779 victims were either killed or went missing in Srebrenica during the time period covered by the investigation.

However, the results of the Commission's work had little impact on the BiH public, the Republika Srpska or the Federation of BiH.

4. State Commission for Finding the Truth on the Suffering of Serbs, Croats, Bosniaks, Jews, and Others in the Period 1992-1995 – Sarajevo Commission

The Sarajevo Commission was established on May 26th 2006 by the Decision of the BiH Council of Ministers on the basis of the BiH Parliament conclusion, which was sent to the Government of Bosnia and Herzegovina at the beginning of 2004. This initiative for establishing a commission was initiated by the Serb victims' associations from Eastern Sarajevo in 2003, with the main objective of documenting Serb sufferings in Sarajevo. Regarding the submitted initiative, the BiH Parliament adopted a conclusion that it was impossible to separate Serb sufferings from the sufferings of other citizens of Sarajevo, which led to the final content of the decision that was then sent to the Council of Ministers for adoption.

The BiH Council of Ministers postponed the establishment of the commission, which precipitated the Serb MP's walk out of the BiH Parliament session and thus blocked its work. This forced the Council of Ministers to establish the Sarajevo Commission.

However, the Commission has never started with its work. The main problem is in the mandate which was not clearly defined and which later became a reason for new political interpretations and disagreements. Namely, according to the decision of the Council of Ministers on the establishment of the Sarajevo Commission, besides the suffering of the population (killings, disappearances, inhumane acts, sexual harassment and rapes, expulsion, etc.), this body also had the mandate to investigate the violations of the Geneva Conventions and its Protocols. The Serb Commission members insisted that the mandate be to exclusively document the sufferings of citizens, while Bosniak and Croat members of the Commission, referring to the Geneva Conventions, insisted on including records of material damage in the mandate alongside the suffering of citizens.

The Commission was never officially abolished, even though, according to the establishing acts, the deadline for the report has already elapsed. The only result of the Commission's work was the creation of the scientific-investigative project, which defined methods for collecting data.

5. Commission for the Avdo Palić Case³

The Human Rights Chamber for Bosnia and Herzegovina in 2001 ordered the Republika Srpska authorities to conduct an investigation into the fate of Avdo Palić, the Army of Bosnia and Herzegovina Colonel, who went missing in July 1995, when he was forcibly detained by the Republika Srpska Army from the UN safe zone of Žepa. Since no progress was made in the investigation, the Commission for the Avdo Palić case was established in January 2006. The Commission presented its report in April 2006, which did not bring any new progress in light of determining the location and exhumation of the body or in the criminal investigation. In December 2006, the work of the Commission was restarted, but this did not lead to any concrete results either. Esma Palić, Avdo Palić's widow, in the meantime initiated a case before the European Court for Human Rights.

6. The Truth and Reconciliation Commission of the Bijeljina Municipality – Bijeljina Commission

The establishment of the Truth and Reconciliation Commission of the Bijeljina Municipality was initiated by an international mediator for BiH Christian Schwarz-Schilling in 2004, who later became the High Representative of BiH. The Commission itself was established by the local authorities in Bijeljina in mid 2008.

The initial idea for the Commission's mandate was to investigate torture and murders of detainees in the Batković camp, the murder of Malagić, Sarajlić and Sejmenović family members and the ethnic cleansing in the Municipality of Bijeljina. At the beginning of 2009, the mandate of the Commission was changed. The mandate now also includes the investigation into material damage. After signing a protocol of cooperation with the organiza-

³ 14 years after the disappearance of Avdo Palić, on August 5th 2009, the BiH Missing Persons Institute published that the mortal remains of Avdo Palić have been identified.

tion Truth, Justice and Reconciliation from Tuzla, investigation into the suffering of the former JNA soldiers in Brčanska Malta in Tuzla (Tuzla column) on May 15th May 1992 also became part of the Commission's mandate.

One of the Commission members was one of the senior commanders in the Batković camp, which has been described by human rights activists as the authorities' attempt to control the work of the Commission. By June 2009 the Commission for Bijeljina had not published any report.

7. Supporting National Capacities in Transitional Justice for BiH - UNDP BiH Project

In 2007, the United Nation Development Agency in BiH (UNDP BiH) started a project called Supporting National Capacities in Transitional Justice for BiH. One of the key project objectives is the initiation of a consultative process between representatives of the civil society and institutions at all levels with regard to the transitional justice process, in order to support the establishment of a transitional justice working group in the BiH Ministry of Justice. The project anticipates that the working group will create a strategy for transitional justice in BiH which will include all non-judicial mechanisms, since the Council of Ministers adopted the War Crimes Prosecution Strategy, which represents the strategy for court mechanisms.

In June 2008 a three-day consultation on the national level⁴ was held in Fojnica, and two-day consultations were held at the regional level (Brčko, April 2009⁵, and Mostar, May 2009⁶). Representatives of all levels of authorities participated in these consultations, from municipal to national level. Also, civil society organizations such as, human rights non-governmental organizations, associations of victims, war-veteran associations, youth associations, women associations, returnees, journalists, artists, representatives of religious communities, representatives of the academic community, representatives of the legal community and others, also participated in the consultations. During the consultation, the topics that have already been directly related to the mechanisms of truth-telling and truth-seeking about crimes committed in the period from 1992 to 1995 were discussed among other things.

The main reports that came out of the consultation concluded that truth-seeking about crimes is of utmost importance for the future of Bosnia and Herzegovina, and that this process represents the basis for any other mechanism of transitional justice. Also, civil society's great contribution in documenting war crimes was emphasized. It was recommended that institutions should establish partnerships with non-governmental organizations, and that non-governmental organizations should establish closer relations with each other, primarily through the creation of a network. However, although war crimes trials are still seen as the most important mechanism of transitional justice, consultation participants agreed that criminal justice had not had the impact that it was expected to have had, thus, the establishment of specific investigative non-judicial body at the national, regional, municipal and international levels is recommended.

However, this was not a unanimous conclusion of the consultation, although none of the participants openly expressed negative attitudes towards non-judicial bodies. Namely, a number of the participants supported the establishment of such institutions (at municipal, regional, national and international level) and gave recommendations regarding its potential mandate and its members, the manner in which the selection of members should be conducted, what kind of relations should be established with judicial bodies, how information should be disclosed to the public, etc.

However, on the other hand, a number of the participants expressed their reservations about whether it would be possible at all to establish such an institution because the necessary conditions have not yet been met for such an institution to work without disturbances: it is still impossible to provide political party and institutional support; the public in BiH is not yet ready to hear about the sufferings of others and so forth.

If such institutions are to be established, then they are seen as institutions, which directly cooperate with the Prosecutor's Office of BiH and do not have the mandate to express their findings in public, which means they would neither endanger investigations and court proceedings nor would they create additional animosity among ethnic communities in BiH.

4 In the sense of the UNDP project, the regional level means regions within Bosnia and Herzegovina.

5 Consultations covered municipalities in north-eastern region of Bosnia and Herzegovina.

6 Consultations covered municipalities from the region of Herzegovina.

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