

The RECOM Process

The Consultation Process on the
Establishment of the Facts about War
Crimes and other Gross Violations of
Human Rights Committed on the
Territory of the Former Yugoslavia

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Coalition for RECOM



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I The Consultative Process on the 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' 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.

Statement: 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.

Statement: 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.

Statement: Amir Kulagić, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Vesna Teršelič, 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.

Statement: 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.

Statement: 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?

Statement: 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.

Statement: 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 provid-

ing 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.

Statement: 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.

Statement: Haris Pašović, a theatre director 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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?

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 parties 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 in trial proceedings, constitute a step forward in the process of establishing the truth and identifying perpetrators.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 organizations 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 generations, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 responsi-

bility 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.

Statement: 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.

Statement: Srdan 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 Teršelič (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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Mira Lolić-Močević, Republika Srpska Radiotelevision, 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.

Statement: 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.

Statement: 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.

Statement: 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

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Agon Maliqi, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 uniform. And it should also be translated into all regional languages.

Statement: 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.

Statement: 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.

Statement: 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].

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Jelena Bujanja, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Aida Čorović, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 pre-

ceded 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Srđan 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.

Statement: 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.

Statement: 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.

Statement: Srđan 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 people 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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".

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Amir Kulagić, 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.

Statement: 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.

Statement: 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

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Amir Kulagić, 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.

Statement: 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.

Statement: 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.

Statement: Amir Kulaglič, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 Teršelič (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 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 establish 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.

Statement: 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?

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Ahmed Graiçevci, 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.

Statement: Negovan Mavrić, Family's association of kidnapped and missing person on Kosovo and Metohija, regional office in Hoçë e Madhe/Velika Hoča, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Amir Kulaglic, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 Teršelić (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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Olga 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 ethnic 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Arsim Gërxhaliu, 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.

Statement: 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.

Statement: 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 to 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 recognize us, who do not talk to us, and who open the door to war every day!

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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?

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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?

Statement: 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.

Statement: 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].

Statement: 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.

Statement: 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?

Statement: 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.

Statement: 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 Vivisecfest 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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

Statement: 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?

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 Vazić, 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 (...)

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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/ Gradanska 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.

Statement: 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 fami-

lies 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 establishment, so that I absolutely understand state institutions which should be doing the job and they do it reluctantly.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Branislav Radulović, Lawyers' Association of Montenegro, National consultation with civil society organiza-

tions, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 sup-

port 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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

Statement: 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.

Statement: 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.

Statement: 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 permission from victims' family members who are affected, and who should agree on whether it is a good time to join the initiative or not.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Vesna Teršelič, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Bajram Qerqini, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 Teršelič (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.

Statement: 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.

Statement: 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.

Statement: Srdan 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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?

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 com-

mission 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 gen-

erations. 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.

Statement: 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?'

Statement: 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.

Statement: 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 instrumentalize 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.

Statement: 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.

Statement: 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 judgments 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Smilja Mitrović, Association of families of missing fighters and civilians of Semberija and Majevica, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Naser Lajqi, Syri i Visionit 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Naser Lajqi, Syri i Visionit 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?

Statement: Lirie Avdiju, 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.

Statement: 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.

Statement: Srđan 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 in any political parties, but of course, no person can ever be perfect.

Statement: 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.

Statement: 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.

Statement: 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 fuelling the conflict.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

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

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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

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

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

Niš, Serbia,
April 25th 2009

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

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

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

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

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

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

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

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

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

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

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

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

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

Statement: Semiha Kačar, Sandžak Committee for the Protection

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

know nothing about it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOM should not include perpetrators in its work.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bosnia and Herzegovina, Srebrenica,
April 26th 2009

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

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Raza Hrvčić, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 Grahovo, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Eugen Jakovčić, Documenta, Croatia, Local consul-

tation 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?

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Mazlim Baraliu, Faculty of Philosophy in Prishtinë/Priština, National consultation with civil society, Prishtinë/Priština, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Salem Čorbo, Povratki 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-govern-

mental 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.

Statement: Salem Čorbo, Povratki 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 Medveda, 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.

Statement: 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 Gllogovc and Skenderaj municipalities. Their families will never approve of commissions we discuss here. They want to find their loved ones.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 govern-

ment 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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

Teršelič (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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Enes Alibegović, Association of civilian victims or 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.

Statement: 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.

Statement: Vesna Teršelič, 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.

Statement: 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.

Statement: 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 representa-

tives 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 commission-

ers 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.

Statement: 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 pressure (...) 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.

Statement: 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.

Statement: 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".

Statement: 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.

Statement: 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.

Statement: 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 Teršelić 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 Teršelić (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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Vesna Teršelič, 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.

Statement: 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.

Statement: 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.

Statement: 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?

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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

Statement: 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

Statement: 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

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 perpetrators 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Bajram Qerini, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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?

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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?

Statement: 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?

Statement: 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.

Statement: 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 com-

missioners 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 a 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Amir Kulagić, 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.

Statement: Amir Kulagić, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Dinko Gruhonjić, Independent Journalist's Association of Vojvodina, Serbia, Fifth Regional Forum on

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.*

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.

Statement: 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.

Statement: 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.

Statement: 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 (...)

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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?

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Husejin 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.

Statement: Mirsad Dizdarević, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Miralem Alečić, 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.

Statement: 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.

Statement: 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.

Statement: 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 commission should be made up of people immune, so to speak, from all kinds of conflict.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 posi-

tive 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?

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 Ledenac (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 respon-

sibility 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.

Statement: Maja Ledenac, 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Srdan 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.

Statement: 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.

Statement: Mile Novaković, Sigo and 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.

Statement: 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.

Statement: Jovana Kolarić, a student from Novi Sad, Local consultation 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.

Statement: 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.

Statement: Mile Novaković, Sigo and 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.

Statement: 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].

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Belgjzare 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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 Veton 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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?

Statement: 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 sup-

ported and recognized. However, no response has been received, even though female members of the parliament were present at this gathering.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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. 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.

Statement: 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.

Statement: 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 gath-

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.

ers more than 600 families all over the world.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: 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.

Statement: Izo Rokolić, a returnee to Trebinje, BiH, Local consultation 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.

Statement: 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.

Statement: 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.

Statement: 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 opinion 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.

Statement: 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.

Statement: 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.

Statement: 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.

II The Consultative Process on the Mechanisms of Truth-Seeking and Truth-Telling About War Crimes and Other Serious Violations of Human Rights in Post-Yugoslav Countries

Report

May – June 2009

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 aforementio-

ned 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

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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.

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. 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



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

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 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.

Statement: Stefan Priesner, Deputy Resident Representative, UNDP BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2006.

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

Statement: 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.

During the period from the First Regional Forum on Transitional Justice⁴ until July 1st 2009,⁵ 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.⁶ A total of 2,185 individuals participated in these consultations – representatives of human rights organizations, associati-

ons 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.⁷

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.

Statement: Vesna Teršelič, Documenta, Croatia, National consultation with associations of victims, Prishtinë/Priština, Kosovo, October 4th 2008.

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?

Statement: Esad Kočan, Monitor Magazine, Montenegro, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2006.

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.

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

4 May 5th – 6th 2006, Sarajevo, BiH.

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

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

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

8 Marko Veličković, Civil Resource Development Centre, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October 10th 2008.

9 Aleksandar Zeković, a researcher of human rights violations, Montenegro, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.

10 Nataša Kandić, Humanitarian Law Center, Serbia, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.

11 Igor Graovac, Croatian Institute for History, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.

12 Mato Ežegović, a returnee to Pelagićevo, BiH, Local consultation with associations of victims, Bijeljina, BiH, April 11th 2009.

126 13 Ante Nazor, Croatian Memorial-Documentation Centre of the Homeland War, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.

14 Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th – 12th 2008.

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.

Statement: Mladen Bajić, State Attorney of the Republic of Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th – 9th 2007.

Human rights activists believe that the regional approach decreases chances of telling lies and manipulation,⁸ contributes to objectivity,⁹ and enables establishing facts about the past which cannot be disputed.¹⁰ Historians point out the possibility of exchange of information about human losses,¹¹ 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.¹²

Some participants are afraid of having *one truth for all*,¹³ 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.

Statement: Srđan Dvornik, Croatian Helsinki Committee for Human Rights, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.

During the Third Regional Forum on Transitional Justice¹⁴, 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.

Statement: Amir Kulagić, Citizens Association Women of Srebrenica, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th – 12th 2008.

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.

Statement: Marko Veličković, Civil Resource Development Centre, Serbia, National consultation with human rights organizations, Fruška Gora, Serbia, October 10th 2008.

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 delivered 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.

Statement: Stjepan Mesić, President of the Republic of Croatia, Second Regional Forum on Transitional Justice, Zagreb, Croatia, February 8th – 9th 2007.

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.

Statement: Oliver Dulić, Speaker of the National Assembly of the Republic of Serbia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th – 12th 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.

Statement: Nekibe Kelmendi, Kosovo Minister of Justice, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th – 29th 2008.

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.

Statement: Ranko Krivokapić, Speaker of the Parliament of the Republic of Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro May 29th – 30th 2009.

2.2. The dilemma about reconciliation¹⁵

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 writing, 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.

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

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

Statement: Atdhe Berisha, Kalaja Association, Kosovo, Local consultations with civil society, Pejë/Peć, Kosovo, June 26th 2009.

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

Statement: Tea Gorjanc-Prelević, Human Rights Action, Montenegro, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th – 29th 2008.

Besides, some participants point out that the time has come for self-critical questioning of personal responsibility.¹⁶

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.¹⁷

¹⁵ Mark Freeman, International Centre for Transitional Justice, Seminar on Truth Commissions, Belgrade, May 26th 2008, the transcript is available on www.zarekom.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.*

¹⁶ Aleksandar Stojanović, Civil Society Development Center, Kosovo, National consultation with civil society, Mitrovicë/Mitrovica, Kosovo, June 26th 2008.

¹⁷ 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.*

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18 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.

19 Aida Bagić, Documenta, Croatia, National consultation with women's groups, Zagreb, Croatia, May 21st 2009.

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.

Statement: 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.

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.¹⁸

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.

Statement: Bajram Qerini, Kujtimi Association, Kosovo, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009.

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.¹⁹

2.4. Support of the international community

Participants of the consultative process expect that

the European Union support (for the RECOM 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.

Statement: Petrit Çarkaxhiu, Oxygen, Kosovo, National consultation with artists, Prishtinë/Priština, Kosovo, May 10th 2009.

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.

Statement: Ivan Novosel, Youth group of the Croatian Helsinki Committee for Human Rights, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.



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

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.

Statement: Koča Pavlović, Member of Parliament of the Republic of Montenegro, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.

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.²⁰

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.

Statement: 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.

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.²¹

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.²²

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 impossi-

ble 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.

Statement: 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.

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.

Statement: Ljiljana Stojanović, Centre for Democracy and Development of Southern Serbia, Serbia, Local consultation with civil society, Leskovac, Serbia, June 11th 2009.

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.²³

3.2. Problem of families of missing persons

The issue of missing persons²⁴ 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.

Statement: 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.

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

20 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.

21 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.

22 Kada Hotić, Association Mothers of Srebrenica and Žepa Enclaves Movement, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.

23 Ibro Bulić, Prosecutors' Office of BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009.

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

25 Dževad Bektašević, Association Families of War Victims Vlasenica '92 – '95, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.

26 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.

also, besides finding mass gravesites, investigate the circumstances under which bodies were transported from primary to secondary and tertiary mass gravesites.²⁵ 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.²⁶

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.

Statement: 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.

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.

Statement: Saša Ristanović, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, office in

Shtërpcë/Štrpce, Kosovo, National consultation with associations of victims, Belgrade, Serbia, April 25th 2009.

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.

Statement: 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.

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

Statement: 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.

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.

Statement: Lidija Zeković, a human rights activist, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009.

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.

Statement: Kada Hotić, Association Mothers of Srebrenica and Žepa Enclaves Movement, Third Regional Forum on Transitional Justice, Belgrade, February 11th – 12th 2008.

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.

Statement: Sonja Biserko, Helsinki Committee for Human Rights in Serbia, Regional consultation with human rights organizations, Belgrade, Serbia, October 29th 2007.

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.

Statement: Ivo Goldstein, Faculty of Philosophy in Zagreb, Croatia, Regional consultation with academics, Zagreb, Croatia, January 10th 2009.

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.²⁷

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.

Statement: Slavoljub Pejić from Vozuća, BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2009.

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.

Statement: Salem Čorbo, Povratak i održiv opstanak Association, BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009.

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

²⁷ Ibro Bulić, Prosecutor's Office of BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009.

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

29 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.

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

and that there is a gender dimension to the war.

Statement: Suzana Kunac, B.A.B.E. Association, Croatia, National consultation with women's groups, Prishtinë/Priština, Kosovo, June 25th 2009.

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.

Statement: Avni Melenica, 22 maji Association, Kosovo, National consultation with civil society, Prishtinë/Priština, Kosovo, May 9th 2009.

Participants of the consultation from Slovenia suggested that RECOM should also deal with the issue of citizens whose Slovenian citizenship was erased²⁸, while individuals from associations of Serb victims recommended for victims of the NATO bombing also being in RECOM's mandate.²⁹ 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.

Statement: Ibro Bulić, Prosecutor's Office of BiH, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009.

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 com-

mission. 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.

Statement: Ivan Novosel, Legalis, Croatia, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.

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.

Statement: Ljupka Kovačević, Anima, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 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.

Statement: Tea Gorjanc-Prelević, Human Rights Action, Montenegro, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009.

Some participants believe that RECOM should create a list of perpetrators.³⁰

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 discus-

sion. 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.

Statement: Tea Gorjanc-Prelević, Human Rights Action, Montenegro, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th – 29th 2008.

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.

Statement: 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.

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.

Statement: Teki Bokshi, an attorney from Kosovo, Fifth Regional Forum on 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.

Statement: 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.

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.³¹

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.

Statement: Andrej Nosov, Youth Initiative for Human Rights, Serbia, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th – 30th 2009.

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.

Statement: 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 will empower this movement, this project, by unleashing our pain and by feeling pain for all victims in general.

Statement: Ana Kvesić, Europe House Vukovar, Croatia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th – 29th 2008.

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

31 More about proposals on selection of RECOM members in Document I.

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

33 Nataša Šćepanović, 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.

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

35 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.zarekom.org

36 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.

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

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.

Statement: Eugen Jakovčić, Documenta, Croatia, Local consultation with civil society, Livno, BiH, May 9th 2009.

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.³² The most frequent suggestion is for RECOM to have sub-commissions³³ or offices in all post-Yugoslav countries whose task would be to conduct activities defined by the regional commission.³⁴

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.

Statement: 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.

6. Public hearings of victims

Public hearings of victims are very much supported by participants of the consultative process³⁵ 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.³⁶

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.

Statement: 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.

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.³⁷

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 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.

Statement: Nedeljko Simić, Srebrenica Youth Council, BiH, Local consultation with associations of victims and NGOs, Srebrenica, BiH, April 26th 2009.

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.

Statement: Izo Rokolić, a returnee to Trebinje, BiH, Local consultation with associations of victims, concentration camp prisoners and NGOs, Trebinje, BiH, June 27th 2009.

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.

Statement: Marinko Jurčević, chief prosecutor, Prosecutor's Office of BiH, First Regional Forum on Transitional Justice, Sarajevo, BiH, May 5th – 6th 2006.

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.

Statement: Miroslav Alimpić, Novi Sad District Court, Serbia, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th – 12th 2008.

Courts in Croatia, Bosnia and Herzegovina, Ser-

bia, 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.

Statement: Vesna Teršelić, Documenta, Croatia, Regional consultation with associations of victims and veterans, Podgorica, Montenegro, May 9th 2008.

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.

Statement: Ibro Bulić, Prosecutor's Office of BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th – 12th 2008.

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

38 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.

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

40 Naim Maxhuni, a student, Faculty of Political Science, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.

41 Gordana Petrović, Radio Television of Serbia-RTS, National consultation with journalists, Fruška Gora, Serbia, October 11th 2008.

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

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.

Statement: Sonja Radošević, independent journalist, Montenegro, National consultation with civil society, Podgorica, Montenegro, October 25th 2008.

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.

Statement: Negovan Mavrić, Family's association of kidnapped and missing person on Kosovo and Metohija Serbia, office in Hoče e Madhe/Velika Hoča, Kosovo, National consultation with associations of victims, Belgrade, Serbia, July 15th 2008.

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.³⁸ Eight media houses from the region have so far joined the Coalition for RECOM.³⁹

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 commission⁴⁰ 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.

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

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.⁴¹ 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.⁴² 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.

Statement: Borka Rudić, BH Journalists, BiH, Third Regional Forum on Transitional Justice, Belgrade, Serbia, February 11th – 12th 2008.

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.

Statement: Florentina Hajdari, a student, Faculty of Political Science, Kosovo, National consultation with students, Prishtinë/Priština, Kosovo, April 15th 2009.

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,⁴³ 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.

Statement: Hrvoje Zovko, Croatian Radio Television – HRT, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.

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”.⁴⁴ 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,⁴⁵ 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.

Statement: Daliborka Uljarević, Centre for Civic Education, Montenegro, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.

10. Final Remarks

The current progress of the consultation pro-

cess 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 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 dealing with the past process. That is how I understand our responsibility.

Statement: Marko Veličković, Civil Resource Development Centre, Serbia, Regional consultation with young people, Belgrade, Serbia, October 21st 2007.

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 dialo-

43 September 29th 2007, Sarajevo, BiH.

44 Borka Rudić, BH Journalists, BiH, Regional consultation with journalists, Sarajevo, BiH, September 29th 2007.

45 Srđan Vezmar, Youth Dialogue Programme, Serbia, Local consultation with young people, Novi Sad, Serbia, June 12th 2009.

gue 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.

Statement: Marina Škrabalo, Center for Peace Studies, Croatia, National consultation with young people, Zagreb, Croatia, 20th July 2007.

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.

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An overview of thoughts, suggestions and recommendations

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44. Consultation with the local community

Pula, Croatia,
July 1st 2009

The consultation was organized by the Center for Civic Initiative, Poreč, Croatia, and Documenta, Zagreb, Croatia. The gathering was attended by 25 participants representing various human rights organizations, victim' associations, families of missing persons organizations, youth organizations, women's groups, professional associations, and local authority of Istria. Speakers were Amir Kulagić from Srebrenica (Bosnia and Herzegovina), Vesna Teršelić (Documenta, Croatia), and Eugen Jakovčić (Documenta, Croatia) and the discussion was moderated by Biserka Momčinović (Center for Civic Initiative, Pula, Croatia) and Goran Božičević (MIRamiDA Center, Grožnjan, Croatia). Radio Pula and TV Nova reported live from the consultations and Novi List daily and Glas Istre published an interview with Amir Kulagić conducted by Mladen

Radić and the story by Tatjana Gromača titled "Stop the silence and denial".

Suggestions, opinions, and recommendations of the participants

What the victims and all normal people living in the states formed on the territory of the former Yugoslavia are dealing with in their everyday lives is silence and denial (...) Silence is a method used to justify the things you have not done and denial is used as an opportunity to relativize the things you did. This initiative has two goals: to stop the silence and denial and start building a platform for public discussion about crimes committed in recent wars.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Pula, Croatia, July 1st 2009.

All war crimes and all victims must be registered.

While preparing for this meeting today, I searched intensively for some persons who had testified, who

had stayed behind their families and tried to find them, but I could not find them. Was it just the time that passed, did they just move (...). I wish that we can have all these crimes, disappearances, unsolved destinies, killings etc, registered in state registers.

Statement: Biserka Momčinović, Center for Civic Initiative, Poreč, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

Victims are afraid to tell their stories because those responsible for those crimes are still holding government positions. RECOM should try to instil fear in those people.

I returned to Srebrenica, I live there now. Unfortunately, every day I meet people whom I can positively identify as part of the war crimes machinery, who acted either as organisers, perpetrators, or instigators (...) and much to my chagrin, they are most often members of the local authority (...) and they are able to create an atmosphere of very hard life, full of fear and psychosis.

Statement: Amir Kulaglic from Srebrenica, BiH, Consultation with the local community, Pula, Croatia, July 1st 2009.

There are witnesses who were supposed to come here today and tell their stories. Why didn't they come? They didn't come because they are afraid to talk. There is a local sheriff in their community whom they seriously fear (...). This commission should achieve a gradual change in that paradigm.

Statement: Tatjana Gromača, Novi List daily, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

The question we should ask ourselves is whether there is readiness on the territory of the former Yugoslavia to feel compassion for victims from the other side and condemn perpetrators in our midst.

Euripides also said that the greatness of one nation is reflected in its ability to mourn for the victims of other nations and its readiness to condemn perpetrators of their own. I wonder whether the people in this region are entirely ready for that motto?!

Statement: Antun Peruško, Social-Democratic Party, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

Media can play a very significant role in evoking compassion with other side's victims.

The role of the media can be very important because they can convey these stories further (...). It is important to hear them on TV because people may

finally understand: "there were victims on all sides in this war".

Statement: Vesna Teršelič, Documenta, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

RECOM should investigate the role of the media in the preparation for war – some people listed to their TV or radio stations or read their papers, went to war and committed crimes.

Do you know that some crimes were created by the media? Do you remember what the media said about Kosovo before the war? It was all orchestrated through the media and we can safely say that many war crimes perpetrators were manipulated by the media.

Statement: Dževdet Hadžiselimović, Protogora Associations, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

When RECOM finishes its mandate, the Coalition for RECOM will still have to oversee the implementation of recommendations on reparations and the return of the refugees and internally displaced.

Once the commission offers its official report then it will be possible to work on additional explanations because the issue of just redress and the issue of return of refugees is still unresolved in Croatia.

Statement: Vesna Teršelič, Documenta, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

On behalf of the Social-Democratic Party I agree that there is a real need to create RECOM.

Taking in consideration all our differences, I can say for myself and on behalf of the party I represent here, the Social-Democratic Party (SDP) that I absolutely support this approach and the need to create RECOM (...). I believe that the SDP will become a member of the Coalition.

Statement: Antun Peruško, Social-Democratic Party, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

Civil society in Croatia must not accept the concept in which destruction, killings, and persecution are adopted as values of the Homeland War.

The Justified Homeland War in Croatia has at one point in time turned into a story of the dignity of the Homeland War. In its nature, every war is a criminal act. It constitutes destruction and bloodshed. People can be dignified, not wars (...). In Croatia some peo-

ple are trying to impose hate destruction and bloodshed as the virtues of the Homeland War. Are we going to accept that destruction, bloodshed, killings, persecution, and annihilation of everything as virtues of the Homeland War? No, I don't think we can.

Statement: Mladen Momčinović, Center for Civic Initiative, Poreč, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

In order to win over the public we have to hear the voice of victims.

We need to make our advance towards civil society more aggressively. First of all we must be present in the media. Be loud. Be present. (...) Let's make gigantic size bill boards showing the bodies of the victims. (...) Let's remind people that the body they are looking at while walking down the street is someone's mother, father, son, or brother and that he was killed in that very place just two days ago.

Statement: Tatjana Gromača, Novi List daily, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

The voice (...) of these victims must be heard, we have to campaign for it very aggressively because (...) people don't like to revisit the past, especially those who had no bad experience in the war like us in Istria (...). We only saw the war on television.

Statement: Denis Sgagliardi, Zum Association of Young People Pula, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

I think that is too strong to say, (...) a campaign yes, aggressive no. We must not be aggressive (...) Let's stay away from all things that may cause problems. We have to be very thoughtful and cautious.

Statement: Dževdet Hadžiselimović, Protagora Associations, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

Members of RECOM should be persons of integrity, well respected professionals in their own fields, acceptable in the entire region and able to resist any form of pressure. Victims should also be members of RECOM.

Members or RECOM tasked with establishing the facts about the past should be able to work independently, free of any pressure, and to the best of their professional and moral ability, the way it is to be done in such commissions.

Statement: Denis Sgagliardi, Zum Association of Young People Pula, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

One of the things we should agree on is that mem-

bers of RECOM must be people of special moral credibility, (...) well respected throughout the entire region (...) Politicians should be excluded (...) I believe that members of this commission should not only be scientists, sociologists, psychologists, lawyers, but also representatives of certain associations in order to make sure the voice of the victims is heard (...). Victims are usually asked to give information while their needs are rarely discussed.

Statement: Amir Kulaglic from Srebrenica, BiH, Consultation with the local community, Pula, Croatia, July 1st 2009.

Young people tend to forget and relativize events from the past. The issue of the past should be resolved today, while it is still fresh in our minds.

Young people easily accept the theory of forgetfulness; put your head under the carpet and pretend nothing happened. If we forget it, if we act like nothing happened (...) most of us are inclined to relativize the crimes that happened.

Statement: Tanja Carić, Grammar School, Pula Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

What I don't want to happen is to argue with my friends in sixty years about the Homeland War. So, that has to be resolved now, while still fresh and that's a good thing.

Statement: Denis Sgagliardi, Zum Association of Young People Pula, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

It is critically important that the facts find their way into documents, school text books, curricula, and education. That is the only sure way to prevent different interpretations of history.

I had an opportunity to analyse history books from Republika Srpska, from BiH Federation, from Croatia, and from Serbia and I was not at all surprised to find out that each interpreted the disintegration of the former Yugoslavia differently. And that's a problem that stands in the way to the process of establishing the truth. For that reason I strongly believe that such a regional approach is the only way to find the truth.

Statement: Lidija Lešić, history and philosophy professor from Poreč, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

I am really interested to see some of the results of your work in official state documents, curriculums, text books, and in the overall education process (...). We should primarily take care of the interests of our

children. That's crucial. (Dževdet Hadžiselimović, Protagora Associations, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.)
Our Ministry of Education and our education do not include in their curriculums what we are discussing here, which is extremely important.

Statement: Tanja Carić, Grammar School, Pula Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

Government misuses victims' associations who often sound as the government itself and not as representatives of victims.

Victims, too, will often adopt the silent approach and denial or minimization of other nation's victims. The reason is they are being politically misused or manipulated with so that they often sound as their respective governments and not at all as representatives of victims.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Pula, Croatia, July 1st 2009.

The goal of the Initiative for RECOM is to create an atmosphere in which it will be highly inappropriate and unacceptable to deny a war crime.

I think it will be a great success of this Initiative if we reach a stage when it will truly be undesirable and unacceptable to deny crimes committed against anyone.

Statement: Eugen Jakovčić, Documenta, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

The goal of RECOM can be reconciliation but that is a process that requires a dialogue, a lot of questions and a lot of different opinions.

And when we say 'reconciliation', we don't imply a moment when we all hug and kiss and say that what happened in the past does not matter any longer. When we say 'reconciliation' we think of an approach that requires this kind of discussions, questions, the entire dealing with the past system. Reconciliation as a process, but as a goal, reconciliation that means this kind of conflict will not happen again.

Statement: Goran Božičević, MIRamiDA, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

A process that will come out of such an initiative is far more important to me in this sense than in a technical sense, who will become a member, what is our mandate going to be, how we are going to be organized etc (...). It is imperative to go to as many places as possible (...) and finally open up a space where all this issues will be discussed seriously

and freely from various points of view (...). Because that is the main prerogative to start solving the problem.

Statement: Mladen Momčinović, Center for Civic Initiative, Poreč, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

The RECOM Initiative can be used by other societies having similar problems to fight evil.

I strongly believe we are building machinery capable of handling evil in some future wars. There are no mechanisms on this planet able to stand up to evil.

Statement: Goran Božičević, MIRamiDA, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

RECOM can inspire court proceedings to be more efficient and have better results in processing war crimes.

I expect RECOM to be able to exert an additional pressure and be educational, raise awareness in our society, especially in the judiciary. (...) because I think that the idea alone that facts are going to be registered anew may be helpful for our judiciaries to be more efficient and have better results in processing war crimes.

Statement: Biserka Momčinović, Center for Civic Initiative, Poreč, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

It is necessary to include political parties and religious communities in the whole process.

Religious elites and highly respected religious officials were against establishing the facts. That hurts (...) because I expect them to be the ones to teach us love, tolerance, and understanding instead of encouraging xenophobia.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Pula, Croatia, July 1st 2009.

I believe we have mentioned earlier our intention to talk to religious leaders, which is very good, because in this region, religion and nationality are usually intertwined which was a major cause for mobilization on the territory of the former Yugoslavia. And secondly, I think it is very important to talk to politicians.

Statement: Mladen Momčinović, Center for Civic Initiative, Poreč, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

In Croatia, especially in Istria, it is necessary to organize consultations with minorities which will be able to see their own interest in getting involved in this process.

I am sure we can organize the same thing here with organizations of national minorities which are very well organized and which will be able to see their interest in getting involved in this and so on.

Statement: Mladen Momčinović, Center for Civic Initiative, Poreč, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

Consultations on the Initiative for RECOM should be organized as public gatherings, open to all interested citizens.

It would be a good idea to organize these consultations in towns as open-type gatherings, open to all interested citizens (...) to inform them about RECOM by distributing flyers in mail boxes.

Statement: Tatjana Gromača, Novi List daily, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

45. Consultation with the local community

Zvornik, BiH
July 18th 2009

The consultation was organized by the Anima 2005 Association and the Association of the families of imprisoned and missing members of the Zvornik municipality (BiH) and was attended by 22 participants (representatives of victims' associations, members of families of killed veterans and veterans, non-governmental organizations, local authorities, religious institutions and media. Representatives of the Office of the High Commissioner for Bosnia and Herzegovina, members of the Organization and Security and Cooperation in Europe (OSCE), and the International Center for Transitional Justice (ICTJ) participated in the debate. Consultations were opened by Mevludin Lupić (Association of the families of imprisoned and missing members of the Zvornik municipality, BiH), Branko Todorović, (The Helsinki Committee for Human Rights in Republika Srpska, BiH), and Nataša Kandić (The Humanitarian Law Center), and the discussion was moderated by Vehid Šehić (The Forum of Tuzla Citizens, BiH).

Suggestions, opinions, and recommendations of the participants

Members of RECOM should be morally and professionally well established individuals

enjoying public respect. The civil society must have a deciding role in both defining the criteria for the selection of RECOM members and in the actual process of member selection.

Persons to be elected members of the commission should enjoy the undivided support of the society, they should be honourable persons liked by the general public.

Statement: Branko Todorović, The Helsinki Committee for Human Rights in Republika Srpska, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

The commission should be composed of ethically credible persons, who are experts in their respective fields and who are able to properly interpret established and verified facts. Why is that necessary? Because we live in a society which is especially exposed to political and religious manipulation by political and clerical elites who try to influence our feelings and opinions whenever possible.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

It is important to engage experts, young people, and individuals with high ethical standards.

Statement: Zekerijah Hadžić, Association of College Students from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

The commission must be independent from the influence of its founders and it is important that civil societies in the region have an influential role in defining the criteria and in the member selection process itself. If we allow the participating governments to elect individuals whom they can easily influence, I am afraid we are not going to be able to reach our goal.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

It is important to enable perpetrators to speak in public about the crimes they committed in order to help the public find out the truth about these crimes.

Now we can also ask the question about how it will be received in Bosnia and Herzegovina if a war crime perpetrator is given an opportunity to address the commission, and if it is reported by the media for the victims to watch it, and so on (...). Many would say that it is actually (...) a good opportunity for some of the perpetrators to publicly speak about the things he or she participated in or did personally.

Statement: Branko Todorović, The Helsinki Committee for Human Rights in Republika Srpska, BiH, Consultation with the

local community, Zvornik, BiH, July 18th 2009.

Public hearings of victims and witnesses are indispensable because they can help build a feeling of solidarity with victims so clearly missing at the moment.

Sometimes public speaking (of victims and witnesses) can be, first of all, an invitation to society to build solidarity with victims which we in Bosnia and Herzegovina, obviously don't have today.

Statement: Branko Todorović, The Helsinki Committee for Human Rights in Republika Srpska, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

It is necessary to provide for a more active role of civil society organizations in order to form the commission sooner. Once the commission is formed, civil society organizations can monitor its activity.

I think that such gatherings, this type of activity of non-governmental organizations and various other organizations can help speed up the process of forming the commission.

Statement: Zekerijah Hadžić, Association of College Students from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

All states in the region should support the creation of the commission (...). The non-governmental sector from the states in the region should act as a supervisory body for that institution formed by the regional governments.

Statement: Zorana Petković, Osvit Radio Station, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

There is a dilemma whether war crimes perpetrators should be granted a general pardon or just offered less severe sentences for the crimes they committed.

I believe that there is no such information, no matter who provides it, that deserves a general pardon (...). The whole point of sentencing is to prevent something like that happening in the future.

Statement: Zekerijah Hadžić, Association of College Students from Srebrenica, BiH, Consultations with members of local community, Zvornik, BiH, July 18th 2009.

I think that it is a good example to hear the victims speak (...) but also to allow the war crimes perpetrators to talk. The issue of the level of amnesty should be left for the consideration of professionals (...). The admission of guilt should not necessary lead to a general pardon.

Statement: Mustafa Muharemović, Medglis of the Islamic Community in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

Having in mind the fact that I still have not found the bodies of most of my dead family members, I am in favour of the idea to hear war crimes perpetrators before this commission, but only if they can provide information about mass graves, individual victims, etc. (...) I am 50 years old. I may not have too much time left to wait to find them. Maybe in Srebrenica, many women who lost their children or their husbands don't have time to wait. That is why I think they should be given a chance to speak. It should be up to the commission to decide whether these people should be granted pardon or not.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

The mandate of the commission should include the role of the media in preparing for the war.

I think that the role of the media in creating a war-propagating atmosphere in the years preceding the conflict should be clearly pictured (...) and I think that the commission should tackle the issue of the incitement of nationalistic ideologies on all sides.

Statement: Samir Paljić, Local community Kula Grad in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

It is necessary that the commission deals with the causes of the war, especially the role of the Yugoslav National Army and the international community.

I believe that the commission should also depict the responsibility and the role of the military leadership, i.e. the General Staff of the Army of the Socialist Federal Republic of Yugoslavia (...). It was the weapons of the Yugoslav National Army that these crimes were committed with. Further, the commission should also investigate the role of the international community in that period, what it was like (...) especially on the territory of Bosnia and Herzegovina, when the arms embargo was imposed upon the unarmed people while all other sides to the conflict were able to obtain arms.

Statement: Samir Paljić, Local community Kula Grad in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

The commission should primarily deal with the issue of finding the missing. In order to solve the problem of finding the missing, it is necessary to secure the cooperation of all levels of

government, from municipalities to the army and the police.

I welcome every initiative whose goal is to advance the approach to solving our problems, primarily the problem of finding the missing.

Statement: Radomirka Duvnjak, The Committee for Finding Missing Persons, Municipal Organization of Killed Veterans in Vlasenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

We are still searching for 500 persons from the area of the municipality of Zvornik. In other words, we are trying to locate mass graves. That is the main reason we (the Association of the Families of Imprisoned and Missing Persons from the Zvornik Municipality) signed the admission form to become members of the Coalition for RECOM.

Statement: Mevludin Lupić, (Association of the families of imprisoned and missing members of the Zvornik municipality, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

It is tragic that even 14 years after the end of the war we still have so many missing (...) I think that every victim deserves to be regain his or her identity and a memorial, in other words to be given a proper burial (...) I am sure that local communities in the area where executions were conducted should know where they were buried. I am deeply convinced that this commission should pressure these local communities in the process of searching for the missing persons, including former military and civilian authorities.

Statement: Samir Paljić, Local community Kula Grad in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

The commission should work on the creation of a list of victims and perpetrators.

I agree (...) that this commission should name perpetrators of war crimes because ... It is good to have a list of perpetrators of those war crimes if we are going to have a list of victims, regardless of what nation they come from.

Statement: Samir Paljić, Local community Kula Grad in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

It is necessary to form a partnership with the media in order to secure an unobstructed information flow to the public about the war crimes committed in the recent wars. The media should also try to dedicate more space to promoting positive stories.

I think that what we need is a serious reform and

significant steps forward which includes not only the media dedicating more space to the victims but also to noble acts going on now and those that have happened in the past, recent or more distant past (...) We have heard a short while ago about the role of the media during the war. That is undoubtedly a topic to be researched, but at the same time the media should be burdened with the role of a significant participant in the overall healing process of the society.

Statement: Mustafa Muharemović, Medzlis of the Islamic Community in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

We have heard here today on a few occasions that the media are being called to the responsibility and I agree with it that the media can help in the process of establishing the facts about war crimes.

Statement: Hiba Ramić, Mezarje Foundation, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

RECOM should be mandated to investigate the role of individuals and institutions.

What is this commission going to deal with, individuals or institutions? I think that it is more important for the commission to deal with institutions because that will lead to individuals who committed all those war crimes.

Statement: Zekerijah Hadžić, Association of College Students from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

And if you ask me what the commission should deal with primarily, individuals or institutions, well, I think that is inseparable. We have to realize that a war crime is a very sophisticated process which involves ideals, ideologies, instigators, and executors.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

RECOM should deal with the acts of individuals but also with the acts of institutions (...) military, civilian defence, Ministry of the Interior (MUP), municipalities (...). Regardless of the nationality of the victims, it was the civilian defence was in charge of collecting and driving away the remains. So, by approaching the institutions, we will reach the responsible individuals or at least those who can help us discover mass graves.

Statement: Hiba Ramić, Mezarje Foundation, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

RECOM should cooperate directly with the judiciary.

Most of the crimes committed on the territory of the Zvornik municipality... are being processed in courts. It is an ongoing process and nobody has been found criminally responsible yet. (...) This commission should be able to cooperate closely with the Office of the War Crimes Prosecutors for a more efficient, so to speak, exchange of information and facts about war crimes.

Statement: Mevludin Lupić, Association of the families of imprisoned and missing members of the Zvornik municipality, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

Regional parliaments should adopt legal acts about the use of the facts established by RECOM as evidence in court proceedings.

In the course of these consultations we will have to pay attention to whether the facts established by commission will be admitted in courts as evidence. (...) That may lead to a need for the regional parliaments to adopt decisions which may in turn lead to the adoption of amendments of the Criminal Procedure Code, so that the findings of this commission can be admitted in courts as evidence.

Statement: Vehid Šehić, the Forum of Tuzla Citizens, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

RECOM should have three goals: establishing the facts, verifying the facts, interpreting the facts.

Why is this commission named 'regional commission for establishing facts'? Very often people ask why its name isn't 'a regional commission for establishing the truth'. Truth is a relative concept and each and every one of us has their own perception of truth. When it comes to Bosnia and Herzegovina, there are at least three different truths (...) that of the Bosniaks, the Serbs, and the Croats, (...). I am more in favour of keeping the name 'regional commission for establishing the facts.' Secondly, this commission should not only (...) remain at the level of establishing the facts because many facts have already been established (...) so that this commission should work on verification of already established facts, especially if those are the facts established by the judiciary in an unbiased judicial process. And thirdly, this commission should strive to properly interpret the established facts.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

RECOM should investigate events dating from 1990.

I suggest that we start with the period from 1990.

Statement: Hiba Ramić, Mezarje Foundation, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

Victims expect that RECOM will be also mandated to initiate reparations programmes.

RECOM should definitely tackle the issue of reparation programmes for victims.

Statement: Mustafa Muharemović, Medglis of the Islamic Community in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

We have to give our contribution to speed up the process so that the victims can receive satisfaction. And satisfaction means having truthful information, bury loved ones properly, have a place where you can go and face yourself, your worst nightmares, your horrible dreams.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

Knowing the facts about war crimes committed in the past may prevent their recurrence in the future.

But, please, when it comes to the past, we have to be clear about what really happened. Why? So it should not happen again. If we surrender to the past, stick out a white flag on which anyone can write whatever they please, I am afraid that my son and your children, God forbid, will become new victims.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

We want to inform young people about what happened by presenting the established facts about the crimes, thus making them able to take responsibility for the future.

Statement: Alma Mašić, Youth Initiative for Human Rights, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

46. Consultation with the local community

**Knin, Croatia,
August 4th 2009**

The consultation with the local community in Knin, Croatia, were organized by the Drniš Association of Women (Croatia), I Want Home, Knin (Croatia), and Documenta, Zagreb (Croatia). The gathering was attended by 30 participants and monitors,

including representatives of victims' associations, associations of refugees returning home, both Knin communities, and members of the Coalition for RECOM in Croatia.

Public testimony of victims represented a focal part of consultations held in Knin. Jovan Berić (Varivode), Milena Perčin (Drniš), and Radoslav Bobanović (Knin) testified before the audience. Ratko Gajica, member of the Croatian Parliament and a member of the SDSS also addressed the participants.

Speakers were Bogdan Ivanišević (International Center for Transitional Justice/ICTJ), Vesna Teršelić and Eugen Jakovčić (Documenta, Croatia). Vesna Teršelić and Eugen Jakovčić moderated the discussion.

Croatian Radio Knin and New TV station reported on the consultation in their news programmes, while Novi List reported in depth on the conclusions.

Suggestions, opinions, and recommendations of the participants

In addition to informing the public, the goal of the consultation was to change the situation in the field.

The whole consultation process (...) here in Knin has the primary goal to present the Initiative for RECOM (...) but also we want to (...) influence changes in the field (...)

Statement: Eugen Jakovčić, Documenta, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

It is necessary to leave a clean slate for future generations, to name the victims and perpetrators in order to avoid repeating the same mistakes in the future.

We have to be critically aware of what we have been through and understand what today is and also what tomorrow is (...) for us, participants in the events of that time; (...) we have to leave a clear and clean slate behind us for those who are yet to come so that they will have a chance at living a better life in this area when their time comes. It is a fact that we will not be able to live without the truth regardless of how painful it is.

Statement: Radoslav Bobanović, victim from a "Stara Bolnica" Serbian run prison camp in Knin, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

Who tortured us? We know that. We also know who didn't. Not all Serbs can be held responsible, just like not all Croats can be blamed for crimes committed against members of other ethnic groups. War crimes are not subject to the statute of limitation, but just like the victims, the perpetrators have their names, too, and that's what we need to find out.

Statement: Radoslav Bobanović, victim from a "Stara Bolnica" Serbian run prison camp in Knin, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

Serbian and Croatian victims want to help each other to discover the truth about the suffering of victims from other ethnic communities and they do not want to be held responsible for the crimes committed by members of their own ethnic communities.

I would like people, no matter where they are, to come and help us, just as I would like to help, find out the truth about certain crimes and stupid things done in the past (...) and who really did it. I don't want to be blamed for something somebody did out of pure stupidity. Not because they were loyal Serbs or Croats, but for reasons I cannot explain.

Statement: Radoslav Bobanović, victim from a "Stara Bolnica" Serbian run prison camp in Knin, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

RECOM can help discover the perpetrators of different crimes because in order to make sure that the two different ethnic groups can live together again, we need to demonstrate that individuals and not the entire nation were responsible for particular crimes.

"What do you have to talk to them about, they killed your parents, and you are sitting with them." (...) That's not how I think (...) because I do not believe that every Croat is responsible for the crimes committed, but individuals, whose names are unfortunately not yet known. That is why I am looking forward to seeing this initiative up and running because I truly hope this can help name all war crime perpetrators which will help us go in a better direction.

Statement: Jovan Berić, Serb from Zadar, victim, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

I will do my best until the end of my life to deal with the truth. Not all people are guilty, not on either side. There were many mistakes and failures that we witnessed (...) especially those of us who found ourselves on opposing sides, but life goes on and I

don't think we can live together until we all realize that it is an individual and not the whole nation we should blame.

Statement: Milena Perčin, Croatian women from Drniš, victim, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

All of us, including the victims, need to deal with the past and the events that survived, because without it there will be a repeated rise of extremism and there will be more evil in store for us.

To be quite honest (...) I don't like to analyse the past too much. However, I am aware of the fact that for as long as we refuse to deal with our past, the events we survived, personally and individually, and until we speak openly within our community about it, we cannot have a lasting peace and extremism will rule; (...) evil that I don't want to see ever again will prevail once more.

Statement: Milena Perčin, Croatian women from Drniš, victim, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

Ordinary people have understanding and they are able to reconcile.

I am convinced that among ordinary people there is the capacity to understand these ideas you are presenting her and, generally speaking, there is a huge capacity amongst the ordinary people to reconcile. It just has to be revealed and put under the spotlight.

Statement: Ratko Gajica, member of the Croatian Parliament, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

Reconciliation should be the primary goal of RECOM and public testimonies of victims can certainly contribute to that goal.

The investigation of crimes per se, dealing with the truth, research without an epilogue (...) I am thinking only how to incorporate that into the reconciliation process because that is very important. Reconciliation is the only necessary aspect. Only a few of us heard the testimony of these people today and many people will never have a chance to hear it. These testimonies can help us find those who were on both sides.

Statement: Ljubo Manojlović, Serbian Democratic Forum, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

RECOM should cooperate with authorities, but politicians should not be allowed to interfere with the work of RECOM.

The question is how to preserve the innocence of this commission from politicians? They could be dangerous if allowed to enter too deep into the whole thing, while on the other hand, they have to be included (...) how to obtain information (...) each government will have a petty interest of its own in whatever is going on here.

Statement: Ljubo Manojlović, Serbian Democratic Forum, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

Initiative for RECOM makes sense, but the courts can do more for victims.

I think that this initiative does make sense to a point, but I think that it will not be able to measure up to what a court may promise to do.

Statement: Jovan Berić, Serb from Zadar, victim, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

The Coalition for RECOM and civil society along with international organizations and government institutions will be equally obligated to implement recommendations.

Each report contains its recommendations regarding the established facts, but it also contains suggestions for compensation programmes for the victims. And it is very important that the Coalition monitors the implementation of these recommendations (...). Normally, the goal of the Coalition is to constantly watch what is going on in that area (...). Different international institutions and victims' associations as well as human rights associations (...) are responsible to cooperate in the process of the implementation of the recommendations.

Statement: Vesna Teršelič, Documenta, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

The consultations process and the collection of a million signatures will secure the legitimacy of the initiative and prevent it from being ignored by the government.

In order to obtain a broad based legitimacy for the commission it is important that these consultations continue and it is also important to provide those signatures, (...) but what is important is that representatives of the Coalition will be standing out in streets talking to people and it matters how they will present the ideas we have (...). That may be a way to communicate directly with people and gain support for the creation of this commission. Then it will be really difficult for politicians to ignore the whole initiative.

Statement: Mario Mažić, Youth Initiative for Human Rights,

Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

Young people in Croatia want to know the facts about the past because they define the future.

It is very important to me to stress that young people want to know the facts. We want to know the truth; we want to be a part of the dealing with the past process. That is very important for us because it influences the way we are going to build our future. For us, this commission is important at the level of dealing with the past and learning about the events of the past. For us it is important at the level of transferring something to new generations.

Statement: Emina Bužinkić, Young People of Croatia Network, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

I very much like it that consultations with the local community are included in this consultation process because in all post-Yugoslav states there are areas heavily affected by the war although the people who lived in that region are not, strictly speaking, victims. Therefore, I believe that it is very important to hold local consultations and that the whole Coalition for RECOM has understood the necessity of that process (...) for the small, local communities where people could not otherwise be heard.

Statement: Slaven Rašković, Documenta, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

47. Local consultation with victims' associations

**Mitrovica/Mitrovicë, Kosovo
September 5th 2009**

The local consultation with victims' associations was organized by the "May 22" Association of the Families of the Missing, Kosovo and was attended by 41 participants, mainly family members of the missing. Speakers were Ylber Maxhuni (Youth Step, Kosovo), Valdete Idrizi (CBM, Kosovo) and Nataša Kandić (Humanitarian Law Center, Serbia) and the discussion was moderated by Valdete Idrizi (CBM, Kosovo), and Avni Melenica, ("May 22" Association of the Families of the Missing, Kosovo).

Suggestions, opinions, and recommendations of the participants

Associations of families of missing Albanians should have a joint platform regarding the Initiative for RECOM without some associations acting independently.

We are an alliance of 19 associations and we have our joint council. And Mr. Avni should talk to the council, and other associations should also form their councils and they should be consulted so that we can all be unanimous with respect to an issue such as the RECOM initiative.

Statement: Xhafer Veliju, Pengu i Lirisë, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

Serbs and Albanians should work together and communicate with each other because that is the only way to resolve the issue of missing persons.

Now I understand that we have to work together closely (...). If the Serbs and the Albanians don't cooperate, if we fail to communicate with each other with regards to this question, we will never be able to solve a single issue.

Statement: Xhafer Veliju, Pengu i Lirisë, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

Kosovo media are not interested in the activity of the families of the missing. Even 10 years after the crime in Vučitrn/Vustrri, no TV station has ever reported on the anniversary of the crime.

Since May 22 when we started holding meetings and marking anniversaries of the crime, not a single media representative came to report about it, not a single camera. TV Priština (...) TV 21 (...) they had to come. KTV, also, and so on. It has been ten years that we gather on every 22nd of the month in Vučitrn/Vustrri, but no one comes to report about it. That's a shame.

Statement: Mahmut Sylja, victim's family member, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

Perpetrators of the war crime in Vučitrn/Vustrri are in Kosovo and they are free men.

I am really angry with the government. I know first and last names of persons who committed the crime on May 22, but has a single one of them been arrested? No. They are in Mitrovica/Mitrovicë, that's where they move freely, in Priluzhje, Gojbuljame, etc (...). It's a shame.

Statement: Mahmut Sylja, victim's family member, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

We have the exact names of all members of the so-called "crisis headquarters". Their first and last names are on the list we found in the municipal assembly building. We informed representatives of the international community about it and the president of the municipality, but they did absolutely nothing although it is clear that these persons organized the massacre.

Statement: Musli Melenica, victim's family member, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

For the families of the victims it is most important to receive mortal remains of their missing family members and give them a proper burial. The Initiative for RECOM is the only hope for the families.

We would like to support this initiative on behalf of the families of the missing and God willing, together, and with our governments, we will be able to find our missing family members (...) my biggest satisfaction in life would be to find my father, to know where his grave is. I did not come here for lunch or for money, I came to offer my support to the families of the missing and all those who were unable to come here today.

Statement: Naser Kadriu, victim's family member, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

My name is Musli Melenica and there are five missing persons in my family and I want you to know that I support this Initiative and I want you to keep up what you are doing. The initiative is very appropriate and I am sure that all participants of this gathering support it.

Statement: Musli Melenica, victim's family member, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

I would like to welcome you all here and to congratulate you on this initiative. You have done a good job just by starting it. I am a family member of a missing person. Families of missing persons meet every day (...) those of us who are in Kosovo (...) but most of them are abroad and they cannot know how often we meet here.

Statement: Fatime Melenica, victim's family member, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

My name is Isa Latifi and I represent the Association of Political Prisoners. I also support this idea. It is very good (...). It is clear that people have their interests;

they are pursuing them all the time (...) that is why I repeat one more time, thank you to all who initiated this issue.

Statement: Isa Latifi, Association of Political Prisoners, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

Victim's family members suffer greatly not only because of the unsolved destiny of their missing family members but also because of poverty and lack of care.

We need to be careful about one thing – how many times are we going to take these people through the ordeal of that day without actually doing anything for them.

Statement: Vehbi Hallil, lawyer, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

We need to be very cautious every time someone opens up an initiative like this or similar. No one has done anything for these people, not the government and certainly not some associations (...) Missing persons' family members carry one pain, the fate of their missing ones, but they also suffer from economic hardship.

Statement: Vehbi Hallil, lawyer, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

We don't want them to talk. We want results. Loud and clear, what our government is doing that's all hear-say. We want to talk about our economic hardship, we are all suffering; we have orphans. We want results, not speeches.

Statement: Mahmut Sylja, victim's family member, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

Kosovo laws regulating rights of families of missing persons are inadequate.

In order to be able to get some sort of a formal document in the municipal building I need to file a document proving I am not paying taxes. If I go to see a physician, he will ask for a healthcare card, and if I tell him that my three sons were murdered, he would tell me right away that I am lying. I receive 130 euros in compensation for one of my dead sons, as if the other two were not mine. I do not receive anything for the other two.

Statement: Arif Zeka, victim's family member, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

It is necessary to organize consultations with victims' families in order to receive information about their needs.

It is very important to organize consultations with victims' families in order to find out what their real needs are, what they are thinking, and to know how to organize our work.

Statement: Nazim Bahtiri, Youth Step, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

It is necessary to create a regional fund for compensation of victims and their families.

It is not possible for a country to develop in a situation where in the aftermath of war there are so many rich people on one hand and on the other so many victims' families who cannot make ends meet. That is not good for young people to live in a society where war crimes had resulted in numerous families not being able to live normally. That is why it is very important to pressure the government and impose this as a high priority. In the meantime, we need to figure out who can help create a regional fund which would be able to establish levels, categories of victims, so to speak, and to make a just allocation of available compensation funds.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

For the families of the missing it is not important whether Serbia recognizes Kosovo's independence – it is obvious that at the time of their disappearance Kosovo was under Serbia's control – the most important issue is to solve the issue of the missing.

It does not really matter to victims' family members if Serbia recognizes Kosovo's independence. Let's work together, let's solve the issue of the missing together (...). We know it now just as we knew it before who was to blame. Everything in Kosovo was under Serbia's control.

Statement: Xhafer Veliju, Pengu i Lirisë, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

It is necessary to create an overview of war crimes for each municipality in order to record a truthful record for future generations.

I have a proposal which is more for the family members, but also for all citizens of Vučitrn/Vustrri (...).

The truth is, we are missing a historical overview of the facts of the conflict that took place in Vučitrn/Vustrri. We should have a book published for all places about the recent war, depicting all the crimes (...) because in time witnesses disappear, they die or simply leave. My children experienced this war but they are not fully aware of what was going on. They are teenagers today and they don't have a clear picture of what happened and what their families went through. If I don't tell them what I survived, they won't know anything.

Statement: Isa Latifi, Association of Political Prisoners, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

There was a massacre in Studimlje, a prison near a cemetery. There was a crime in Galica, and many others that were unregistered. There are only stories told over a drink (...). There should be a book which will contain information about all these crimes we are talking here about. A written proof, not just idle talk.

Statement: Isa Latifi, Association of Political Prisoners, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

If crimes are not reported, for example rape, we cannot establish the facts or achieve justice.

Sexual abuse – that's a weak point of the entire society which is not aware of the need to report such events. I don't know of a single victim of sexual abuse that reported the event or that somebody did it on her behalf. It is an issue of mentality, but in the meantime, while we struggle with our cultural issues, rape crimes go unpunished.

Statement: Lale Grabanica Elena Gjika Association, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

In the future it is necessary to organize field trips for elementary and high school students to visit locations of larger scale crimes – that will be a good mechanism preventing recurrence.

One day I would like to see the moment that elementary and high school students or college students visit locations where crimes were committed, from Slovenia, and everywhere else where horrible crimes happened (...) and it will guarantee that things like that don't happen again. It is very important that young generations travel that road, the road of crimes committed in the recent war.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

The commission should investigate the facts about political events in Kosovo or give recommendations to create a separate body to deal with it.

I think that this commission or some other body created by the commission should deal with (...) isolation, numerous political prisoners from the period prior to 1998 (...). Information about that cannot be found in historical archives or anywhere else (...). It only exists in the narration of the people who experienced it and I am sure young people know nothing about it.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

It is necessary to investigate the case of poisoning of high school students in Vučitrn/Vustrri.

The poisoning of high school students in Vučitrn/Vustrri has never been mentioned. People had consequences, some still have problems even today and no one has ever done any research or collected any information.

Statement: Blerim Ibrahimi, victim's family member, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

RECOM should also investigate fraudulent charges families paid for information about their missing family members.

RECOM could make a recommendation to form another commission to investigate, for example, claims that money was extorted from families who were trying to get information about their missing family members.

Statement: Bekim Blakaj, Humanitarian Law Center, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

48. Consultations with the local community

**Kruševac, Serbia
September 7th 2009**

The consultation with the local community in Kruševac was organized by Women's Association "Peščanik" from Kruševac (Serbia) and was attended by 47 individuals, a number of representatives of the municipal authority, representatives from several judicial institutions, academics, and representatives

of schools, veterans' organizations, political parties, and representatives of various non-governmental organizations. Chief of Staff of the Rasina County was present, too. Lecturers included Maja Stojanović (Youth Initiative for Human Rights) and Dragan Popović (Humanitarian Law Center). The discussion was moderated by Sandra Farkaš (Association "Peščanik"). Regional RTV station "Kruševac" and weekly magazines "Pobeda" and "Grad" reported on the consultations.

Suggestions, opinions, and recommendations of the participants

The basic question is how to secure the participation of governments in the region having in mind their differences.

Do you have any idea at all how we can convince all these governments to cooperate on this project since they cannot agree on any issues between themselves and since there are so many differences within each of these governments. We need to know this because it is a serious matter. Can you give us any predictions about how fast this can move?

Statement: Miško Radonjić, Euro Contact, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

If the initiative to create this commission obtains vocal public support from citizens in all post-Yugoslav states, the governments will have to accept it.

If most people in all of these states demonstrate real support for such a project, and we know that our governments will not risk losing votes over such an issue, it is important that the support of the civil society is clear and loud. I think if that happens there is a real opportunity to implement this project.

Statement: Maja Stojanović, Youth Initiative for Human Rights, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

States in the region should adopt a joint position on the idea to create RECOM or they should mandate their respective parliaments, governments, or heads of states to do so.

Each country (...) from the territory of the former Yugoslavia has its own legal terms regulating the creation of various organizations. If the Serbian parliament adopts a law, if the Croatian government passes a by-law, and the president of Kosovo signs a

decree, it is not going to be good.

Statement: Jelena Milutinović, Pešcanik, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

I think that RECOM will not make sense if it is not approved or adopted at the same institutional level, i.e. at the level of each state's parliament.

Statement: Miško Radonjić, Euro Contact, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

RECOM can start functioning if mandated by all states in the region.

I think it would be very good if the regional body starts working in all states at the same time, when all prerequisites are met. If the body is mandated by Serbia and Bosnia and Herzegovina and not from Croatia, then it should not start working until that mandate is in place.

Statement: Saša Radovanović, Institute for Serbian Culture, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

Victims who decide to testify publicly should be offered professional psychological support.

A person who was a rape victim 15 years ago and who barely managed to bury the memory of that, is expected to go through the whole ordeal again, and I understand you will insist on the true identity of every person testifying. (...) I think, I believe it is good for society as a whole, but that would necessitate offering proper psychological support to help that women deal with her own past which will imply a very serious work on the part of each member of the commission.

Statement: Vesna Vesković, president of the City Assembly of the City of Kruševac, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

Alleged perpetrators who are proven innocent in court proceedings should be entitled to financial compensation.

What happens to a person who gets identified by a victim as a perpetrator of her or his horrible ordeal from the past, and then later, in a judicial process that person is acquitted or is not processed at all? Who will then indemnify that alleged perpetrator and what happens to his or her human rights?

Statement: Vesna Vesković, president of the City Assembly of the City of Kruševac, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

RECOM should have national offices and it should be located near the victims.

As for the operation of this commission, I think it should be decentralized (...) We'll have one office in each region but I also think that it should operate on a local level, to make it easier to collect information about the victims; to allow the victims to feel more at ease in an unknown environment; (...) and in order to establish the needs of a particular region more easily.

Statement: Jovana Pavlović, Pešcanik, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

Historians believe that it is still too soon to establish an objective truth about the war of the 1990s, but that it is useful to understand the perception people have about these events.

I believe it is still too early to try to establish an objective truth about the events of the past, I think it is still too soon to talk about it and I also believe that there are no scientific methods to establish the truth about the events from the 1990s. More time should pass before we are able to do that. But what we can do is we can simply talk about how the people in the war-affected regions perceive these events. (...) Modern historiography tends to study the way people experienced these events.

Statement: Jovana Pavlović, Pešcanik, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

RECOM should deal with facts and it should not try to make historical or political judgments.

One of the problems we are facing is the relationship between the facts and the causes. (...) Social facts are much more complicated than exact mathematic-scientific facts which can be easily explained. Social facts cannot be reduced to a single cause, one phenomenon, etc. (...) For that reason it would really be risky for this institution to start making any historical or political judgments.

Statement: Saša Radovanović, Institute for Serbian Culture, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

I personally believe that RECOM should only deal with the facts, that it should not even (...) tackle the issue of causes, because that leads straight into politics which will definitely create additional problems.

Statement: Miško Radonjić, Euro Contact, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

RECOM should analyse the role of politicians and the media in the preparation for war.

I think that by the very creation of this commission we will finally begin the dealing with the past process in Serbia (...). In addition to politicians, I also blame the media who have been the main accomplices, instigators, or maybe even inspired some of the crimes that happened.

Statement: Dejana Jovanović, Liberal Democratic Party, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

Participants were divided regarding the issue of amnesty: some were very much against amnesty for perpetrators of war crimes while others believed that RECOM should be mandated to issue amnesty recommendations to the judiciary but that it should not be allowed to grant amnesty.

As for the question of amnesty (...) I am strongly against it (...). The commission should be able to give amnesty recommendations, at the same time not being allowed to make decisions (...). Now, that brings up the issue of the commission's mandate and I think that is a question for the judiciary (...) and I think that amnesty can even be a recommendation is a serious legal issue, maybe even an ethical issue.

Statement: Saša Radovanović, Institute for Serbian Culture, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

I agree that amnesty should be a recommendation, but only when perpetrators are ready to cooperate (...) and willing to help in finding out the truth.

Statement: Dejana Jovanović, Liberal Democratic Party, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

I am definitely against amnesty because I believe (...) that each person must bear the consequences for their own acts regardless of whether that person is cooperating in finding mass graves locations or shedding light on some events from the past. However, history teaches us that in such cases amnesty was always granted.

Statement: Jovana Pavlović, Pešćanik, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

I don't think we should discuss the issue of amnesty at all, not as a recommendation or anything else.

Statement: Miško Radonjić, Euro Contact, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

It is necessary to secure the cooperation of the

international community for the creation of RECOM.

I think that this body cannot be formed without the support of the OSCE (...), without the help of the international community.

Statement: Saša Radovanović, Institute for Serbian Culture, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

For the creation of RECOM it is necessary to have a powerful campaign and secure a consensus of political parties.

When speaking about parliaments, we should have an organized campaign with the Speaker of the Parliament, heads of Parliamentary clubs, and all Parliamentary bodies in any way related to the problem we are discussing here (...). We should be able to achieve at least some political consensus.

Statement: Dejana Jovanović, Liberal Democratic Party, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

RECOM should be created as a multiethnic body. Civil society organizations should be members of RECOM in order to guarantee the objectivity and impartiality of the commission.

I would definitely like it to be a multiethnic kind of body (...) to be able to objectively establish the truth, because no matter how hard we try (...) to establish the facts, each one of us is a member of one ethnic group and we all think that we are better than the others and that we committed far less gruesome acts than the others.

Statement: Jelena Milutinović, Pešćanik, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

Civil society organizations should by all means be members of the commission and they should have representatives at all levels because if that cannot guarantee the full objectivity of the work of the commission (...) it can in a way create conditions for the work of the commission to be objective.

Statement: Slavica Stanojlović, Pešćanik, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

It is important to have an equal number of male and female members of RECOM.

To me, as a women's rights activist, it is also important to have an equal number of male and female RECOM members at all levels, and not only when it comes to rape and crimes we have mentioned here.

Statement: Slavica Stanojlović, Pešćanik, Consultation with the

local community, Kruševac, Serbia, September 7th 2009.

RECOM should define the concept of victim and perpetrator.

I think that it is important to synchronise some other elements such as definitions, let's say, also to have synchronised definitions of victims and perpetrators, and what is considered a crime.

Statement: Slavica Stanojlović, Peščanik, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

The most important result RECOM can produce is the creation of documentation about the past.

The biggest success, if this Regional body is formed, would be the existence of a central documentation fund (...). This whole initiative would actually be a reference point (...) and (...) our ethics and value system will be built on RECOM documentation.

Maybe RECOM should have a long-term goal (...) to have tolerant people with an ability to think critically, who are able to say 'what if I was born as a little Albanian or Croatian child, what would I be thinking'?

Statement: Branimir Šoškić, Kruševac Grammar School teacher, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

It is necessary to secure the support of religious communities because their huge influence in the community can help achieve reconciliation among different ethnic communities.

It would be very important if religious communities, churches, give their support to this project, and as of yet, we still haven't received any response from them, not only regarding this project but with respect to the whole idea of reconciliation and some kind of unification of the human community.

Statement: Miško Radonjić, Euro Contact, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

RECOM should prepare recommendations about possible educational programmes for public sector employees.

In our municipal and city administrations we have people who are inadequately trained for their jobs. We understand that many people were employed in those institutions because they belonged to the governing political option and I believe that it is necessary to start a reform of government, city, and

municipal administration in order to provide the best service possible to our citizens. I think that RECOM recommendations can only help achieve that goal as soon as possible.

Statement: Dejana Jovanović, Liberal Democratic Party, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

49. National consultation with young people

**Sarajevo, Bosnia and Herzegovina
September 19th 2009**

National consultation with young people was organized by the Youth Initiative for Human Rights in Bosnia and Herzegovina. Forty 40 people, mostly non-governmental human rights organizations activists, as well as a member of Naša Stranka political party, participated in the consultation as either participants or observers. The panellists were Mario Mažić (Youth Initiative for Human Rights in Croatia) and Marijana Toma (Impunity Watch, Serbia). Aleksandra Letić (Helsinki Committee for Human Rights in Republika Srpska, BiH) moderated the discussion.

Suggestions, opinions, and recommendations of the participants

Young people are not responsible for crimes committed in the recent wars but they need to understand the past, to deal with it in order to be able to take responsibility for the future.

Young people (...) cannot be responsible for something their parents did (...) during the war. But (...) the young generation does bear the burden of the war events and it is really our goal to give them an opportunity (...) through the consultation process and through the dealing with the past process (...) to understand our past (...) thus taking responsibility for the future, (...) so that they would do everything to make sure such horrible crimes never happen again.

Statement: Alma Mašić, Youth Initiative for Human Rights in BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

RECOM should recommend appropriate programmes of reparation for victims and society as a whole which would help people deal with the crimes that took place.

That body (...) after publishing its report makes (...) recommendations which should be implemented by the states (...). Recommendations most usually relate to reparation programmes for victims. But I would say that they could also be (...) reparation programmes for society in its entirety. So, the body makes recommendations for society to go through the transition process as easily as possible, to be able to deal with the events of the past (...) in the most efficient way in order to be able to build a healthier future.

Statement: Mario Mažić, Youth Initiative for Human Rights in Croatia, National consultation with young people, Sarajevo, BiH, September 19th 2009.

RECOM should be independent of political influences and be powerful enough to issue a mandatory subpoena for witnesses to testify, regardless of what state they live in.

We can form a commission here now and then invite a witness to testify and he replies 'I don't want to' (...). It is really necessary that the commission is independent (...) from all possible political influences, and on the other hand, it is necessary that the commission has at its disposal instruments to make witnesses comply with invitations to appear. When the commission deems it necessary that a person should testify, the commission can automatically issue a warrant for that person to be brought before the commission to testify, and that warrant cannot be blocked by another authority within that state.

Statement: Đorđe Radanović, Center for Youth Affirmation, Šekovići, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

It is hard to connect the Kosovo conflict with the conflicts that happened in the period 1991-1995 and expect RECOM to come up with unified conclusions.

We cannot say that all that is completely connected and be expected to make unified conclusions. How are we going to make unified conclusions for three different conflicts that happened independently from each other, although in a way connected? (...) That creates a problem for a regional commission, to combine the events from the period 1991-1995 with the Kosovo conflict.

Statement: Haris Čamil Bešlić, Youth Initiative for Human Rights in BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

There is a lot of fear and misunderstanding in local communities that can be eliminated by constantly providing information and including

young people in the Coalition for RECOM.

Young people should actively participate in a coalition like this which can be achieved by providing proper information to young people. One of the ways to inform them is to share with our local communities whatever information we obtained here today and it will find its way of spreading among the young people.

Statement: Dražen Bošković, Youth Forum, Trebinje, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

There will be a lot of difficulties (...) especially in smaller communities. Trebinje is such a community. We organized a local commission. However, some people who were not properly informed attended the meeting (...) and said they would never come again to attend such consultations, that somebody would kill them after that or something like that. I think that most people in Bosnia and Herzegovina will behave like that and most people think like that. And that should be our main task, to try to change the way they think and that can only be achieved by a constant flow of information about what RECOM represents.

Statement: Dražen Bošković, Youth Forum, Trebinje, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

RECOM must be present and supported in local communities.

If RECOM in Bosnia and Herzegovina is part of a regional concept, it must be, first of all strong on its own territory and the future members of RECOM must be trustworthy persons who know who they represent (...) and who will benefit from their decisions. So, I advocate the idea that more is done on a local level.

Statement: Dražen Bošković, Youth Forum, Trebinje, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

The debate about RECOM should be conducted in an everyday language, suitable to different ages and people who take part in them.

I completely understand the reaction of young people when we talk about reparations, transitional justice, etc. These words scare people off (...). I think we should (...) use a more understandable language instead of giving them lectures about what various things. Nobody likes that. I don't like that. Use a simple language for transitional justice (...) to be able to

understand the context of these consultations and what is expected of them (...). So, it would be good (...) to adjust the language used in consultations to the age and category of the people we address during these consultations.

Statement: Jasminka-Drino Krilić, Gornji Vakuf/Uskoplje Youth Center, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

These people are victims of torture and war and everything else and they will not understand this language we use here, so that it should be adjusted. Especially because of a large number of poorly educated people in these communities.

Statement: Nina Zupan, Revolt Youth Movement, Tuzla, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

It is not clear enough what the strategy of the Coalition for RECOM is and what is expected from participants of consultations.

What am I, as a young person, expected to do in this consultation process? (...). Where is this coalition going? What is its strategy? (...) What is the point of these consultations? When you receive (...) some printed material at the beginning of the consultations you don't know what to do with it. What is the strategy? (...) Does this coalition have a vision? That is very important to me.

Statement: Jasminka-Drino Krilić, Gornji Vakuf/Uskoplje Youth Center, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

It is important that the debate is conducted in local communities.

It is very important to have consultations like these in local communities because this is the right way for all of us, both young and old, to say what we think about these things.

Statement: Svetlana Vuković, Luna Women's Association, National consultation with young people, Sarajevo, BiH, September 19th 2009.

The Initiative for RECOM will be supported by young people if presented as a challenge.

I suggest to the organizers of this process (...). It's not that the young people are not interested, they are looking for challenges. If they are not offered a proper challenge they will create a wrong one. (...) in eastern Bosnia (...) their minds are formed in a (...) uni-national, family frame (...). I worked with the children who go to the same school, same grade, different classroom, and they don't know each other.

A Muslim and a Serb, they don't know each other. They don't say hi to each other (...). We will collect more than a million admission signatures and supporters if we explain thoroughly what and why is being done.

Statement: Salih Rasavac, Corridor, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

The kind of memorials to victims and perpetrators being built in BiH make a deeper division between the nations.

I know that when I go to (...) eastern Bosnia (...) this is where (...) they did it, the list of what was done and the list of who did it. I agree that a memorial should be raised. A memorial is a memorial and it should be clear why it was built and how we should treat it. However, the way we do it now (...), we just make the already existing division deeper.

Statement: Salih Rasavac, Corridor, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

RECOM has more respect for victims than for criminal prosecution.

I spent a month in training at the ICTY and I monitored the work of the Tribunal, being specifically focused on victim-witness in the process (...). That process is void of any dignity (...). This is definitely something else. It has a more human dimension (...). It fights for the rights of the victim while on the other hand it is being preventive, at least for future events.

Statement: Salih Rasavac, Corridor, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

RECOM should not analyse events from the far past.

It would be wrong to go into the very distant past, into the 1800s and so on. That would mean relativization of responsibility (...) for what (...) happened a few years ago in this region. For me, that is unacceptable and I would like to suggest (...) not to go so deep into the past, or we will go as far as the Illyrians (...) without (...) establishing the responsibility of those who committed such gruesome acts in our country.

Statement: Salih Rasavac, Corridor, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

One of the problems related to having the Parliament of BiH adopt the decision to create RECOM can be its practice of dragging things like that out for years.

It takes us ten years to adopt one law in our Parliament. At the end, it gets rejected because there is one sentence in it that's not quite to our liking (...). On the other hand, if we don't finish it during the four-year mandate of one political administration, everything fails because somebody else must deal with the same issue all over again.

Statement: Ivana Grabovac, Citizens of Tuzla Bureau, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

One of the problems in the creation of RECOM can be the fact that some states in the region do not recognize Kosovo and that some, like Slovenia, are members of the European Union.

RECOM as a (...) regional commission which should be established by an international agreement, (...) how can we overcome the fact that Slovenia already is, (and Croatia will soon be), a member of the European Union and the problem that Kosovo is not internationally recognized and that is where human rights abuses should be investigated?

Statement: Damir Salkić, Youth Initiative for Human Rights in Bosnia and Herzegovina, Sarajevo office, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

Victims in BiH are not open for discussion and they don't trust persons from other ethnic communities.

I have been working for a year and a half with victims of torture and I have visited many refugee settlements and also many places where people have returned home (...). People are truly sceptical about these things (...). They are difficult to approach. They don't want to talk about what happened to them (...). My name is Nina and when I come to a place populated by Muslims, they put a wall between them and myself just because my name is Nina and my last name Zupan, (...) and I have to explain for half an hour who I am and what I am doing to be allowed to ask them some personal questions.

Statement: Nina Zupan, Revolt Youth Movement, Tuzla, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

Victims who returned home and live in mixed societies need specific psychological support and help.

They say (...) the courts are doing it, different commissions are doing it, but these people continue to carry their trauma (...). They, the victims, definitely need to be worked with. For example, all these peo-

ple have children who have problems in school (...). These are now mixed communities, villages and the children attend separate schools or go to the same schools and encounter a lot of different problems.

Statement: Nina Zupan, Revolt Youth Movement, Tuzla, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

It is necessary to start lobbying and asking the government and political parties for support.

Is somebody really actively lobbying the parliaments at the moment? I think that process is very important (...) for later when it comes to adopting all these strategies and finally RECOM.

Statement: Dražen Bošković, Youth Forum, Trebinje, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

I think we have to ask the government for as broad a support as possible because without them this will not be possible.

Statement: Nina Zupan, Revolt Youth Movement, Tuzla, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

Youth networks should help in collecting one million signatures.

I think that if you haven't started (...) it yet, you should start creating a network of youth organizations as soon as possible (...) because they meet weekly, at least ours does, and they can convey all of this to their members and get feedback in the near future about the number of members, their names and who could work what, so that you can be prepared for collecting signatures.

Statement: Dražen Bošković, Youth Forum, Trebinje, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

Consultations are good but a media campaign should start as soon as possible in order to secure as broad support as possible.

As much as I find these consultations 'cool' because we get together, we meet people from all over the region, we talk... I think RECOM should start a media campaign very quickly to get through to the wider public because (...) RECOM cannot achieve its goal without the support of the people.

Statement: Damir Dejanović, Revolt Youth Movement, Tuzla, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

It is necessary to double check witness statements.

I would like to know who will be working with victims in local communities. Who will be taking the statements and systemise them. Will it be partner organizations, RECOM representatives or somebody else? (...) In that context I want to bring your attention to the need to double check the stories told by victims because we are inclined to making up stories (...). We have to make sure these stories are true.

Statement: Almir Salihović, Association of Students from Srebrenica, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

The RECOM Initiative and RECOM itself are a way to prevent conflicts like these happening in the future.

While I was on my way here I had no idea that we would be discussing something like this. But now I understand that it is actually a new initiative in the Balkans which may be preventive. And that's what matters most.

Statement: Đorđe Radanović, Center for Youth Affirmation, Šekovići, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

RECOM should have offices in local communities, especially those where ethnic groups are segregated from each other as well as the communities where there is still a lot of conflict-related tension. Knowing the facts in divided communities can serve as an example to governments how to solve conflict.

I come from a nationally divided community and I attend a school known as two schools under one roof. That is why I support the local concept, a local RECOM. That is a super idea because (...) if we can solve [division] at the local level, it will be easily spread to a state level.

Statement: Avdo Zec, Gornji Vakuf/Uskoplje Youth Center, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

2010 is election year in BiH and the election campaign can potentially damage the initiative and the creation of RECOM.

We talked about potential problems and those most likely to happen in the course of the creation of RECOM (...). I don't know if you realize that (...) 2010 is election year in Bosnia and Herzegovina and that that it is going to be a turbulent year. That may create problems for our cause.

Statement: Nihad Ganija, Youth Initiative for Human Rights in BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

50. Consultation with the local community on the Initiative for RECOM

**Pakrac, Croatia
September 22nd 2009**

The consultation with the local community in Pakrac was organized by the Civil Society Support and Development Center "Delfin" (Croatia) and Documenta (Croatia). The gathering was attended by 63 participants, mainly members of human rights organizations, associations and organizations of victims' families, associations of minority communities, veterans associations, as well as representatives of the local self-government and the representatives of the towns of Pakrac and Lipik. Speakers were Suzana Kunac (B.a.b.e., Croatia), Dragan Popović (Humanitarian Law Center), and Goran Božičević (Miramida Center, Croatia). Pakrački List and Radio Daruvar reported from the gathering while Mirjana Bilopavlović ("Delfin", Croatia), Vesna Teršelić (Documenta Croatia) and Dragan Popović (Humanitarian Law Center) gave interviews to the Daruvar correspondent of the Croatian TV (HRT). Professor Dr. Siniša Tatalović sent a letter of support on behalf of the Office of the President of Croatia and on the behalf of the Government of Croatia a telegram was sent by Dr. Slobodan Uzelac, Vice-Prime Minister of the Croatian Government.

Suggestions, opinions, and recommendations

The Initiative for RECOM is a welcome support to the process of establishing the truth about perpetrators of war crimes and their victims, which will have a positive impact on relations between the nations and states in the region.

The work of various associations and non-governmental organizations participating in these consultations so far in Croatia and other war-torn republics of the former Yugoslavia has significantly helped speed up the process of establishing the facts about war crimes and human rights violations committed during the war. This initiative is a welcome support to further intensify and fully implement that process in order to establish the truth about war crimes perpetrators and their victims in a comprehensive and truthful way, which will beyond any doubt contribute to the creation of better relations

between the nations and the states which were engulfed in the conflict.

Statement: Professor Dr. Siniša Tatalović in his letter of support, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

Everybody has their own truth but they will also have to look at other people's truth. That is the natural result of the Initiative for RECOM.

We are aware that the people living in this region have more than one truth. I support this Initiative for RECOM because all of us who have our own truth will have to look at the truth of other people (...). Everybody wants to know the truth about their own son (...). It is praiseworthy that the Croatian soldiers protected the civilians, but no one is talking about the civilians in Klisa who were not protected (...). The truth must be known. But first (...) we should each one of us look at the truth of others. History will be based on these truths.

Statement: Miladin Jakovljević, from Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

For me, personally, it is very important that in Croatia we open a dialogue between people who haven't talked too much until now (...) it is important that we have the need to talk to each other and that it can be done.

Statement: Goran Božičević, Miramida Center, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

We must begin by addressing who started the war and when, regardless of conflicting opinions about the causes of the war.

I really think that we need to have a sentence stating who started the war and when. I think that without it, without explaining why the armoured vehicle entered Pakrac and why a neighbour (...) took a rifle on March 1st and attacked the police station (...). In Croatian Pakrac we will not be able to say "that's it and we are now ready to move on"... I am a Catholic and I am ready to forgive if a hand is offered to me (...) and I don't like it when people say that Belgrade started it. We can say whatever we want if there are facts behind it confirming what exactly happened.

Statement: Dubravka Špančić from Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

I think we need to include the causes of the war in any case, because today we are talking exclusively about the consequences which we have because of

some causes. (...) Although I am sure we have different opinions about the causes of this war.

Statement: Branko Kovačić, the Council of the Serbian National Minority of the town of Daruvar, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

We should name war crimes perpetrators and those who ordered them to commit crimes instead of blaming entire nations for their acts.

When we talk about a crime, then, if you ask me, we should always use first and last name of persons responsible for that crime and those who instructed them to act in such a manner.

Statement: Jaroslav Vozab, the Council of the Czech National Minority of the Požega-Slavonija County, town of Lipik, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

I was held a prisoner in the detention camp in Bučije, but before the camp in Bučije, there was a detention camp in Grdevica (...). I was held there as a Serb because I refused to be drafted (...) and it hurts me as a person, wherever I go they say "you Serbs did that" and I tell them: "Well, I didn't". There are so many people in my village, a hundred houses, and I cannot guarantee it with my life that they are innocent of any crimes (...) but we need to tell the names of those of who are.

Statement: Veljko Mandić, Association of Anti-fascist fighters and Anti-fascists, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

RECOM will investigate crimes which have not been processed so far.

We have our people from Pakrac who were taken from Kostajnica to Manjača, Bijeljina, people from Vukovar imprisoned in Sremska Mitrovica, I never heard that any of the people involved (...) had been processed (...) I know that the commission will answer these questions and that really makes me happy.

Statement: Dubravka Špančić from Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

We have (...) in the region of Daruvar and Pakrac and other neighbouring municipalities a lot of missing civilians of Serbian nationality, also, who went missing during the war and even after the war. I am sure that there are people who know where they are, who took them, and where they are and I do believe that this commission and this initiative will help find the truth about them.

Statement: Branko Kovačić, the Council of the Serbian National Minority of the town of Daruvar, Croatia, Consultation with the

local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

The Initiative for RECOM encourages gatherings of the citizens of Pakrac of all nationalities to openly talk about different topics, which can help normalize relations between them.

I think that this gathering (...) which has brought together individuals of various orientations (...) who were (...) on opposing sides during the conflict (...) gives us some perspective and a future for this town (...). It encourages them to work on normalizing relations here, to inspire them to start telling the truth.

Statement: Obrad Ivanović, Serbian Democratic Forum, Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

It is necessary to initiate talks in the local communities about who started the war.

I think that your initiative is very good but we, as the citizens of Pakrac, should have such a commission here (...) to conclude once for all who started the war.

Statement: Antun Bruneta, the Council of the Italian National Minority, Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

The creation of an official and objective historical record of the past as well as the recognition of victims is a huge task.

The creation of an official, objective, and accurate record of war crimes and other serious violations of human rights committed in the period since the beginning of 1991 till the end of 2001, the recognition of victims and their suffering, as well as the prevention of the repetition of such crimes, as you listed as RECOM goals, is truly a huge task.

Statement: Slobodan Uzelac, Vice-President of the Government of Croatia, letter of support to the Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

How to be secure that the parliaments select responsible, experienced, and educated members of RECOM without a political pressure?

I am a little confused by the fact that the parliaments are going to form these commissions. The democracy in our countries is still at such a low level to be able to avoid political pressure and be able to select people who have no connection with political circles. (...) how do you think you can avoid politics? How do you think you can make sure that the

parliaments only choose people according to their professional and ethical credentials (...)? That is not quite clear to me.

Statement: Dubravka Špančić from Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

RECOM opens a space for war crimes perpetrators to be abolished.

You have just opened an ideal polygon for the perpetrators to speak, and maybe even be abolished.

Statement: Dubravka Špančić from Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

Participants from Croatia want to know how the societies in Serbia, Montenegro, and BiH treat their war veterans who participated in the war in Croatia: are they treated as heroes?

We have our judiciary and our law on the homeland defenders in place ... I don't know the laws in Serbia. Does Serbia consider the people who opened fire at us to be their veterans and homeland defenders? Do Montenegro and Bosnia have that? Who are the defenders and heroes of the countries we are going to cooperate with in RECOM?

Statement: Dubravka Špančić from Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

It is necessary to define who can be considered a victim. Victims are also children who were denied a peaceful childhood.

We need to define a victim. You mentioned women, you mentioned rape, which is by the way not recognized by the Croatian judiciary, and which we feel very strongly about, victims are even my children who live in a town like this, who are deprived of all the things I was able to enjoy as a child 30 years ago. Victims are also women who dragged their children around other people's houses while their husbands were in the middle of the war zone. (...) we are all traumatized, all of us...

Statement: Dubravka Špančić from Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

Victims must never be considered the same as the aggressor.

Maybe I have strong emotional ties, but (...) and when I entered the International Reconciliation Council and here in the county, I never said that

the victims should be made equal as the aggressor. That is the first and foremost thing that must be understood.

Statement: Jaroslav Vozab, the Council of the Czech National Minority of the Požega-Slavonija County, town of Lipik, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

All states must accept extradition requests and they must all sentence perpetrators.

All countries must first of all recognize one basic law – the extradition law and they must all abide by the rulings of the International Court of Justice. Also, they must all have laws in place allowing them to punish perpetrators of war crimes.

Statement: Jaroslav Vozab, the Council of the Czech National Minority of the Požega-Slavonija County, town of Lipik, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

It is important to make a list of all detention camps and properly mark them.

I was imprisoned at the Bučje detention camp but before that camp there was a detention camp in Grđevica (...) and no one knew about it, nobody from the government knew about it, only the criminals who locked us up there (...). A secret detention camp that nobody except the party members knew about. The “great Serbs” as I would call them or the “non-Serbs” (...) we should mark it properly.

Statement: Veljko Mandić, Association of Anti-fascist fighters and Anti-fascists, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

All victims must be identified by name and all crimes must be listed and solved. There are still many crimes nobody is talking about.

There is village in our neck of the woods called Gornji Grahovljani. Twelve people went missing from that village. No one has ever asked about them, not the Serbs and not the Croats, and that should definitely be included in the list of crimes to be solved.

Statement: Veljko Mandić, Association of Anti-fascist fighters and Anti-fascists, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

No government representative can say that they don't know about the 14 missing persons from the village of Gornji Grahovljani. It is not 12, it is 14. Ms. Teršelič, here is the list. I don't have all the data, but I will not allow anyone to tell me that they don't know anything about the people who stayed behind

in the Pakračka Poljana and who are now gone.

Statement: Đorđe Gunjević, former prisoner of the detention camps Bučje and Pakračka Poljana, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

RECOM should make a list of victims of the NATO bombardment.

I am curious to know whether RECOM (...) will make a list of all victims who lost their lives or their loved ones as a result of the NATO bombing campaign, since RECOM is going to be operating on the territory of the entire former Yugoslavia.

Statement: Branko Kovačić, the Council of the Serbian National Minority of the town of Daruvar, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

Victims, especially the children of parents who lost their lives or went missing should be entitled to compensation.

Is it possible to provide (...) some sort of compensation for the victims by the government (...) precisely because we have many children who have lost their parents because they were taken away and killed?

Statement: Marija Žilić, Social Support Center of the Town of Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

For the people throughout the region it is very difficult to deal with the fact that a member of their own ethnic group committed a crime. There is no political will in the region to help people deal with the truth.

Each of our respective governments has its legal instruments and possibilities, if they so wish, to help with the dealing with the truth issues. It is very difficult for the people to accept the fact that a member of their own ethnic community has committed a crime and the lack of political will to help with this issue is obvious.

Statement: Đorđe Gunjević, former prisoner of the detention camps Bučje and Pakračka Poljana, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

Participants of the consultation are in favour of establishing the facts about the victims, perpetrators, and those who issued orders to commit crimes.

It is necessary to establish the facts and finally come up with the names of perpetrators and those who ordered them to commit crimes (...). We should not

delay this because in reality 50% of us who were in the Bučje detention camp are already dead (...) there were people age 18, 20 to 83 years of age there (...). For that reason I salute this initiative and its intention to establish the facts.

Statement: Vladimir Solar, former prisoner of the detention camps Bučje and Stara Gradiška, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

Institutions and governments have the necessary information about the crimes. They should be dealing with such issues and I do not see a place for RECOM!

The police have the knowledge about many things on both sides. It should be said openly. We have to support the governments and various state institutions in doing their job and I honestly believe that such gatherings cannot help a whole lot. We can say whatever we want here.

Statement: Milutin Cicvara, former member of the City Council of the town of Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

There are archived video recordings of crimes and RECOM should have access to these files.

There are many archived video recordings of crimes committed on both sides. This commission should probably insist on these recordings. The fact is some victims, such as those in Kukunjevac, were recorded, according to government sources on the other hand (...). There is also a recording of the destruction of a church in Čaglič, in Lipik, and so on.

Statement: Jaroslav Vozab, the Council of the Czech National Minority of the Požega-Slavonija County, town of Lipik, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

Many facts will never be revealed but RECOM should be able to narrow the space for lies and manipulation.

There is a sentence that comes to my mind, something a friend of mine from Northern Ireland said once (...): "Our goal is (...) to narrow the space for lies and manipulations." And there are many truths (...) that we will never know, but the more we close that space where people can talk about the things that happened to this or that number of people, the less opportunity there is for these things to be heard.

Statement: Goran Božičević, Miramida, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

Public hearings of victims are very important.

I heard some horrifying stories here. Sometimes I hear them in my office, too, and therefore I think that these people should testify (...). A woman came to see me (...). I think she had a stroke or something like that (...) and she said that both her husband and her son had gone missing during the war (...). I think that it is very important to hear the testimonies like the ones we heard today about the suffering these women were exposed to.

Statement: Mirica Miljanić, Serbian Democratic Forum, Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

State commissions for former inmates of detention camp and missing persons should support the creation of RECOM.

There are also state bodies in the Republic of Croatia, such as the commission for former inmates and missing persons, and I am sure other states in the region have them, too. So, they should be able to give this commission the kind of support it needs to be able to compile a legally valid document.

Statement: Mirica Miljanić, Serbian Democratic Forum, Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

51. National consultation with intellectuals

Novi Sad, Serbia
September 25th 2009

The national consultation with intellectuals was organized by the Independent Association of Journalists of Vojvodina (NDNV, Serbia). Thirty-five individuals, university professors, scientists from various institutes and museums, representatives of non-governmental organizations and media participated in the consultation. Speakers were Bogdan Ivanišević from the International Center for Transitional Justice (ICTJ) and Dragan Popović from the Humanitarian Law Center (HLC).

Suggestions, opinions, and recommendations of participants

State organs of the Republic of Serbia have done very little to identify war crimes perpetrators

from the police and military and to establish the role of church, schools, academic, and scientific institutions.

We have state organs that were forced, first of all thanks to the actions of the Humanitarian Law Center and the media, to do something, but they have done very little to identify crimes committed by members of the police or the military, or to discover crimes originating from church, in revealing the role of schools (...) and the highest country's academic and scientific institutions.

Statement: Slobodan Beljanski, lawyer, Novi Sad, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

Serbia's Orthodox Church (SPC) will not allow access to its documents nor will it support the creation of RECOM.

A representative of the church should be a member of RECOM or its bodies, or more precisely from different churches (...). It has acquired a certain authority all over the world (...) but in our community it is going to be very difficult (...) or almost impossible, (...). Will the SPC and other churches allow access to its documents? (...) I can hardly imagine that happening. (...) And thirdly, Filaret, the current bishop of Mileševo, with weapons in his hand, sitting on a tank; the documents are here, but the church did not process that case even though, according to the SPC canonical laws, it was obliged to investigate it and deprive him of his church rank.

Statement: Mirko Đorđević, publisher, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

What church, they are not going to talk about anything (...) no chance Croatia, Serbia, Montenegro will be thrilled about the creation of RECOM. Church will not read any counter-memorandums.

Statement: Mirko Đorđević, publisher, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

The fact that Serbia does not have good relations with its neighbours complicates the entire process. RECOM cannot be created without significant support of the international community.

Cooperation of Serbia with its new neighbours (...) is not good (...). There is no dialogue and there are no noticeable steps forward (...). That is one of the things to be anticipated as a possible aggravating circumstance (...). This kind of initiative cannot be successful with strong international support.

Statement: Milan Simurdić, former diplomat, Novi Sad, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

RECOM should be granted the status of a party in war crime trial proceedings and be authorized to initiate proceedings.

We now conduct war crimes trials given to us (...) for some less significant war crimes (...). But this commission with all the knowledge (...) that it will acquire should be included in war crimes trials, or act as an interested party in the process (...). Why couldn't it be legitimate to actively initiate legal proceedings and be given the status of a party in the process?

Statement: Dragana Ćorić, University of Novi Sad, Law School, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

It is necessary to investigate the role of the media because many of those accused of war crimes claim that they went to war after being motivated by media reports of the suffering of the Serbian people.

"But I heard it, I saw it in the paper, then I took my gun" (...) "and went to that town" (...). There are quite a few cases right now where the accused simply stated it as a fact. They claim they were motivated by a story they heard or saw which prompted their acts (...). I remember one example in particular (...) about 43 Serbian babies being killed by the Croats in Vukovar; Reuters was the first to publish it, then RTS, and then the Vukovar daily paper (...).

Statement: Branislava Kostić, School of Technical Science at the University of Novi Sad, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

RECOM should determine the target groups it will address and adjust its approach accordingly: it should be up to the standards of these groups, to be easily recognizable by them so that they do not perceive them as something being imposed upon them.

It is necessary to determine target groups. For example, two groups only (...) one group being victims of these conflicts (...) in which case we should adopt a psychotherapeutic function, i.e. enable the victims to tell others about their suffering in their own words (...). If the target group is the society from which war crimes perpetrators originated, it is important for future efficiency of the work of the commission to adopt a language reflecting the value system inherent to that group.

Statement: Pavle Rak, publisher, Slovenia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

Some of RECOM members should be representatives of institutions responsible for the conflicts, such as churches, national science academies of arts and science, etc. These institutions do not incorporate in their value systems anything that directly contradicts those adopted by RECOM [peaceful co-existence with others, repentance, forgiveness] and it would be their task to investigate why these institutions broke their own values.

I am very interested in something like that – to include representatives of all churches or other institutions which are rather responsible for these conflicts, such as academies of arts and science, (...) in the work of the commission. I think we should insist on having some of their members work with us and, while still nourishing the values adopted by their institutions, help us make the final product of our work acceptable from the point of view of many different groups.

Statement: Pavle Rak, publisher, Slovenia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

RECOM should collect data and documentation instead of interpreting facts.

I have no dilemma when it comes to whether it is necessary to create a commission like this, but I think it should collect information and let someone else interpret them.

Statement: Pavel Domonji, Helsinki Committee for Human Rights, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

I suggest we focus on the events and documents and not put unattainable goals before ourselves (...) because we may be easily trapped.

Statement: Hajrija Mujović-Zornić, Institute of Social Sciences, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

One commission (...) cannot be so well staffed to be able to both research and interpret the facts (...). Interpretation of the established facts simply does not fit this concept somehow (...). If we want it to be a research body, it should not do any interpretation.

Statement: Dragana Ćorić, University of Novi Sad, Law School, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

Establishing and interpreting facts are two inseparable activities.

Establishing and interpreting facts (...), regardless of how we are in theory (...) inclined to make a distinction between them (...) we should bear in mind that the two are inseparable. We cannot exclude interpretation of the facts from the work of the commission and allow it only to collect the facts because it has to offer its value judgements and we need to be aware of them. We also have to be aware of the fact that there are not only factual judgements that can be proved by facts and evidence and in that regard we have to try to prove them without attributing any value elements to them.

Statement: Jasminka Hasanbegović, Law School, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

Serbs no longer respond passionately to stories about Serbian victims and it will be difficult to evoke compassion for victims from other ethnic communities.

Ideologies lose their influence as the time passes, especially when they become para-state ideologies and then a cultural phenomenon occurs – the public becomes more or less not interested for its contents (...). When you talk about Serbian victims of the recent conflicts with their Serbian fellow countrymen, they no longer respond with passion (...) I was even once told “that’s boring” (...) and that is going to make any conversation about other ethnic group’s victims harder.

Statement: Đokica Jovanović, Faculty of Philosophy, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

For as long as we perceive our victims and our war criminals in a manner different from the way we look at other group’s victims and war criminals, RECOM’s efforts will be fruitless.

We use different standards to judge criminals in our own midst and (...) victims from our own ethnic group and that is pretty much the same in all societies in the region, which is a major obstacle for this commission to have certain results.

Statement: Vladislav Radaković, political analyst, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

Not a single official apology made so far has been sincere.

There have been no sincere apologies. Although our president apologized for these crimes, they have not been felt to be sincere.

Statement: Vladislav Radaković, political analyst, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

The dealing with the past process has yielded moderate results in most countries. It will not be possible in Serbia, just as it was not possible in Spain or Austria. Germany is the exception.

The dealing with the past process yielded moderate results in most countries (...) on a social level (...). Germany is an exception and is not a good example (...). In Spain after the fall of Franco (...) a social consensus was reached; Franco was down, democracy was back, but they decided not to analyse what happened under his regime (...). It is interesting to know that for as long as Spain used the peseta as official currency, lots of pesetas with Franco's image were in circulation (...). Not even to mention Austria (...) with Kurt Waldheim being the most obvious example (...) being president of Austria (...) and becoming Secretary General of the United Nations after being found responsible for committing war crimes.

Statement: Slobodan Marković, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

When thinking about the academic level, I am an optimist; I believe (...) that (...) an academic debate on dealing with the past is being opened (...), but without the participation of the majority (...) to do anything significant in Serbia. That is really not possible and is exactly the reason why it was not possible in Spain or Austria.

Statement: Slobodan Marković, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

All states are interested in hiding their responsibility. They will not allow access to state archives and without it RECOM will only be able to give a general assessment.

We can form 50 commissions, but if governments in the region do not give us access to official documents, we will only be able to give a general assessment (...). I'm a member of the commission tasked with determining the facts about the execution of General Draža Mihajlović (...) and I can tell you that even when the government is ready to cooperate, and it obviously does since the commission was formed by the government, I am still not 100% sure that the commission was allowed accesses to the entire archive (...). We are here discussing the events (...) that took place 65 years ago, where (...) there are no politically relevant survivors

to testify (...). This initiative for RECOM – we are talking about something happened 10 or 15 years ago and almost all protagonists are still alive and everyone is interested (...) to discover the facts.

Statement: Slobodan Marković, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

RECOM can help renew confidence between ethnic communities involved in conflict.

There is another way of looking at the idea to form this commission for establishing the facts about the crimes committed during recent wars (...). If it is really formed, it can help improve relationship between ethnic communities involved in the conflict and help renew confidence between them.

Statement: Vladimir Pavićević, Ph candidate, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

It is necessary to start pressuring political elites in the region as soon as possible and academic communities in the region can help.

We should not wait until December 1st or December 10th 2010 in order to start exerting pressure on political elites (...) and I think that in addition to the non-governmental sector, academic communities should also conduct consultations and contact relevant political figures in all countries in the region (...) in order to secure the support of specific political groups and be ready for December 10th.

Statement: Vladimir Pavićević, PhD candidate, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

I think that everything that has been done so far is very successful and that now is the time to start contacting the government, the parliament, state institutions (...) and start that kind of lobbying.

Statement: Dragana Ćorić, University of Novi Sad, Law School, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

RECOM should understand that many people consider the disintegration of the former Yugoslavia and the crimes committed in the aftermath, represent the continuation of the second world war.

These crimes are inseparable from those committed during the second world war or after it (...). The hatred, the desire for revenge, even the belief that (...) a war crime can go unpunished, all that is a consequence of that period and those crimes.

Statement: Balint Istvan, publisher, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

It does not mean that this commission should research (...) war crimes committed during the second world war, that's not what it is mandated to do. But personally, as a sociologist, I still hold valid arguments to claim that (...) the conflict on the territory of the former Yugoslavia is a continuation (...) of the second world war, at least, in the consciousness of the people.

Statement: Lazar Žolt, Faculty of Philosophy, University of Novi Sad, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

The goal of RECOM should be the prevention of recurrence of such crimes.

It is clear that we will not have every crime punished. But, more importantly, we need to make sure that they don't happen again, not in 45 and not in 200 years (...) and that would be our main success. I think that in view of that, the Coalition should have its strategy.

Statement: Balint Istvan, publisher, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

Expectations should be realistic, in compliance with social conditions, and international circumstances.

If one is aware of the limitations of a social action, it does not mean that the action should be dropped – on the contrary, it simply means that expectations should be set accordingly, having in mind all circumstances surrounding it and influencing it.

Statement: Slobodan Marković, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

If the Coalition for RECOM cannot persuade any high-ranking church officials, a bishop or a theology expert, to take part in the process, it will present a serious impediment to the entire project.

If you are not capable of engaging those liberal elements that exist everywhere in the society (...) to take part in the work of the Coalition, if we can't find a single bishop or an eminent theology expert to join us, then it will seriously limit the scope of our social activity (...). If you look at the poll results published by Strategic Marketing Research Agency, you will realize that 5% of citizens strongly support the work of the non-governmental sector.

Statement: Slobodan Marković, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

It is not a problem to collect one million signatures, but that is not enough to change public opinion. The campaign should start as soon as possible.

One million signatures may seem a lot, but I think that for an idea like this it will not be a problem to collect them (...). But, I am not sure how important that is. That is a million signatures in the entire region and I have no idea if that will be enough to influence a change in public opinion (...). This campaign should start as soon as possible (...) and it should be bold, regardless of the fact that most people are still not inclined to think like that.

Statement: Jasminka Hasanbegović, Law School, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

It is necessary to synchronize activities of all those taking part in preparations for the creation of the commission and be aware of specific characteristics of each state.

In order to be able to maintain the regional concept, it is necessary to synchronize activities of all those working on preparations for the creation of the commission. So, apply proper synchronization of actions and conclusions, along with consideration for particularities of each of the states to be included in the work of this commission.

Statement: Živojin Tasić, National Museum of Leskovac, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

The truth told by victims can be used in war crimes trials and scientific research and for victims it has a therapeutic effect and it should serve to cleanse war-torn societies from evil.

The truth told by victims can be used in court proceedings and in scientific research, but most importantly, it is beneficial for victims (...) in terms of being therapeutic (...). It is true also that this truth (...) can cleanse the war-torn societies from evil (...) which procreated all this evil that affected mainly those who became victims.

Statement: Živojin Tasić, National Museum of Leskovac, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

RECOM will help initiate investigation of crimes which are still unknown.

RECOM will not be able to process, but it will be able to create an atmosphere and (...) collect arguments which will enable them to require changes in warfare laws in terms of processing some things which have been outside our legal system so far.

Statement: Lazar Žolt, Faculty of Philosophy, University of Novi Sad, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

RECOM should also establish the facts about the events that took place at the time of the conflict in Slovenia and in the Former Yugoslav Republic of Macedonia.

Since all of it is about the wars that started in Slovenia (...) and there was also a war on the territory of Macedonia, I think these two states should also be included. In any case, their problems are not as overwhelming and it will be easier to conduct investigations. We should not leave anything un-investigated if there is a significant connection with the events in other regions.

Statement: Pavle Rak, publisher, Slovenia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

It is necessary to clarify the role of the international community in the conflict.

The international community took a very active part in this war and there were victims which can create bad blood between the people (...). I think it is not entirely useless.

Statement: Pavle Rak, publisher, Slovenia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

52. Regional consultation with journalists

**Novi Sad, Serbia,
September 26th 2009**

The regional consultation with journalists was organized by the Independent Association of Journalists of Vojvodina (NDNV, Serbia). Forty-seven people, founders, directors, editors-in-chief, editors, and journalists from the region, participated in the consultation. Panellists were Bogdan Ivanišević from the International Center for Transitional Justice (ICTJ), Nataša Kandić from the Humanitarian Law Center (HLC) Serbia, and Vesna Teršelič (Documenta, Croatia). The discussion was moderated by (Dinko Gruhonjić (NDNV, Serbia), Eugen Jakovčić (Documenta, Croatia) and Aleksandar Trifunović

(Buka, BiH). News agency SRNA (BiH), TV B92, and Radio Pančevo reported on the consultation.

Suggestions, opinions, and recommendations of participants

The Initiative for RECOM has opened up a space for discussion about the past in the entire region and created a coalition powerful enough to request the creation of RECOM.

There is a possibility that maybe one of the states involved in the process, for example, will say "no, we don't want it". But the result of this regional debate is the fact that we have created a space for a discussion about the past. No one will ever be able to say "no more discussion about it". The Coalition for RECOM is such a powerful force that it will never let any government be at ease or refuse any requests from the Coalition, and that is the creation of a regional commission which would be tasked with establishing the facts about war crimes.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Collecting one million of signatures for RECOM does not guarantee that the governments of the countries in the region will accept the Initiative for RECOM.

As for this idea, I don't doubt the fact that we will collect one million signatures but I think that later, once they are collected, if the governments of the countries in the region (...) refuse to accept the initiative to create RECOM (...) then I'm afraid that we will have a hard time doing it.

Statement: Luka Brailo, Novi List, Croatia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

In addition to political will, it is necessary to secure the support of owners and editors-in-chief who can help handle the initiative properly.

I believe that after this conference we must sit down with owners and editors-in-chief of media outlets throughout the region because without their support and the famous political will, all these good ideas concerning the creation of RECOM will be wasted.

Statement: Luka Brailo, Novi List, Croatia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

A media group that (...) would be tasked with coor-

minating the relations of the Coalition for RECOM and the public and other media should organize discussions with the different media profiles and determine how they should all report to the public about RECOM.

Statement: Zoran Ilić, FENA, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

In order to reach an agreement to report regularly about the RECOM initiative it is necessary to organize meetings with public TV stations and owners of all media outlets. It is necessary that each media outlet assign a journalist for this task.

I have (...) so to speak a strategy proposition for initiators and members of the Coalition for RECOM – a meeting should be as soon as possible organized with directors and owners of media outlets, decision makers.

Statement: Aleksandar Reljić, TV Pink, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

We need you as media people to help us choose what journalists or editors we should invite to our gatherings. We always pay trip expenses for those attending our consultations.

Statement: Aleksandar Trifunović, Buka, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

It is necessary to investigate the role of the media before and during the conflicts.

My colleague (...) mentioned a very important thesis (...) in addition to investigating the role of the media during the 1990s, it is also important to establish their role for the period before the 1990s when the orchestration of the events that followed actually began.

Statement: Željko Hodonj, HINA, Croatia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Not only that the media prepared the scene for the conflict, they also often added fuel to it by promoting hatred, fear, etc.

Statement: Branislava Obranić, Independent Society of Journalists of Vojvodina, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

An unclear stance on war crimes along with unrealistic expectations of RECOM initiators that the same governments which are still denying crimes can become partners in this project are the main obstacles we have in BiH.

This project is burdened with a lot of problems, we

have governments denying war crimes, especially in BiH, and yet, we are trying to include these governments in this project by making them our partners. I think that, more or less, that mission is impossible.

Statement: Senad Pećanin, Dani, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Just knowing the facts about war crimes is not enough without knowing the cause and the context, but in the case of the former Yugoslavia that would mean going back deep into the past, as far as the 14th century.

The next big problem (...) is whether this commission should only deal with facts or should it analyse causes, too. If we only present the facts (...) that is an easier process regardless of whether the truth is being told by a victim or a perpetrator (...) but we cannot grasp the meaning of these facts without analysing these events (...). However, if we choose to explore the cause or the context, I'm afraid we will go as far as into the past as the 14th century. Also, I don't really see any societal groups which would like our history to be factually connected.

Statement: Senad Pećanin, Dani, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Naturally, each story has its own context, but I think we should, at least in the beginning, stick to the facts only.

Statement: Sanda Savić, RTV B92, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

For the media, it is very difficult to report from something which is a process rather than an event. Another aggravating circumstance is the fact that there are fewer donors for media outlets reporting about war crimes.

It is very difficult for the media to report from 'a process' in a way similar to that when reporting from an event. What is important to stress is the resources media outlets have at their disposal. There are fewer donors for those reporting about war crimes. These donors are gone and an excellent media outlet such as Feral Tribune had to be closed because of the lack of sensitivity on the part of the donors to understand the importance of its work.

Statement: Senad Pećanin, Dani, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

There are still some journalists who had their role in preparing the war working in some media outlets. Should we have cooperation with these media and would it be possible?

Can we cooperate with media outlets still employing journalists who participated in the war propaganda (...)? How are they going to make a report of a story which was made on the basis of collected facts?

Statement: Branislava Obranovać, Independent Society of Journalists of Vojvodina, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

The idea to form RECOM is good, but in the current media, cultural, and political atmosphere it is not possible to implement it.

I think it's a fine idea but in our current political and cultural situation, and the atmosphere in the media, I don't see how it is going to be possible to implement it.

Statement: Senad Pećanin, Dani, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

The main value of RECOM must be truth, the peace of victims' families, and reconciliation between ethnic communities. In implementing its goals RECOM must consider amnesty and protected witnesses.

I'd say that the main value of RECOM must be truth. For RECOM it should be more important how many families will find out the truth than how many criminals will end up in jail. So, immunity in exchange for the truth (...) in order to secure the peace for victims' families who will find out the truth about their loved ones and give them a proper burial if possible. So, in view of that, RECOM must consider amnesty and protected witnesses (...). The main value of RECOM must be truth, the peace of victims' families, and reconciliation between ethnic communities.

Statement: Željko Tvrđišić, Association of Journalists of Kosovo and Metohija, Kosovo, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

States in the region which do not recognize the facts established by the ICTY will have a hard time accepting the initiative to create RECOM.

So, it is indisputable that the ICTY established the facts about all sides in the conflict, but politicians do not recognize them and that's why I think it is going to be difficult to convince the governments to accept this project.

Statement: Damir Šimić, TV BH1, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

We should start with the facts established by the ICTY and national war crimes trial chambers – no one will stand against it.

I think that in the beginning we should only stick to the facts because we have ICTY judgements and decisions of domestic courts and I think that we should use these legally binding judgements handed down by independent judges and nobody will be against them. And that should be spread further.

Statement: Dženana Karup-Druško, Dani, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

In BiH the figure of 200 000 killed Bosniaks is still being manipulated, although the Research and Documentation Center established that there were approximately 97,000 killed and missing.

In Bosnia and Herzegovina we had a promotion of a political leader, a media magnate (...) a few days ago, who is known to have manipulated (...) the fact about the total number of killed and missing in BiH and he mentioned the figure of 200,000 killed Bosniaks again despite the fact that the Research and Documentation Center established a figure of approximately 97,000 victims in BiH.

Statement: Damir Šimić, TV BH1, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Croatian media reporting war crimes trials of Croatian generals are obviously biased and favour the defendants.

It is a very difficult position for you that ask for the support of the media. I am quite familiar with the Croatian media (...) and I can tell you (...) that they report on the war crime trials of Croatian generals with an obvious favouritism towards the defendants.

Statement: Damir Šimić, TV BH1, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Regardless of whether RECOM will establish the facts and help future generations what happened, it will not prevent manipulation with facts and figures.

If this project succeeds in its intention and establish the truth, its long-term goal of leaving something for the future generations, will not prevent the practice of manipulating with the facts.

Statement: Damir Šimić, TV BH1, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

In Kosovo we have a problem with identification of mortal remains which is why it is necessary to start with the national/state level and then connect on a regional level.

We have one problem in Kosovo, we buried 2,000 people without DNA analyses while at the morgue in Priština (...) there are over 400 mortal remains whose DNA does not match the analyses provided by family members. We have a problem within the country (...) and I think it is far better to start from a national level and later meet on a regional level.

Statement: Ardijana Façi, Koha Vision, Kosovo, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Facts are not sufficient. It is necessary to present war crimes within a context which is something the governments in the region will not accept.

I am a pessimist when it comes to that because we know where money and power come from and these people (politicians) they don't like the truth. In Montenegro, three or four years ago (...) a documentary was made (...) about the attack on Dubrovnik. The film was full of facts (...) but the political dimension of the entire story was ostensibly missing. The film showed bearded, drunk men, attacking the world's cultural heritage driven by some cosmic energy etc. I am exaggerating it, of course, but I want to say that the context must be given.

Statement: Brano Mandić, Vijesti, Montenegro, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

The media campaign must be serious and it should be under the leadership of truly dedicated persons.

Your media campaign should be very serious (...) I suggest you form a team for that (...). It should be done by dedicated people; (...) those with enough power; (...) strong individuals. It should be handled by those who take their work home.

Statement: Brano Mandić, Vijesti, Montenegro, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

RECOM should raise awareness and create an alternate approach to people since what matters most is to raise awareness and deal with the past.

Statement: Idriz Seferi, Koha Ditore, Kosovo, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

RECOM is important in order to open up discussion about Albanian victims in Serbia and about Serbian victims in Kosovo.

RECOM is important for the future of each and every one of us, so we should work on it and support it (...). Many people here don't know that approxi-

mately 10,000 people were killed, in Kosovo they are afraid that only Serbian victims are going to be mentioned and so on, while here (in Serbia) we only talk about Serbian victims.

Statement: Idriz Seferi, Koha Ditore, Kosovo, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Throughout the region we hear media reports about their "own" victims.

In Bosnia and Herzegovina since the beginning of the war, and also in Kosovo since 1999 (...) we have a system to tell just one part of a story, a story that is acceptable by one side only (...). We should stop doing that – talking only about our own victims. For example, when reporting from war crimes trials, if a Serb is being prosecuted, they only report about what is contained in the indictment completely ignoring what the defence is saying and the other way round if a Bosniak is being tried, they just report about what the defence said and ignore everything that's in the indictment.

Statement: Sanja Škuletić, Avaz, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Media outlets will begin reporting about the activities of the Coalition for RECOM if consultations become a political event.

We will report about your activities if you really make a political breakthrough, if you become a political event (...). You really have to try to do it, intentionally or unintentionally, like the people who wanted to organize the gay pride parade, they became a main political story in the country.

Statement: Sanda Savić, RTV B92, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

As soon as it is created, the commission will be challenged by an anti-campaign.

As soon as the news becomes public that the commission was created, I can see a thousand headlines against it and we can all predict who will be behind it and what will follow.

Statement: Vesna Sladojević, RTS, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

The most valuable result of RECOM's work will be the opportunity young people and future generations will have to know everything that happened in the recent wars and it will come as a firsthand experience told by people from all over former Yugoslavia.

RECOM is important for future generations (...) I want my child one day (...) to be able to know exactly what happened in the country where her parents lived, to learn the facts as close to the truth as possible and it will be best if it is through the stories told by the people who experienced it and took part in it. That's the biggest value of this project.

Statement: Vesna Sladojević, RTS, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

It will be difficult for RECOM to obtain data and documentation owned by state organs.

If we ask institutions to give us these documents and the data they have so that we can find the facts easier, that is not going to happen, they will only give them when they are ready. Unfortunately, we witness that every day in war crimes trials.

Statement: Vesna Sladojević, RTS, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Info Programs of the Serbian Broadcasting Corporation (RTS) will report from consultations but the quality of their work will depend on the personal interest of the reporter. Victims' testimonies should be aired as special broadcasts for a better impression and as such they attract more viewers.

RTS will always report from your consultations, but the quality of the report will depend on the reporter's personal interest in the topic.

Statement: Vesna Sladojević, RTS, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

These broadcasts should be aired in separate time slots and not together with daily news. Victims' testimonies are always more attractive to viewers when done by individual authors.

Statement: Vesna Sladojević, RTS, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Have you thought about a possible association or a network support of the media for the Coalition for RECOM? Maybe you can sign a contract with some media outlets to report from your consultations and make special shows about it?

Statement: Rajko Šerbet, Montenegro TV, Montenegro, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

RECOM has to define the concept of 'victim' and that definition must be used in all countries or the entire idea will be compromised.

RECOM must come up with a clear definition of who can be considered 'victim' and apply it steadfastly (...) in order to avoid standard compromising situations such as discussion about "our" and "their" victims.

Statement: Zoran Sekulić, FONET, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Victims are victims, there are not "our" and "their" victims and they must be treated in an identical manner. That approach will guarantee credibility, authenticity, and truthfulness to the entire initiative.

Not all criminals are the same, but all victims are always the same and there are not our and their victims and if the whole point of this commission is make the voice of victims be heard, then they have to be treated in an identical manner (...) We, as media outlets, and you as the Coalition for RECOM can win the hearts of the public if what we do is perceived as credible, authentic, and truthful from the beginning to the very end.

Statement: Zoran Sekulić, FONET, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

The initiative for RECOM has the public turned against it, the same public that advocates punishment of all perpetrators always convinced that the perpetrators come from other ethnic groups.

Polls show that 80% of the people from my neck of the woods, Banja Luka, believe that all war crimes perpetrators should be brought to justice but in the same polls they say: "the Serbs, no, we did not commit war crimes". That is the public we are now about to provoke with this project.

Statement: Aleksandar Trifunović, Buka, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

We have to open a debate on the fact that the very act of "doing nothing" means participating in the war.

We have to go past the brainwashing and explain to people that we were engaged in a war, that there were victims, and that we took part in that. The fact that we 'didn't commit any crimes' only means that we took part in it.

Statement: Aleksandar Trifunović, Buka, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

In BiH the initiative cannot have political support without the pressure of the international community.

I talked to my colleagues in BiH and they are all quietly telling me that this initiative will never get political support and that only because of the political protectorate, it may do it under the pressure of the international community.

Statement: Saša Kosanović, Croatian Radio Television, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Western Balkans countries should be asked to transform all conflicts between them before becoming members of the European Union.

If the political elites in the countries formed on the territory of the former Yugoslavia truly want to join the European Union – then we need to end these tribal wars as soon as possible in order to become serious EU candidates.

Statement: Saša Kosanović, Croatian Radio Television, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Croatia adopted a Declaration on the Homeland War which flagrantly denies Croatia's participation in the war in Bosnia and Herzegovina. From their point of view, the events in BiH have nothing to do with Croatia.

How do you think you can cope with the problem we have in Croatia – they are not interested in anything outside Croatia; not even a million signatures will prompt them: they will closely monitor how many Croats or Serbs or Chinese signed the petition. The Croatian Parliament adopted a Declaration on the Homeland War and they outright deny Croatia's participation in the war in Bosnia and Herzegovina. Croatian politicians and Croatian citizens don't care about what happened in BiH, in Serbia, in Kosovo or in Montenegro.

Statement: Saša Kosanović, Croatian Radio Television, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

RECOM should make a list of concentration camps and other detention places and recommend that memorials be built in these locations.

One of the lists to be included in the upcoming report of RECOM will be a list of all detention camps and concentration camps and along with that a recommendation to build memorials in these locations.

Statement: Vesna Teršelić, Documenta, Croatia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

The Coalition for RECOM should form a media

team which should be tasked with connecting all public service TV stations in the region to ensure that the voice of the victims and war crimes trial chamber decisions are heard throughout the region.

I think that the Coalition for RECOM should consider (...) maybe, forming a media team tasked with (...) insisting that national TV stations cooperate because (...) they are public services and they are representing the public interest (...). One of the ideas or recommendations should be for them to air public testimonies of victims (...). For example, we have war crimes trials in Serbia and BiH and (...) in Croatia (...) and I would suggest that the team should try to connect these TV stations so that we in Montenegro can hear what the court in Belgrade or a court in Sarajevo ruled in war crimes trials. In Montenegro, we are entirely isolated.

Statement: Sonja Radošević, freelance journalist, Montenegro, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Public persons recognizable throughout the region should be engaged to conduct the promotion of the RECOM Initiative.

It would be a wise choice to use public persons well known in the entire region and perceived as positive, successful persons (...) and it would be good to have a popular person from Croatia speak about a crime committed in Croatia in Belgrade or elsewhere in Serbia (...) and the other way round (...) strongly emphasising the stress that the Initiative for RECOM is behind the whole project.

Statement: Brano Mandić, Vijesti, Montenegro, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Alternative media outlets are also important – they have their specific support.

Ignoring alternative media outlets is not a good idea because they have their specific audience and their specific strength and I think that at a regional level they should be somehow connected in a network.

Statement: Jelena Svirčić, H-alter, Croatia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

All media outlets will write and report about people's life stories.

I can say with certainty that the topics we discussed here today (...) are very interesting and they will certainly be on front pages of our papers, I am 100%

sure (...). What is interesting for all both print and electronic media are life stories and I am sure we will write and report a lot.

Statement: Mladen Milutinović, Dani, Montenegro, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Media outlets are ready to put their archives at RECOM's disposal.

We, FENA, have war archives of different events and various interpretations of these events and crimes (...). Together with our colleagues from HINA and SRNA we can offer you our archives.

Statement: Zoran Ilić, FENA, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

On behalf of BETA news agency, I can also offer our war archive which is quite sizeable.

Statement: Dinko Gruhonjić, Independent Association of Journalists of Vojvodina, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

There is no media campaign without a lot of money.

Let's be realistic, I think that we are going to need a lot of money. If Dodik can give five million to the media in the Republika Srpska, I think that you will spend the same amount of money in that entity. I doubt it very much that without money anything will be done, despite the fact that we all claim that everything is great, super, and important. I think that money will have to be spent.

Statement: Sanja Škuletić, Avaz, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

Journalists should be trained and given full support if they report about war crimes.

The Coalition for RECOM should be open towards (...) journalists who write about war crimes. They should be trained and offered full support if they encounter any problems while doing it.

Statement: Aleksandar Trifunović, Buka, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

ERNO Regional Service whose members are public service TV stations from Slovenia, BiH, Serbia, Montenegro, Macedonia, Bulgaria, and Romania can help in promoting the idea of RECOM.

Public service TV stations in the region are still cooperating through the ERNO regional service. We have everyday exchange of daily news and daily pictures from the entire region. We cooperate on a num-

ber of important issues such as human trafficking, modern day slavery (...). We can do the same thing here, have each centre do a segment and then put it all together and make a story about the entire idea. Members of ERNO Regional Service are Slovenian TV, HRT, BHT, Federal TV, RTS, Radio TV Podgorica, Macedonia, Bulgaria, and Romania (...)

Statement: Željko Tica, FTV, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

A TV show about RECOM, titled for example 'YES or NO' should be made and aired by all TV stations in the region.

Maybe it would be a good idea to prepare a 60 minute TV show and use all materials owned by FONET and Sarajevo and all other TV stations (...) in the region (...) Maybe a 30 minute program about RECOM, yes or no, those for and against it, and then the 60 minute show.

Statement: Budimir Raičević, Radio Montenegro, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

53. Consultation with young people

Priština/Prishtinë, Kosovo September 30th 2009

The national consultation with young people was organized by Integra, a non-governmental organization from Kosovo. The consultation was attended by 40 participants, NGO activists, and students from colleges in Kosovo. Speakers were Dževad Bektašević (Association of the families of civilian victims of war, Vlasenica 1992 – 1995, Bosnia and Herzegovina), Nora Ahmetaj (human rights activist, Kosovo), and Bekim Blakaj (Humanitarian Law Center, Kosovo). The discussion was moderated by Kushtrim Koliqi (Integra, Kosovo) and Bekim Blakaj (Humanitarian Law Center, Kosovo).

Suggestions, opinions, and recommendations of the participants

The regional commission should be formed as soon as possible because there are many war crimes perpetrators that have not yet been identified and victims' family members have not yet been awarded compensation.

Why do we want to form a regional commission for establishing the facts about the events that took place

during the war on the territory of the former Yugoslavia – because we need to release ourselves from a very heavy burden we carry on our shoulders – because we still don't know who did this or that, we don't know their first and last names. Responsible people have not yet been punished and victims' families have not yet received any compensation, and that is truly very important for them.

Statement: Kushtrim Koliqi (Integra, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

The war in Kosovo ended 10 years ago (...) and 100% or 90% of those responsible for the crimes committed during the war live normal lives, moving freely among us. That is why I strongly support the RECOM Initiative and I hope it is implemented soon.

Statement: Mehmet Ajeti, INPO, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

It is necessary for the European Commission and the ICO to influence faster rulings in war crimes trials, especially those conducted before war crimes trial chambers in Bosnia and Herzegovina and in Kosovo.

It is very important that the war crimes trial chambers are urged to work faster and process more cases, instead of only two or three as has been the case so far (...). Both Bosnia and Herzegovina and Kosovo have been damaged greatly because they had a huge number of victims, killed and missing persons so that the European Commission and the ICO should influence the courts to be more efficient.

Statement: Kushtrim Koliqi (Integra, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

Victims are being forgotten, governments in the region are failing to solve the fate of 16,000 missing persons which makes this initiative indispensable.

I think that only 10 years after the end of the war victims are forgotten by the public and they are only mentioned during different ceremonies (...). There are over 16,000 missing persons in the region and yet there is not a clue about what happened to them. It is our civic duty to do more for them since the government which is directly responsible for them is not doing anything to shed light on their fate. That is why we need to force this issue, give our contribution and support it, and also raise awareness in public

about the need to deal with the past.

Statement: Vjosa Rexhepi, Youth Initiative for Human Rights, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

We are, so to speak, a state. It is really bad because no one cares or takes any action (...). They may only care about us [the victims] as their fellow citizens, neighbours, they only take care about us when they need us for their own political promotion and interest. However, during this long period of time, they don't really care about what is going on with us.

Statement: Kimete Ukaj, NPU, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

Without a regional approach the destiny of the missing in Kosovo will never be solved.

If we don't get involved in the regional concept, we will never be able to find out the truth about the missing members of our community.

Statement: Vjosa Rexhepi, Youth Initiative for Human Rights, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

The power of RECOM is in established facts and they are the only thing we can use to stand up and confront fabrications and misrepresentations about the crimes committed by others.

The creation of a commission such as RECOM which would be competent to discover and establish facts, means that a true historic record is going to be published. That record will be able to defy all lies and misrepresentations made up for political interests of the states in this region. Each country is hiding its bad history and the crimes committed under its auspices while exaggerating the crimes committed by others.

Statement: Vjosa Rexhepi, Youth Initiative for Human Rights, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

History is not going to repeat itself if the number and identity of all victims is disclosed and if victims are enabled to publicly testify about the horrors they experienced.

If we could come up with the exact number of victims or if we could hear the victims talking in public about their suffering, then we would be able to move on with our lives at the same time preventing history from repeating itself.

Statement: Vjosa Rexhepi, Youth Initiative for Human Rights, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

It is necessary to organize consultations in all communities in which crimes took place and secure the participation of victims' family members.

It is necessary to take precisely defined steps, meaning we need to go out to the field, make sure that we have people representing families of the missing, to make sure they attend such gatherings because they know what happened, they lived in the war-torn areas (...). Such gathering should be organized all over Kosovo (...). We should have representatives from other towns, not only Vučitrn, because there's Đakovica, the town that survived horrible massacres; then we have Glogovac...

Statement: Mentor Hasani, Youth Step, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

Kosovo society is a closed society, victims of rape are isolated and other victims also refuse to speak in public and they are extremely reserved with respect to non-governmental organizations. This consultation process may help overcome some prejudices and barriers.

This commission will satisfy the needs of the victims to some extent because Kosovo society is very isolated and closed. This is why the victims don't speak and why no one takes them seriously. We need to understand that the victims are mistrustful with respect to civil society activists, youth organizations, and human rights organization activists who can play a significant role in helping the society overcome many prejudices. For example, victims of sexual molestation are isolated (...) and that is why we need to overcome these barriers, encourage victims to come out and talk about whatever happened to them, write that history, and make it clearly visible who did what... We should consult with women's organizations and encourage their members to testify.

Statement: Ylber Maxhuni, Youth Step, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

Victims should be provided psychological support in order to be able to testify about their experiences.

Victims should be offered psychological support before being able to talk about their suffering (...) otherwise they will not be able to tell us their stories. So, first, offer them psychological support and then give them an opportunity to have a chance at normal life.

Statement: Venera Ramaj, Integra, Kosovo, National consulta-

tion with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

"You will know who you are only when the truth about the past of your place is discovered"

Those who forget the past of their own places will never know who they are. Discover your past to know who you are and what it is that you want to do.

Statement: Kimete Ukaj, NPU, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

If you collect a million signatures, the Coalition for RECOM will be able to influence the international community.

The motto of the Coalition for RECOM is "together we are stronger". If we are united, if a million people stand behind us, then RECOM will be able to influence high instances such as United Nations, the European Union, and others.

Statement: Mehmet Ajeti, INPO, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

It is important to include young people in the dealing with the past process so that they can convey accurate facts about the wars in the region to future generations, thus preventing such conflicts happening again.

Why is dealing with the past important and why is it important that you, young people, the future of this country, know what the past looked like (...)? The main argument here is that another war never happens in this country (...). You can educate future generations and tell them these are the facts about the wars of the 1990s and of the war from 1991 to 2001 and it should never happen again.

Statement: Nora Ahmetaj, human rights activist, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

Participants of the consultation in Priština/Prishtinë are sceptical that during its three year mandate RECOM will be able to shed light on the destiny of all missing persons.

The conflict in Kosovo was over in 1999. It has been over 10 years since then and we know that very little has been done so far in the area of solving the mystery of the missing. I am sceptical that during its three year long mandate RECOM will be able to discover the destiny of the missing when we all know that there are still 16,252 missing persons. I think

that RECOM should finish its mandate only when the fate of all missing persons is solved.

Statement: Mehmet Ajeti, INPO, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

Some participants believe that Kosovo and Serbia will never establish cooperation in establishing the facts, regardless of who the members of RECOM are.

I am sceptical that Kosovo and Serbia will ever be able to cooperate because the evidence we need is mainly located in Serbia. I don't know how much we can really cooperate with them or how much they can help us find the facts that we are interested in. For that reason, I really don't know how efficient all this can be and how much you really believe that this project can yield any significant results, regardless of who the members of the commission are.

Statement: Venera Ramaj, Integra, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

One million signatures together with the international community can exert strong pressure on the governments in the region to create RECOM and then those governments will be obliged to open their archives and surrender the evidence that they control.

We are sceptical when it comes to cooperation with Serbia but we hope that the international community will be able to put some pressure on the Serbian government. At the very moment this commission, which is expected to be independent, is formed, these same countries will be responsible to cooperate with the commission. They will have to open their archives and surrender evidence they possess and so on. For that reason we have to collect a million or more signatures (...). We know that the governments of Kosovo and Serbia will not sit down together for many years to come, but given the right pressure, we hope that an independent commission will be formed.

Statement: Kushtrim Koliqi, Integra, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

The commission should also be mandated to make a list of those killed in mine fields after the war.

I think that it is unjustifiable to leave the post-war period out of this because, and I will cite Kosovo as

an example, a number of people died from left over mines. I truly believe that this commission should also tackle the issue of victims of mine fields.

Statement: Zana Ahmetxhekaj, Youth Initiative for Human Rights, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

RECOM should deal with both victims and perpetrators in order to discover the full truth.

Since our goal is to discover the truth and come to a compromise when truth is concerned, then I believe that we should consider both sides. We have to include all victims of the conflict or of one isolated case but also, when speaking about victims, we have to deal with perpetrators who are responsible for the crimes they committed (...). If we only deal with victims, it means we are only collecting arguments and listening to victims' stories without solving any issues at hand.

Statement: Venera Ramaj, Integra, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

The location of the central office of RECOM should rotate.

If RECOM is going to have a central office, then it is crucial that the office move from place to place periodically.

Statement: Furtuna Sheremeti, Youth Initiative for Human Rights, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

Will listening to testimonies about the suffering of members of their own ethnic community incite nationalist feelings and hatred towards the nation whose members committed these crimes?

Do you expect that after listening to the testimonies of persons belonging to our own ethnic group we may end up having nationalist feelings and hatred towards ethnic groups responsible for the crimes?

Statement: Korab Krasniqi, Integra, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

Memorials to victims in Kosovo depict violence. All victims are armed which is directly turning young people of different ethnic groups against each other instead of showing what really happened in the past.

In Kosovo (...) all these memorials overtly portray violence. Arms in their hands (...) set up in public

places (...) where children see them daily and are being fed the idea towards one nation that will remain bad in our minds until we die. Is there a way to come up with a national plan to make sure all memorials are at a certain national level, without directly aggravating a person but simply depicting what happened in the past?

Statement: Korab Krasniqi, Integra, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

It is necessary to mark the locations of suffering and build memorials in those places.

Building (...) a memorial in a location where a crime happened would mean showing truthfully what happened and how (...). In Suva Reka, for example, there is a place where a number of people were burned and that place has been totally forgotten. It is some kind of depot now. A memorial with the names of all victims who lost their lives there should be built for everybody to see and know, especially young people.

Statement: Venera Ramaj, Integra, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

We are building memorials but not in the places where they should be. Concerning Dubrava (...), the memorial was built kilometres away from the location. If we do it like that, I see no point in doing it at all. That shows how little we care about the victims.

Statement: Liridon Jetishi, student, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

What about those victims who lost a family member and who committed a crime afterwards?

What is going to happen and how should we treat those who were forced to commit a crime because their family member was killed (...)?

Statement: Liridon Jetishi, student, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

54. Consultation with the local community

**Vukovar, Croatia
September 30th 2009**

The local consultation with human rights organizations, victims' organizations, family members of the killed and missing, youth organizations, women's

groups, professional associations, and local authorities of the city of Vukovar, Vukovar-Srem and Osijek-Baranja counties was organized by the Center for Peace, Non-Violence, and Human Rights, Nansen Dialogue Center from Osijek, Croatia, Luč from Berko (Croatia), and Documenta from Zagreb, Croatia. The consultation was attended by 69 representatives of victims' associations, non-governmental human rights associations, veterans' associations, representatives of the local self-rule, and media. Speakers were Vesna Teršelič, (Documenta, Croatia), Ivan Novosel (Legalis, Croatia), Amir Kulagić (Srebrenica, BiH), Eugen Jakovčić (Documenta, Croatia), and Nataša Kandić (Humanitarian Law Center, Serbia). The discussion was moderated by Vesna Teršelič. HR Radio Vukovar, Radio Borovo, Vukovarski List (Vukovar Daily), and Glas Slavonije (The Voice of Slavonija) reported from the consultations.

Suggestions, opinions, and recommendations of the participants

Everybody has their own truth, but these different truths can only be brought closer together on the basis of established facts. Facts open up a space for a dialogue, dialogue leads us to understanding which sets the stage for tolerance, and tolerance can liberate us from the burden we carry.

It is natural for all of us to have our own truth because we all experienced (...) not only the war but the entire past differently. And our entire life determines what we will consider to be the truth for us. Facts are what we should discuss, facts open up a space for a dialogue, and dialogue must lead us to understanding. Understanding will lead us to tolerance and tolerance will liberate us from the burden we carry. For that reason I think this initiative must be supported by all necessary means.

Statement: Ljiljana Gehrecke, European House/Europski Dom, Vukovar, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

It is necessary to establish the facts and leave a relevant historical record about the past for future generations.

It is in the best interest of all of us to find out the facts, to eliminate myths, interpretations, prejudices, stereotypes and so on from the way we think, and work on creating a better future for all of us in which we will never again see refugee convoys and in which

our children and grandchildren will live peacefully in this part of the world.

Statement: Ljiljana Gehrecke, European House/Europski Dom, Vukovar, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

We have to do all we can to leave a different kind of legacy to future generations, to leave them a relevant historical record of our past which the future generations will read in a more humane manner.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

Serbs expect RECOM to conduct exhumations and identification of missing Serbs and to deal with other crimes committed against the Serbs.

I have been monitoring this consultation process from the very beginning and I must say I am really hooked on this idea, most probably because I realized that in Croatia, as far as I know (...) there are no institutions, organizations, or even individuals dealing (...) with the issue of missing Serbs, with crimes committed against the Serbs, among other things, and everything else that happened in the context of the war waged between 1991 and 1995.

Statement: Ružica Spasić, Association of the families of the missing and forcefully taken persons, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

As Ms. Nataša Kandić says, we don't know the area or the exact location of all mass graves. Maybe we don't know them in Bosnia and Herzegovina, maybe we don't know them in Serbia, but in Croatia we know the location of 22 mass graves and there are 28 individual graves still waiting to be exhumed. More than 300 bodies of victims who died in operations 'Bljesak' and 'Oluja' [Serbs] are still waiting to be identified.

Statement: Ružica Spasić, Association of the families of the missing and forcefully taken persons, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

RECOM is the only hope that each victim, regardless of his or her nationality, will have first and last name and a grave.

I personally see the RECOM initiative as our last chance to give each victim, regardless of her or his nationality, a first and last name and a grave so that their loved ones come light candles and pay their respects when they wish.

Statement: Ružica Spasić, Association of the families of the missing and forcefully taken persons, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

It is necessary to find out who the perpetrators are because they can lead us to the source of hatred and the need to eliminate it.

I support the concept which allows us to search for perpetrators at the same time we search for victims. It is important to find out why they did what they did. If you ask one of them, he may tell you: I heard it from my parents, or in the neighbourhood, or in my school, and that tells us something, it indicates the source of hatred (...) and then in turn, it can help us fight it.

Statement: Biserka Tompak, physician, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

Children in Vukovar still attend separate schools.

For me personally, it is a huge mistake that after all this time and in the 21st century children still attend separate schools in Vukovar. Children are still segregated here and I think that is the biggest mistake that can be made.

Statement: Ružica Mandić, Vukovar, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

It is not a good idea to make a list of perpetrators because names can be manipulated and we may only cause additional damage.

It is questionable whether we should make a list of perpetrators because I have personally had a very bad experience and I know for a fact that names are easy to manipulate and until you are able to prove something, that person is innocent(...) You know all too well that a lie told many times over becomes truth. The question is how and how much additional damage we are going to cause by naming perpetrators.

Statement: Ružica Mandić, Vukovar, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

Young people should be included in the process in order to create conditions for avoiding the same type of mistakes in the future.

I think that the young people are the only hope of this society because if 18 years after the unfortunate events of the past we can still hear five year old children yell "Srbe na vrbe" ("Hang Serbs on a tree") after a football match that does not have to do anything with either Serbia or Croatia, so many years after the war, I think that the young people from our society must be included in the hope that the same does not happen in 50 years.

Statement: Ružica Mandić, Vukovar, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

It is necessary to include Slovenia and FYR Macedonia in the process, regardless of the intensity of the conflict on their territories.

What about Slovenia and FYR of Macedonia, why are we not mentioning them? The fact that the war lasted for 12, 13, or 14 days in some regions, as was the case in Slovenia (...) does not mean that Slovenia should not be included in this process.

Statement: Dragana Stojić from Vukovar, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

Throughout the region there is an obvious lack of good will and strength to overcome ethnic divisions and prejudices about others.

We are all talking about how we don't want (...) the genocide, the crime, the war, and everything else ugly that's behind us to happen again, but I am not sure how much we are willing to invest in that effort. Would you let your child be friends with a child of a different nationality? Are you already doing it? I talked to people a lot, not only people from Croatia, but also from Bosnia and Herzegovina and Serbia and their answer is (...) 'we'd better stay away from them' (...) 'that's easier' and so on. So, my question is whether we are strong enough to admit to ourselves whether we have overcome that issue?

Statement: Iva Nikolić, TABU, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

RECOM should review unjust court decisions handed down in the 1990s, especially those of military courts and also the cases in which the accused were pardoned and victim's family members ended up paying large sums for court expenses.

My question at the moment is whether the commission can review the cases which were processed in courts? The truth is, there are countless cases processed by courts in Croatia in a period of 15 years (...) in the late 1990s or before notorious military courts which conducted anything but fair trials (...). Can the commission deal with these victims, victims of Croatian judiciary? Also, can the commission deal with cases in which perpetrators were acquitted or pardoned and victims' families ended up receiving court order to pay court expenses?

Statement: Branka Šesto, Serbian Democratic Forum, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

The main problem is to find perpetrators because they are being protected and harboured by the governments in the region.

We know about our missing, we grieve and we cry because we have found them or not, but the main problem continues to be locating the perpetrators. I think that RECOM will have many difficulties because numerous answers are being kept secret by our governments; they are being hidden in the shameful politics of the 1990s adopted by all parties in the conflict. Everybody is protecting somebody, Đoka, or Ante, or Fridrik (...). Those who committed crimes here are in Bosnia and Herzegovina and Bosnian criminals who committed crimes there are in Croatia now.

Statement: Mirko Kovačić, Mothers of Vukovar Association, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

RECOM should give recommendation to ministries of education in the region to change their history curricula in accordance with the established facts.

I think that the community is divided; I think that young people in Vukovar are segregated. I think that if they were to attend the same schools, or the same shifts, it would not mean as much studying from different history books (...) Therefore, I think that one of the main tasks to put before this commission, in addition to establishing the facts, is to influence ministries of education in the entire region to update their curricula based on the established facts. That should definitely be one of the recommendations issued by the commission.

Statement: Mario Mažić, Youth Initiative for Human Rights, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

Public testimonies of victims will influence our opinions about what really happened.

I think that the commission can influence our opinion about what happened in our recent past and it will do so in several different ways. One is that it will provide a public platform for the voice of the victims to be heard and that victims from all ethnic groups will be able to speak publicly about their pain and the rest of us will have an opportunity to hear it. And based on the facts they present to us and their feelings with respect to these events, we will be able to form our opinion about what happened.

Statement: Mario Mažić, Youth Initiative for Human Rights, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

In order to secure the credibility of the commission, it may be a good idea for the president of the commission to be from a state not participating in the creation of RECOM.

In order to secure the legitimacy of the commission I wonder if you think that because of its legitimacy, with respect to the fact that it is building its legitimacy on the fact that it is being formed by all the countries creating RECOM, it may be a good idea for some members, main members, or the president of the commission should be from a country other than those participating in the creation of RECOM, just for reasons of objectivity and in terms of reducing the area of political influence that person may experience in a particular country?

Statement: Slaven Rašković, Documenta, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

The Coalition for RECOM will inspire dialogue and compassion for victims and RECOM can restore confidence between people and help achieve reconciliation.

The quality of the joint operation [of the Coalition for RECOM] is in the fact that we feel for each other, but also in the fact that an extraordinary [RECOM] idea will last long enough to be fully implemented resulting not only in establishing a dialogue, but also in the restoration of confidence, and I'd be very happy to live long enough to see that we achieve reconciliation, as well.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

Mass graves are venues for political manipulation.

Victims are being manipulated; they are used for political games and that explains the fact that before any election date, a mass grave is exhumed. Once the election is over, that mass grave is forgotten.

Statement: Dragana Aleksić, Luč, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

War veterans and their families are interested in the creation of RECOM and they should be included in the consultations process.

There are over 500,000 (...) war veterans in Croatia. If each at least has a wife and one child, it makes 35% of the population of Croatia (...). I think that they are very much interested in what (...) such a commission (...), if formed and legitimized (...) will be

able to do... It is very important that they are included because they have important things to say.

Statement: Veljko Vičević, Association of volunteers and veterans of the Homeland War of the City of Zagreb, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

Public hearings can be therapeutic for victims; however, it is imperative that authenticity of their testimonies is guaranteed.

Any future regional commission will enable victims to speak in public about their war-time experiences and that is a good thing. It is extremely therapeutic for the victims (...) but I will take this opportunity to warn all organizations members of the Coalition for RECOM that all victims should be given an opportunity to talk but that their testimonies should be checked for authenticity and that they should not be allowed to give political speeches. We need to be sure that the person testifying really experienced what he or she is talking about. We don't want somebody to take the floor and tell us 'my neighbour told me this and my cousin told me that'...

Statement: Veljko Vičević, Association of volunteers and veterans of the Homeland War of the City of Zagreb, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

We should make a list of all victims, killed, missing or otherwise suffering, along with a necessary consensus of all countries in the region. That is the only way to curb political manipulations.

So, it is not only important to count the victims but to make an inventory of events that took place on the territory of the newly formed states so that in 15, 20, or 50 years no one can manipulate these events for political purposes (...). I really think it is possible for the commission to list all victims and relevant events and I believe that all newly formed states will accept these lists.

Statement: Veljko Vičević, Association of volunteers and veterans of the Homeland War of the City of Zagreb, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

It is necessary to investigate the role of the international community in the armed conflict on the territory of the former Yugoslavia.

We should not exclude the option (...) to revise the role and responsibility of the international community in the armed conflict on the territory of the former Yugoslavia (...). This was a unique case

of waging an armed conflict aimed at establishing independent and democratic states following the disintegration of the former Yugoslavia, the conflict in which international community took an active part in the field from the very beginning (...) the fact is that they were here before the first shots were fired.

Statement: Veljko Vičević, Association of volunteers and veterans of the Homeland War of the City of Zagreb, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

The key issue for war veterans is where the ICTY archives are going to be located.

It is common knowledge that people here consider Serbia responsible for starting the war and the majority of evil that befell upon the people in this region. For that reason, and within our right to know what truly happened, both as communities and as individuals who had bad things happen to them, it is extremely important for us to know where the ICTY archives are going to be located.

Statement: Ljiljana Canjuga, Association of volunteers of the Homeland War of the City of Zagreb, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

Victims can only be determined by established facts.

And now, the issue is who can really be considered a victim. Being a victim is just a short period of time. That person lived before that and if lucky enough he or she survived the very act of aggression directed at them, and that person lived on after the hardship. But that person could have been a perpetrator prior to that or after that. So, when we discuss victims, I suggest we only discuss in principle and once we have the facts on the table, we can make a context of the very events that happened and draw certain interpretations.

Statement: Ljiljana Canjuga, Association of volunteers of the Homeland War of the City of Zagreb, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

In order to start a debate on the Homeland War it is necessary to start from the Declaration on the Homeland War adopted by the Croatian Parliament.

For me as a veteran and a home defender it is very important that the beginning of the discussion about the Homeland War is based on the Declaration on the Homeland War because that was adopted by the Croatian Sabor (Parliament) and we obviously trust the Sabor when we want it to be one of the founders of the commission.

Statement: Ljiljana Canjuga, Association of volunteers of the

Homeland War of the City of Zagreb, Croatia, Consultation with the local community, Vukovar, Croatia, September 30th 2009.

55. Consultation with the local community

Doboj, Bosnia and Herzegovina October 3rd 2009

The consultation with the local community in Doboj was organized by the Tuzla Citizens' Forum (BiH). Twenty-two people participated in the consultation. Speakers were Aleksandra Letić (Helsinki Committee for Human Rights in Republika Srpska, BiH) and Dragan Popović (Humanitarian Law Center, Serbia). The discussion was moderated by Vehid Šehić (Tuzla Citizens' Forum, BiH). FTV, BHT1, RFBiH, and the Daily Avaz reported on the event.

Suggestions, opinions, and recommendations of the participants

The goal of RECOM and the purpose of these consultations is to make sure facts about all war crimes are accepted.

Then you are accused that you are trying to pardon some perpetrators or that you are trying to blame others, because everybody can only see the victims from their own community and only feel their own pain. The goal of these consultations, and if you wish the goal of this commission [RECOM] is to make us accept the fact that a horrendous crime took place in Srebrenica but that an awful crime happened in Vuzuća, as well.

Statement: Vehid Šehić, Tuzla Citizens' Forum, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Public testimonies of victims help us feel the pain of other people and build a feeling of solidarity among victims from various ethnic groups.

These consultations will certainly encourage people to speak up. By listening to other victims, we will encourage them to deal with their feelings and understand that other people also feel the pain because of things that happened during the war and we will also try to develop a feeling of solidarity among us.

Statement: Vehid Šehić, Tuzla Citizens' Forum, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Not a single war crime perpetrator may be pardoned for the crimes he or she committed.

Not a single war crime perpetrator may be pardoned.

Statement: Marko Grabovac, Search Organization of Republika Srpska tasked with the recovery of missing and imprisoned veterans and civilians of Republika Srpska – Search Organization of the Municipality of Brod tasked with the recovery of missing persons from Brod, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

I will tell you right away that I am strongly against amnesty for war crimes perpetrators because it may be considered as a conspiracy in committing a crime. Also, in view of the number of large scale crimes committed on the territory of Bosnia and Herzegovina, I can't see anyone who should be pardoned, but I can clearly see that the public should have the right to know the names of all those who committed war crimes.

Statement: Vehid Šehić, Tuzla Citizens' Forum, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

I don't think amnesty for war crimes perpetrators is such a good idea. Each person able to commit a crime should be held responsible, regardless of the ethnic group he or she comes from.

Statement: Lazar Blagojević, Veterans' Organization of Republika Srpska, Šamac Chapter, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

It is necessary to define the following concepts very clearly: victim, human loss, detention camp, and prison.

I have to mention that we are going to attempt to have a handbook printed for all, so that according to the international law, we will define the concept of a victim, human loss, detention camp, a prison, and custody very clearly (...) these concepts are being manipulated, so it turns out that everything was a detention camp, and not everything was a detention camp. We also need to know what a human loss constitutes.

Statement: Vehid Šehić, Tuzla Citizens' Forum, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

As a journalist, I must say that I strongly support the idea of Mr. Šehić to publish a catalogue of facts (...). That is something that will be very helpful for the media, because it is not the same whether a journalist is reporting about a civilian victim, about a war victim, a detention camp, about a camp or something else. These are important facts. That changes what we believe to be the truth. That changes the way one perceives an event. Single minded or repor-

ting without proper information is very dangerous.

Statement: Ljiljana Zurovac, Media Council, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

When one speaks about a definition of detention locations, it is a very important issue and I hope that RECOM will be able to answer all these topics we were not able to agree on so far.

Statement: Šaban Ibraković, Association of prisoners of Zenica-Doboj Canton, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Searching for the missing must be free from politics.

I will tell you that the reason I have been most successful and I have the best percentage of found Serbs, Croats, and Bosniaks on the territory of the greater Brod municipality is that I have separated myself from politics, politicians, political parties and so on. I still do the same thing today.

Statement: Marko Grabovac, Search Organization of Republika Srpska tasked with the recovery of missing and imprisoned veterans and civilians of Republika Srpska – Search Organization of the Municipality of Brod tasked with the recovery of missing persons from Brod, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

We do not know the exact number of the missing because some missing persons have not been reported simply because there is no one to report them missing.

It is not true that we have established a thorough record of the missing. A lot of people from all former Yugoslav republics which were engulfed in war were never reported missing simply because their whole families were either killed or missing and there's no one to search for them. And there are also dislocated people who live in different countries, cities, and we don't have their feedback.

Statement: Marko Grabovac, Search Organization of Republika Srpska tasked with the recovery of missing and imprisoned veterans and civilians of Republika Srpska – Search Organization of the Municipality of Brod tasked with the recovery of missing persons from Brod, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Mutual confidence can only be restored if national victims' associations represent all victims.

If we want to be able to trust each other again, we have to say that we are here on behalf of all victims and we don't want to listen to anyone who is able to speak for 2 hours and 15 minutes about his or her own family members without once mentioning all victims of war.

Statement: Marko Grabovac, Search Organization of Republika Srpska tasked with the recovery of missing and imprisoned veterans and civilians of Republika Srpska – Search Organization of the Municipality of Brod tasked with the recovery of missing persons from Brod, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Search Organization of Republika Srpska tasked with the recovery of missing and imprisoned veterans and civilians of Republika Srpska is monitoring the consultations process because it wants to be sure that the Coalition acts on behalf of all victims.

We will monitor many of your consultations. I was instructed by our Organization which is the largest of its kind on the territory of Republika Srpska (...) and which monitors RECOM's activity. If we ever notice that there are some divisions, that some victims are put aside, we will never be members of RECOM.

Statement: Marko Grabovac, Search Organization of Republika Srpska tasked with the recovery of missing and imprisoned veterans and civilians of Republika Srpska – Search Organization of the Municipality of Brod tasked with the recovery of missing persons from Brod, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

RECOM should strive to make a distinction between those who issued orders to commit war crimes and those who actually committed them. Some war crimes perpetrators were forced by death threats to carry out the orders they received.

We have to do our best to make sure RECOM is able to make a distinction between those who issued orders to commit war crimes and those who carried them out. Many of those who committed war crimes never intended to do such things, but they were forced to, because they were in dire straits and even threatened by death.

Statement: Zahid Kremlić, Doboj Municipality Association of refugees returning home, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Victims need to be guaranteed security so that they can openly talk about what happened to them.

If we want victims to come forward and tell their stories without holding anything back, we, the victims, need to be guaranteed security.

Statement: Zahid Kremlić, Doboj Municipality Association of refugees returning home, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

An apology coming from those who violated human rights means a lot to victims.

And I received an apology (...) the police officers who drove us out of our homes apologized to us later because they heard only the best about me and my family (...) Such a small gesture can mean a lot...

Statement: Faketa Avdić, Merhamet, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Former members of state security in Doboj, who ordered crimes to be committed, are now holding positions in the government.

In Doboj municipality, we have those who worked for the state security and who ordered other people to commit war crimes (...) I know that for a fact because I was there the whole time. So, those who ordered war crimes, now hold positions in the government. We have to stop that but first we need to present the facts about it.

Statement: Faketa Avdić, Merhamet, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

RECOM should make a list of all victims, their first and last names and the way they lost their lives.

I think that 14 years after the end of the war waged on the territory of Bosnia and Herzegovina, the time has finally come ... for all victims to be listed by their first and last names. I think that should be the main role of RECOM. If we can't have the exact facts about perpetrators, we can at least make a list of all people who lost their lives and how.

Statement: Lazar Blagojević, Veterans' Organization of Republika Srpska, Šamac Chapter, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

We are (...) serious people and as such we bear a responsibility to list all victims and make sure that those who not only pretend to be our leaders, but truly lead our country, no longer speak publicly without presenting exact facts and figures, depending on what suits them in a particular situation.

Statement: Lazar Blagojević, Veterans' Organization of Republika Srpska, Šamac Chapter, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

In order to re-establish mutual confidence and reach reconciliation, it is necessary for each party in the conflict to condemn crimes committed by individuals from their ethnic community.

Dr. Ruzmir Jusufović and his wife (...) stayed in Šamac under the Serb authority for the duration of the war and I know for a fact that they had some hard times, just like Dr. Hasan Izetbegović. He went to Sarajevo only after the end of the war. I am ready to speak about injustices inflicted upon them. But, until we are all able to condemn the crimes (...) committed by members of our own ethnic groups, our own people, we will not be able to reconcile. For as long as we consider them heroes instead of criminals, we will not be able to reconcile and trust each other again.

Statement: Lazar Blagojević, Veterans' Organization of Republika Srpska, Šamac Chapter, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

RECOM members must be persons able to develop a rapport with victims so that the victims can speak openly.

I don't know who decides (...) about future members of these commissions, but these people must be able to gain the trust of a victim so that the victim can speak openly (...) there were different missionaries over the time, so to speak, journalists and everything (...) and people gave their statements but never really got satisfaction. Now they are slowly losing hope and patience that they will ever get justice.

Statement: Lazar Blagojević, Veterans' Organization of Republika Srpska, Šamac Chapter, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Victims do not like a selective approach and they see RECOM as "the light at the end of a tunnel"

I want to say that I, as a victim, don't like the selective approach and I see this RECOM as some sort of a light (...) at the end of a tunnel, as an attempt to change that approach (...). To me, as a victim, that is the only hope. The courts are politically motivated and that prevents them from doing their job.

Statement: Vlado Dragojlović, Association of detention camp prisoners and prisoners of war, Modriča, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Victims don't need a picture of the war in BiH, they need justice and satisfaction.

Victims don't need a picture of the war in Bosnia and Herzegovina. What they need is justice and personal satisfaction.

Vlado Dragojlović, Association of detention camp prisoners and prisoners of war, Modriča, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Media outlets in BiH use hate speech.

Unfortunately, in the last year or so we have a drastic decline of the reporting ethics in both print and electronic media, especially in the print media. They re-introduced hate speech into the media and we have to fight it.

Statement: Ljiljana Zurovac, Media Council, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Media outlets should be 'bombarded' with information so that they report about consultations.

Your organizations should send an overwhelming amount of information to different media outlets, either to invite them to attend such gatherings or to send them press releases before or after they are finished. And today, after this meeting, you should send a couple of sentences about the most important things said here today to news agencies and media outlets. That is very important. We cannot wait for the media to come to us for information.

Statement: Ljiljana Zurovac, Media Council, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Research teams should conduct work in the field, they should visit every village, every house and they should find out how many members each household lost.

In the course of the creation of this commission, I think it is important that research teams visit every village, every house and establish exact information about human losses and present these facts to a central commission which would in turn report to the regional commission.

Statement: Reuf Mustajbašić, Association of senior citizens returning to Doboj, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

It is necessary to have several offices, but I would recommend that none is in Banja Luka or in Sarajevo (...). I think they would be more purposeful if located in smaller places (...) and even have the central office in a hamlet.

Statement: Snežana Šešlija, ToPeer Association, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

RECOM offices in BiH should not be located in Banja Luka or in Sarajevo. Instead, they should be moved from place to place.

It would not be a very good idea to have two offices, one in Banja Luka and the other one in Sarajevo

because they would immediately split up (...). I think it would be good to move the initiative from one town to another.

Statement: Snežana Šešlija, ToPeeR Association, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

The process of collecting one million signatures must be accompanied by extensive explanations of the goals of the RECOM initiative; otherwise it will have no effect on the authorities.

It is not going to be hard to collect one million signatures (...). But just collecting these signatures without a proper initiative and a proper understanding of things will not be useful and we will not be able to influence the authorities.

Statement: Snežana Šešlija, ToPeeR Association, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Victims want the truth to be established, to bring those responsible for war crimes to justice and get personal satisfaction through reparations.

Victims only have one interest – to establish the truth, to get personal satisfaction through reparations, through non-pecuniary damages, and through established criminal responsibility of those who imprisoned them. In other words, to finally establish the truth about what the things that happened in this region.

Statement: Šaban Ibrahimović, Association of prisoners of Zenica-Doboj Canton, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

56. National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM

**Belgrade, Serbia
October 9th 2009**

National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM in Serbia was organized by Women in Black. The gathering was attended by 69 participants, some of whom were activists of organizations offering assistance to victims from Serbia, victims' family members, and members of the international network Women in Black from the region (Croatia, BiH, Montenegro) and from the Middle

East (Israel, Palestinian territory), Guatemala, and Sweden.

Introductory speeches were made by Nataša Kandić (Humanitarian Law Center, Belgrade, Serbia) and Marijana Toma (Impunity Watch, Belgrade Office), and the gathering was moderated by Staša Zajević, Women in Black. E-newspaper reported about the event.

Suggestions, opinions, and recommendation of the participants

Truth, responsibility, or reconciliation cannot be established until the causes of the conflict and their consequences are clarified.

If we want to find out the truth and if this regional commission is a truth commission, we must know that the truth is not just the facts. So, the facts without a context don't mean anything, context is what gives them meaning and explains the chain of events leading to a certain event and tell us that both a victim of genocide in Srebrenica and a victim of NATO bombing are victims. That's the whole point. So, we cannot establish the truth and responsibility, we cannot achieve reconciliation in the region without understanding the causes and the consequences.

Statement: Biljana Kovačević-Vučo, Lawyers Committee for Human Rights, Belgrade, Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

The basic need is to establish the facts because they reflect the context and the causes.

It is my personal belief that we need to start from establishing the facts since establishing the causes (that is an inseparable process) because while we are establishing the facts, we also get a better understanding of the context which help us figure out the causes. Somehow, I think it is important to start from what happened, where it happened, who was there ... and things like that. When we look at what the people in the region went through, it is true that the facts have never been established and that it led to creating a number of myths and helped manipulate the victims over the years. Starting with that, although it sounds like a minimalistic approach to the issue ... we open up a space for the context to emerge, helping us get a better understanding of why it all happened.

Statement: Mirjana Stojić, Women in Black, Belgrade, Serbia,

National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

Individual memories and public hearing of victims can have a single most important influence for developing new policies of identity for the societies in the Balkans.

In view of that (...) I think that insisting on precise facts and individual memories, which are very painful for us to listen to, is very important. When mother Mejra talked (...) it is very important to hear things like that, it is difficult, but it is more authentic than hearing some theories explaining the causes, the consequences (...) thousands or millions – it is no longer important. I think that recording public hearings can be the most important thing in creating a new base for developing new policies identifying the societies in the Balkans.

Statement: Milena Dragičević-Šešić, Faculty of Drama Arts, Belgrade, Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

RECOM should use legal qualification of crimes.

In our wars, in the conflict, the drastic violations were genocide, ethnic cleansing, and crimes against humanity. I think that it is very important for RECOM to uphold legal terms, the legal qualification of crimes. That gives us legitimacy and seriousness because these crimes are recognized by the international humanitarian and it is important for RECOM to keep that legal platform.

Statement: Dragana Dulić, Faculty of Security Studies, Belgrade, Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

RECOM will collect valid facts that will offer an opportunity for historians to describe the events from the territory of the former Yugoslavia.

The commission will undoubtedly collect a huge number of valid facts regardless of who the members of the commission are. These facts will help future historians explain what happened during the conflict on the territory of the former Yugoslavia.

Statement: Milena Dragičević-Šešić, Faculty of Drama Arts, Belgrade, Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

Mothers of killed children cannot accept that war crimes perpetrators are granted amnesty in return for their testimony. Criminals must be distinguished from the victims.

If your child was killed, raped, tortured and then killed, your son or your daughter doesn't matter, would you be able to agree to amnesty immediately? It is not that simple, we can't be confusing the criminals and the victims; they have to be distinguished from the victims.

Statement: Mejra Dautović, Women to Women, Bihać, BiH, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

RECOM should investigate the role of the church and other institutions.

The mandate (...) of the commission should include institutions instead of being limited to the acts of individuals. Perpetrators are just individuals in the whole system (...). Is RECOM able to initiate an investigation into the role of institutions? It wouldn't be much of a history if we only deal with individuals who committed war crimes, if we cannot figure out what was behind their acts. The role of the church, too, of course, should be investigated, as well as the role of the school and all other aspects of our society. All positions in the state establishment had their role in instigating hatred and fuelling the war.

Statement: Nevenka Kostić, Women for Women, Leskovac, Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

The commission should compile a list of all victims, including killed soldiers.

So, all killed people, the missing, the perpetrators, and the soldiers doing military duty, who are considered suicidal by their own government, in fact, there are all killed in various ways. I think that there is a list of some 40 people and it should be made public. And also a list of victims (...) and it is clear that Milošević and top military commanders who are still keeping many secrets and hiding war crimes perpetrators are to be blamed for all of this.

Statement: Žanka Stojanović from Belgrade, mother of young man killed in the RTS building during the NATO bombardment, Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

RECOM can help build a culture of respect for other victims and also assist civilian victims obtain just reparations.

Memorials are only built for the victims from national majorities. Laws and reparations favour former fighters over civilian victims. All post-Yugoslav states have their own solutions for human rights violations but it is necessary to come up with a regional response to this problem and I believe that's RECOM.

Statement: Tamara Kaliterna, Women in Black, Belgrade, Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

Victims should be approached carefully with the help of different experts.

When there is so much suffering around us, I'm not even sure how to handle it without a significant support (...). We should have psychologists included, a lot of psychiatrists, and legal support, too. And (...) there should be a channel on all TV stations featuring victims' testimonies, families who suffered rape and all other sorts of crime to get a hold of their life.

Statement: Mensura Lula Mikijelj, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

It is necessary to secure serious media strategies in order for RECOM to be successful.

A proper marketing and media strategy is needed for this kind of project.

Statement: Nastasja Radović, Republic (monthly newspaper), Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

Victims' hearings will have an impact only if they are aired on all TV stations at the same time. Victims must be informed about the way their statements are going to be used.

There should be one channel airing all the time victims' testimonies (...) or various channels airing the hearings of victims at the same time.

Statement: Mensura Lula Mikijelj, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

The question is how to make sure that victims can take part in the process after they have testified (...) so that they can control the contribution they have made (...). Are they going to be informed properly about the way their testimony will be used?

Statement: Ivana Vitas, Women in Black, Belgrade, Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

Non-governmental organizations and victims' associations should prepare a timely plan for the implementation of the conclusions of the commission. The best solution for that is a joint effort before and after the creation of the commission, as well as after the adoption of the report.

I believe that there is a need to work together all the time, in the process preceding the creation of the commission and during its operation, and especially once the report and the suggestions of the commission are adopted. This is where we failed in Guatemala. We did not have a clear strategy what to do with the report and everything remained in the hands of the government which was not willing to accept responsibility. It is very important to have a plan of implementation of the conclusions of the commission in place.

Statement: Rosalina Tuyuc Velasquez, Congavina, Guatemala, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

Non-governmental organizations should develop a member nomination strategy. Parliaments in the region should elect members of the commission.

We have to develop a member nomination strategy to be ready when the time comes. It should be done by our respective parliaments or the president. It will be easier to influence it if the president does it (...). It depends of course on who the president is. I think it is very important to have a unified opinion on this for the entire region so that the suggestion goes through all parliaments in the region. This is much better.

Statement: Rada Borić, Center for Women's Studies, Zagreb, Croatia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

The mandate of the commission should be a result of a compromise, but civil society should not be afraid to exert pressure on the governments to form the commission in accordance with the civil society initiative.

It is customary to make many compromises in the process of determining the mandate of the commission. Civil society (...) only comes up with some proposals about the mandate of the commission and then the government decides because the government has the power to create the commission. The thing is that civil society should not be afraid to exert pres-

sure on the government (...). Ridiculous things have happened in cases when the government refused to accommodate the demands of the civil society (...). Civil society can bring a lot of victims into the whole story (...) and it is important that the most important facts about the victims and the event must be entered into the report.

Statement: Marijana Toma, Impunity Watch, Belgrade, Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

RECOM should investigate the plight of the Roma people which has been undocumented so far.

RECOM should find out the facts about the plight of the Roma population, the number of Roma women who were raped or killed. Many Roma people lost their lives in this war, especially in rural areas. We only started investigating the suffering of rural women in Serbia and RECOM should be able to help with that.

Statement: Sonja Prodanović, Women in Black, Belgrade, Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

RECOM's ideas are rational, but insufficient for a feminist approach.

These ideas are quite rational, but not sufficient for a feminist approach. And as I just explained, justice is as important as it is important for us to take care of each other.

Statement: Lepa Mladenović, Autonomous Women's Center, Belgrade, Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

57. Consultation with the local community

**Cazin Bosnia and Herzegovina
October 10th 2009**

The consultation was organized by "Izvor" Association of Women from Prijedor (Prijedor, BiH) and was attended by 30 representatives of associations of the families of the missing, representatives of the association of former detention camp inmates, the association of the blind, non-governmental organizations, social work centres, journalists, and others. Speakers were Bogdan Ivanišević (Internation

tional Centre for Transitional Justice) and Dragan Popović (Humanitarian Law Centre, Serbia). The debate was moderated by Vehid Šehić (Citizens' of Tuzla Forum, Tuzla, BiH). RTRS, FTV, and BHTV1 reported on the consultation.

Suggestions, opinions, and recommendations

Association of former detention camp inmates wants a clear vision of the initiative and its role in the process and with respect to RECOM.

The Association of former detention camp inmates (...) what is our role? What are we expected to contribute or not? How can we do it? [Once we know that] we will be here for this project and we will take part in it (...) We need to have a clear vision, our role in the entire process, we consider ourselves a very competent and relevant organization and we believe we can take an active part in any process, but we need to understand clearly what are assignments are, what are duties and obligations are.

Statement: Murat Tahirović, Association of Former Detention Camp Inmates, Consultation with the local community, Cazin, BiH, October 10th 2009.

Except for the Commission for Srebrenica, other truth commissions have not had any results. There is a dilemma whether the name 'commission' will influence RECOM's work or will it in the end only depend on the work of its members.

A statesman said a long time ago that if you don't want a job to be done you should form a commission (...). I am afraid that we are going to end up with no results. Let's at least change the name, let's not call it a commission. We are all aware of the fact that not a single commission ever, in any field, had any significant results. In this brochure we have here, we can read about four or five commissions which were formed shortly after the war, the Commission for Srebrenica, the commission for Sarajevo, the Commission for the Avdo Palić case, and the Commission for Bijeljina. Only the Commission for Srebrenica did a lot and yielded many valuable results but only after it started the second time around (...). The Commission for Sarajevo never did anything worth mentioning, just like the Commission for the Avdo Palić case, and the Commission for Bijeljina.

Statement: Mirsad Duratović, Association of Detention Camp Inmates, Prijedor '92, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

All these earlier commissions, they did not fail because of their name, they failed because their members did not want to disclose the truth. I don't mind the RECOM name, but at least we should try to staff it with competent people.

Statement: Beha Šaćir, Social Work Centre, Velika Kladuša, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

The Coalition for RECOM and victims associations must be entitled to check individuals before they are nominated by parliaments to be members of the commission.

I think that RECOM should make recommendations before individuals are nominated and that all those nominated must have their background checks performed by either the Board of the Coalition for RECOM or by the families of the victims... It is clear that the parliaments must adopt a decision to form this commission and nominate its members, but we should make sure that no one is nominated before their background is checked.

Statement: Mirsad Duratović, Association of Detention Camp Inmates, Prijedor '92, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

There are many victims who still haven't given their statements to prosecutorial offices.

I personally spoke to Mr. Barašanin [Milorad Barašanin, Prosecutor-in-Chief of BiH] on the phone and I asked him to send me a SIPA representative [State Investigation and Protection Agency] because no one has sent me a SIPA representative since 1995, to take my statement, so that I can tell in my own words what I know, and I have quite a file about war crimes committed in BiH.

Statement: Medo Grahović, former detention camp inmate in a camp controlled by the National Defence of Western Bosnia, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

Members of the commission should be victims, but also intellectuals and activists involved with organizations that advocate tolerance and reconciliation among communities.

I think that the commission shouldn't only be made of members of victims' associations. They are more than welcome, of course, and they should by all means be No. 1 in the whole process. But, if we don't have members from various other associations I'm afraid the commission will turn into something similar to a state parliament or government. So, three

contradicting sides and it's never ending story. The commission needs intellectuals (...). I also think that associations promoting establishing and supporting tolerance and reconciliation should also be included (...) which may give more objectivity to the commission.

Statement: Šefika Muratagić, Association Key to the Future, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

One of the goals of the commission should be to establish tolerance and promote reconciliation between communities.

One of the mandates of the commission should be to contribute to the process of reconciliation and tolerance (...). There are people who regularly attend such gatherings but if reconciliation is mentioned as a goal, they strongly object to it. I don't understand it. Do you want us to live like savage warring tribes for the next 100 years? Is it finally the time to start thinking about our children and their future in this region.

Statement: Šefika Muratagić, Association Key to the Future, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

Amnesty or pardon granting should not be part of the mandate of this commission. There is a dilemma whether RECOM should be allowed to give recommendations to courts for sentence reduction for those accused who testified before the commission about the war crimes they committed.

However, I think that RECOM should not be allowed to grant amnesty or pardon. I really think it shouldn't be in its mandate.

Statement: Šefika Muratagić, Association Key to the Future, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

If not granting amnesty, we have leaned towards sentence reduction, (...) which would constitute an instrument for more efficient work of the commission in establishing the truth. But I personally would use a road less travelled if it meant making sure that perpetrators don't get any sentence mitigation.

Statement: Beha Šaćir, Social Work Centre, Velika Kladuša, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

I have always been against amnesty as a tool. We are not talking about a crime here, we are talking about a war crime (...) which is not subject to statute of limitations and I am sure that every court will

consider it a mitigating circumstance for an accused that helped this kind of process. It is the obligation of the court. That should influence the sentencing process and affect the severity of the sentence. I don't know if it is such a good idea for the commission to come forward and tell the court that someone's sentences should be reduced by this or that much. But the court is definitely obliged to take such things into consideration when determining the sentence.

Statement: Vehid Šehić, Citizens' of Tuzla Forum, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

The other way the courts are doing it is quite humiliating, offensive, and inhuman for the victims – when courts use the settlement procedure to obtain information from people accused of committing war crimes (...). That is a morbid bargaining business to let the people who committed hideous crimes get away with lesser sentences. I don't support anything like that and I believe that courts should sentence the accused taking into the consideration the crime they committed only.

Statement: Amir Talić, journalist, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

The commission should help courts in the region find witnesses.

We all know that it is very difficult for courts to find reliable witnesses. That is a problem for the Bosnia and Herzegovina Court, too. So, it would be very useful if the commission, while searching for valid facts, can help the BiH Court obtain relevant testimonies (...). I agree that the commission is dealing with fact-establishing and that it can only offer these facts to the BiH court, only the facts (...). But it is the facts that the commission will establish that can help the court in BiH and other courts in the region find the truth easier.

Statement: Šefika Muratagić, Association Key to the Future, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

There is an adopted practice of paying for information about mass graves. There are some suggestions that it would be a good idea to form public funds for discovering mass grave locations.

Let me just say that I assisted an investigator in finding a mass grave in Kevljanji. That is the largest mass grave discovered in the Prijedor area. We had to pay 300 KM for information about it ... So, for only 300 KM we were able to obtain information and a map of the location of the mass grave (...). This

example alone should tell us that we need to have a public fund for discovering mass graves locations.

Statement: Amir Talić, journalist, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

Public testimony of victims will help us find out what happened to others.

All of us here, especially the people from Prijedor, know what happened in Prijedor (...). Last time I said that many things, and you should believe me, were unknown to me until I started coming to these gatherings and listening to victims. I listen to Sudbin, this young boy sitting next to me, talk about the things that happened to him. I can't even count the number of times I watched that CD. And to tell you honestly, his testimony and everything he said, unfortunately, everything he survived, gives me hope that we can find the truth about everything that happened.

Statement: Zdravko Kravica, Republic Organization of the Families of Imprisoned and Killed Veterans and Missing Civilians of Republika Srpska, Prijedor Chamber, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

RECOM should have the right to invite representatives of the international community to testify before the commission because that can help establish the political context of the war on the territory of the former Yugoslavia.

We have the truth of the international community which witnessed everything that happened. I deliberately mentioned the international community because they indeed witnessed the events unfolding on the territory of the former Yugoslavia, and the role of each witness is to tell the truth. And if they take part in the investigation conducted by RECOM, they may help establish some facts which are very important for the creation of a historical and political context of the events of the 1990s.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

Facts are dates, people, places – all that can help us understand that crimes were committed against other people as well.

Why is it important to establish facts and not the truth? Because physical evidence and facts inspire our personal understanding of truth. But they also contribute to learning about the crimes committed against others (...). So, it is important to establish the facts and not the truth because truth is a subjective feeling whereas facts are material, they are objec-

tive (...). Those are the names of people. Those are the dates.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

The commission should verify information on victims kept on file by victim associations and non-governmental organizations.

Mr. Tahirović [president of the Association of Former Detention Camp Inmates of BiH] said that his association has already become familiar with a number of mass graves, mass grave locations, detention camps, etc. and that the commission should definitely set up a verification procedure in place to double-check the data collected so far. If the Research and Documentation Center, Sarajevo [RDC] established the list and if Izvor [Association of Women from Prijedor] established the list of missing persons, it means that this commission should verify that.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

We need to stop talking about “our” and “the-ir” victims: the entire concept should be moved from a political to an ethical field.

We should use organizations and gatherings like this one (...) to try to reach a consensus on the concept of victims and to eliminate discussion of our and their victims. We need to be able to cross that bridge and start discussion about victims in an ethical and professional way rather than in a political way.

Statement: Besad Hadžić, psychiatrist from Ključ, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

Professionalism and morality issues should be the prevailing criteria in selecting members of the commission.

It is more than obvious that as soon as RECOM becomes functional, politicians are going to try to push their people in. It is very difficult being apolitical, even more difficult being liberal and talk about things. That's courage. In our part of the world, just being normal takes courage. Let me tell you something – people who spend a lot of time working with victims, if they are not regularly supervised and debriefed, they themselves become contaminated and their thinking becomes shaped by paradigms, just like the thinking of the victims they are dealing with. It is important that those people are armed with professionalism and a high standard of morality.

Statement: Besad Hadžić, psychiatrist from Ključ, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

Religious communities have spread intolerance between communities in Bosnia and Herzegovina over the years.

Religious communities, also, which are an important part of our societies, have spread national intolerance over the years especially in Bosnia and Herzegovina.

Statement: Safet Muratović, The Key to the Future, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

RECOM should have between 20 and 25 commissaries.

There should not be too many or too few commissaries. I personally think that it is ideal to have between 20 and 25 members of the commission. But we cannot have the same number of members from Montenegro, Serbia, Kosovo, Bosnia and Herzegovina, or Croatia, but the number must depend on the number of victims from each of these former republics. For example, Montenegro and Bosnia and Herzegovina cannot have the same number because compared to BiH, Montenegro only had a small number of victims.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

The Regional Commission should have offices in all states in the region and they should be aided by non-governmental organizations in collecting statements of victims and witnesses.

I agree that the Regional Commission should be one body, but it should have offices in all of the states affected by recent wars and these offices should be able to support significantly the work of the Commission. Having said that, let me just say that I strongly believe that the non-governmental sector and various organizations and associations should aid these offices in their efforts to collect statements from victims and witnesses, to collect physical evidence, documents, etc.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

The commission should investigate killings, persecution, rapes, and torture and detention camps.

We talked here about war crimes and other serious human rights violations. But, what are really these other serious human rights violations... First of all killings, then persecution, rape crimes, and finally torture in detention camps.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

The report of RECOM should have a historical context (preparation of crimes), a register of places of suffering and a complete list of victims.

The report which would be conducted by the commission, in my opinion, should have three parts (...). The first segment must be a political/historical context as a foundation. That part should help us get a better picture of the role of religious communities, media, and so on. Because what they did preceded the crime itself. That was an introductory stage (...). The second part of the report must refer to, I'd say, different methods and forms of committing crimes.

And the third part [would be] a list of victims. (Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

Social work centres should be included in the consultation process because victims and war invalids exercise their rights through these institutions.

Some of our clients are victims. Civilian victims of war, no-war invalids who exercise their rights through these centres so I thought that maybe we should organize a meeting like this with social work centres directors or representatives together with representatives of the ministries funding these centres because we are fighting for the benefit of the victims, or the financial support they receive through these social work centres.

Statement: Beha Šaćir, Social Work Centre, Velika Kladuša, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

We need the truth in order to offer better education and because of the need to write a new chapter in our history based on established facts.

Our children are being short-changed on their education because we have no proper school text books and God only knows when we will be able to have them if we continue like this. We need to find the truth and put together different truths we come up with and then we need to put together an expert team to write a real history book. It is hard to say when that will happen.

Statement: Beha Šaćir, Social Work Centre, Velika Kladuša, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

RECOM should regain the trust of victims that their testimonies are going to be put to good use.

People don't want to talk (...). It is very difficult to gain the trust of victims to tell you about their suffering (...). Because I am a victim and I know what it means to tell the truth. Do you understand that? Every time you talk about it you go through the same horror again and you suffer all over again (...). It is very simple, people get lost after giving their statements so many times all over again and finally they say "what's the point?" (...) and they give it all up. I think that this organization may actually be some kind of a guideline or a way to convince the victims to start believing again that the statement they give will serve a good purpose.

Statement: Bernada Jukić-Kličić, Social Work Center in Bosanski Petrovac, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

58. National consultation with religious communities on the Initiative for RECOM

**Zagreb, Croatia
October 16th 2009**

The national consultation with members of religious communities and their leaders was organized by Center for Peace, Non-violence, and Human Rights, Osijek (Croatia) and Documenta, Zagreb (Croatia). The gathering was attended by 47 participants, members of religious communities and their leaders, representatives of non-governmental human rights organizations, journalists, as well as several persons monitoring the event on behalf of the OSCE, ICTY, Delegation of the European Union in the Republic of Croatia, representatives of the Australian, Dutch, and Canadian embassies in Croatia. Speakers were Kevin Dowling (bishop from Rustenburg, South Africa), Vesna Teršelić (Documenta, Croatia), Nataša Kandić (Humanitarian Law Center, Serbia), and Ivan Novosel (Legalis, Croatia). The gathering was moderated by Katarina Kruhonja (Center for Peace, Non-violence, and Human Rights, Osijek, Croatia). HRT, Novi List, Novosti daily, and H-alter reported about the event.

Suggestions, opinions, and recommendations of the participants

Christians must always side with victims. Victims can help our societies heal and eliminate evil among us.

As a member of the St. Francis order, as a Christian, I believe that it is absolutely necessary to side with victims. Unfortunately, we all have victims that nobody wants. But now that we do have them, I think that (...) they are the most valuable members of the society because they hold the key to moving our societies and communities forward to new relations. They can help heal society; they can help purge our memory (...). And we have to be there for them every step of the way. We have to create a favourable environment for victims to be able, first of all, bear their tragedy, and secondly, to reach the primary Christian goal (...) which is to use their will and their free choice and stop the spiral of evil.

Statement: Fra Mijo Džolan, the Franciscan Institute for the Culture of Peace, Split, Croatia, National consultation with religious communities on the Initiative for RECOM, Zagreb, Croatia, October 16th 2009.

The regional approach enables us to eliminate interpretations which are being used by the existing political solutions most people are not satisfied with.

Regarding this famous and permanent problem of the regional approach, I think that we should all be brave enough and wise enough in this process (...). We need to make sure that the results of our work don't have any resemblance with existing interpretations which are simply being used as an enforcement of the political solution. First, that would disqualify us and secondly it would drive away a large number of people because the truth is that the majority of people are dissatisfied with the existing political solutions (...); many are dissatisfied.

Statement: Fra Mijo Džolan, the Franciscan Institute for the Culture of Peace, Split, Croatia, National consultation with religious communities on the Initiative for RECOM, Zagreb, Croatia, October 16th 2009.

Believers and religious communities should have one goal before anything else – reconciliation, but there are very few results in that direction.

Religious communities throughout the region of the former Yugoslavia (...) are still not sensitive to such initiatives. They are afraid of any projects that try to achieve the goal set before them by Pope John Paul II when he was here in Zagreb in 1994. He asked all believers to consider reconciliation their primary task. Fifteen years later, we only have a few results of that effort.

Statement: Drago Pilsel, Novi List, Zagreb, Croatia, National consultation with religious communities on the Initiative for RECOM, Zagreb, Croatia, October 16th 2009.

Before the dialogue on reconciliation, facts about who started the war, why the war was waged, and what its goal was must be established.

Before we establish the dialogue on reconciliation, we must truly clarify who started the war, why it was waged, and what was its goal. But we need a lot of facts to do that.

Statement: Ante Šola, CARITAS of the Varaždin Diocese, Croatia, National consultation with religious communities on the Initiative for RECOM, Zagreb, Croatia, October 16th 2009.

The church and religious communities have a prevailing influence on the reconciliation process.

"How can there be God or how can there be God of Love if that happened to me?" Church and religious communities are responsible for answering these questions and adopting a position that can lead our societies to reconciliation through a generally holistic process which includes physical, emotional, very personal and spiritual dimensions.

Statement: Kevin Dowling, bishop from South Africa, National consultation with religious communities on the Initiative for RECOM, Zagreb, Croatia, October 16th 2009.

Reconciliation is very difficult if victims are being stripped of their dignity.

First of all, I would like to say that reconciliation is not something simple. We can't just say: we have to reconcile and then we start a process which we believe is going to be successful. The reconciliation process will require many of you who are victims to be included (...). Mentioning reconciliation to someone who is still suffering so deeply ... their instinctive, direct response is usually: "I want justice". You have to start creating a different structure of life for all of them so that they can still live with some sort of dignity.

Statement: Kevin Dowling, bishop from South Africa, National consultation with religious communities on the Initiative for RECOM, Zagreb, Croatia, October 16th 2009.

From a Catholic point of view all victims are the same because the dignity of a human being is sacred in our doctrine: we are all equal as victims and as criminals.

There are or there will be many temptations with respect to treating all victims in the same way, or treating all crimes in the same way. As a Christian

scholar, I don't have a problem with that simply because that in our doctrine the dignity of a human being is a fact so sacred that it makes us all equal both as victims and as criminals.

Statement: Drago Pilsel, Novi List, Zagreb, Croatia, National consultation with religious communities on the Initiative for RECOM, Zagreb, Croatia, October 16th 2009.

Facts are an indispensable prerequisite to heal our societies.

Our proposal is very moderate – establish the facts in the years ahead of us, as much as possible, about all crimes and system violations in the 1990s, and then use it as a foundation for curing our societies.

Statement: Vesna Teršelič, Documenta, Zagreb, Croatia, National consultation with religious communities on the Initiative for RECOM, Zagreb, Croatia, October 16th 2009.

We will have reconciliation once all countries start referring to their “savages” as “the savages in our midst”

I think that it is going to be a lot easier to achieve reconciliation, to understand the situation, help the victims, and counsel the aggressors how to purge their souls when we start calling the savages in our own midst “our savages”. Many of us are tired of hearing that the other nation's victims deserved whatever happened to them and that our victims are “pure; why did it happen to us”.

Statement: Mladen Jovanović, the Council of the Churches of Christ, Croatia, National consultation with religious communities on the Initiative for RECOM, Zagreb, Croatia, October 16th 2009.

It is necessary to bring this initiative closer to religious communities because it may be rejected if people are not properly informed about it.

If we would like to establish cooperation with relevant persons and institutions, [representatives of religious communities], maybe we should do more to promote this project because it may happen that people reject it due to a lack of information about it.

Statement: Marija Znidarčić, Christian Peace Circle Association of Citizens, Croatia, National consultation with religious communities on the Initiative for RECOM, Zagreb, Croatia, October 16th 2009.

RECOM should clarify the role religious communities had during the war. However, it could lead to the exclusion of religious communities from the process because criticizing their role may be interpreted as an attack on the very essence of the religion and church doctrine.

One very useful task of this project, of RECOM, would be to clarify the role of each and every religious community in the war. I witnessed it all myself, and I know that there are all sorts of things (...). However, when criticizing specific actions which should be criticized in the name of faith, many members of religious communities may understand it as an attack on the very essence of the religion or church doctrine. That may hurt people and result in their withdrawal. That would cause a great damage to the process.

Statement: Fra Mijo Džolan, the Franciscan Institute for the Culture of Peace, Split, Croatia, National consultation with religious communities on the Initiative for RECOM, Zagreb, Croatia, October 16th 2009.

Instead of promoting reconciliation, religious media still favour hate speech.

I think that most of you will agree with me that our religious media, especially the Glas Koncila are still full of hate speeches instead of advocating reconciliation.

Statement: Petra Pajdaković Šebek, Religious Culture Program of the Croatian TV, Croatia, National consultation with religious communities on the Initiative for RECOM, Zagreb, Croatia, October 16th 2009.

59. Consultation with the local community

**Osijek, Croatia
October 17th 2009**

The consultation was organized by the Center for Peace, Non-violence, and Human Rights, Osijek (Croatia), Nansen Dialogue Center, Osijek (Croatia), and Documenta (Croatia). Forty participants – mostly human rights organizations activists, associations of victims and associations of families of the killed and missing, veterans' associations, youth organizations, women's groups, professional groups, representatives of religious communities of the Osijek-Baranja County and, as well as member of these religious groups – attended the gathering. The panellists were Vesna Teršelič (Documenta, Croatia), Ivan Novosel (Legalis, Croatia) Eugen Jakovčić (Documenta, Croatia), and South-African bishop Kevin Dowling (Rustenburg County, Republic of South Africa). Katarina Kruhonja (Center for Peace, Non-violence, and Human Rights, Osijek, Croatia) moderated the discussion. HRT – Osijek Studio, Slavonski Dom, and the Voice of Slavoni-

ja reported from the gathering. Monsignor Marin Srakić, Archbishop of Đakovo – Osijek County, received a delegation of the Coalition for RECOM in his chambers.

Suggestions, opinions, and recommendations

Memories of the war and the tragedies; attempts at denying the Homeland War, and making the victims and the aggressors equal, as well as arbitrary accusations against homeland defenders make the reconciliation process much more difficult.

The tragedies that befell many of our families and individuals, and their memories of the war are still vivid. And attempts to deny the Homeland War, or even worse, to deny the justification and dignity of the Homeland War, and statements that make equal victims and aggressors, and the occasional unjust and arbitrary condemnation of our homeland defenders makes the normalisation of relations between the nations in this region as well as the reconciliation process very difficult.

Statement: Monsignor Marin Srakić, Archbishop of Đakovo – Osijek County, Consultation with the local community, Osijek, Croatia, October 17th 2009.

In order to achieve reconciliation, victims must be able to forgive and aggressors must admit the wrongdoing and provide indemnity for their evil deeds and violence.

Forgiveness is primarily the attitude of victims not seeking revenge but trying to find peace in their souls. On the other hand, forgiveness helps curb evil and revenge and helps normalize relations. Christ's suffering and his wounds become a symbol the victim identifies with and the power of mercy helps the victims overcome their obsession with violence and suffering, thus becoming a messenger carrying God's invitation to dialogue and establishment of trust (...) and forgiveness. And then, naturally, the reconciliation process can only start from those who have been hurt. Victims draw their strength from the way they experience God's love and mercy which help them find their inner strength to regain confidence in people and subdue emotions caused by war violence. Or, as some theology scholars like to say, in order to have reconciliation, victims have to be able to forgive those who transgressed against them.

Statement: Monsignor Marin Srakić, Archbishop of Đakovo – Osijek County, Consultation with the local community, Osijek, Croatia, October 17th 2009.

However, if the reconciliation process will hurt the truth and if it requires victims to forget their pain and agony, then we are basically denying the very dignity of the victims. It can also make us forget the victims which will further result in our failure to disclose the causes of their suffering and allow them to remain hidden underneath the surface. These same causes may potentially explode again when we least expect it. Therefore, it is important that in the reconciliation process all causes of suffering and violence are clarified, it is important to know the truth and make sure it is followed by justice. In other words, reconciliation, in contrast to forgiveness, assumes actions of two parties – on the one hand there's the victim granting forgiveness and on the other hand there's the aggressor who is motivated by the act of forgiveness and offers sincere apology, admits the guilt, leads the way to establishing the truth and justice, and finally offers redress for the evil and violence committed against the victim.

Statement: Monsignor Marin Srakić, Archbishop of Đakovo – Osijek County, Consultation with the local community, Osijek, Croatia, October 17th 2009.

It is necessary to form a commission which would be mandated to clarify cases of human rights violations in the period from 1945 to 1990.

In a way, we, too, had 45 years of an apartheid regime from 1945 to 1990 and it still has many victims. Maybe we should have a separate commission just to hear the victims of that regime because they may help clarify the truth about that period.

Statement: Monsignor Marin Srakić, Archbishop of Đakovo – Osijek County, Consultation with the local community, Osijek, Croatia, October 17th 2009.

Some people have misgivings about the fact-finding process because it may be smeared by various political interests. Also, they fear that there are numerous counterfeit documents and many false witnesses.

First off, I want to say that I have my doubts when it comes to anyone who wants to find the facts and establish the truth. Simply because there are always someone's interests behind the truth and the facts and we are all aware of the intensity of those interests, both in our own country and in the neighbouring countries, especially so if this commission intends to establish the facts based on testimonies and some privately owned documents. We need to be aware of the fact that there are many counterfeit documents, forged papers, and a huge number of

false witnesses who will choose to testify in return for personal privileges and benefits. So I am very sceptical with respect to the facts and the truth this commission will establish.

Statement: Goran Flaunder, freelance journalist, Croatia, Consultation with the local community, Osijek, Croatia, October 17th 2009.

It is absolutely necessary to establish the facts because it will curb manipulation of the number of victims.

It is totally necessary to establish the facts so that no one can say that there were 1100 or 1400 or 1700 war victims in Osijek and then the Osijek Hospital which kept tabs on the dead comes up with a number of 430 or 470 people who lost their lives. That's four or five times less than some sources. People use these numbers as they see fit.

Statement: Goran Flaunder, freelance journalist, Croatia, Consultation with the local community, Osijek, Croatia, October 17th 2009.

It is in the best interest of all countries in the region to establish the facts so that history does not repeat itself.

I think it is in the best interest of each and every citizen, of the societies of Bosnia and Herzegovina to finally talk openly about it, to establish some facts and to finally close that page in our history book. What happens in a situation when a society and individuals are not ready to deal with it? We can see now what happens. We are still talking about the things that happened back in the 1940s. If we had been ready and capable of solving those issues back then, I believe that the younger generation would have been better educated about our past and we would not be hearing Ustashas shouting nationalist slogans and hate speech in Croatian football stadiums etc. So, in any event, we should definitely embark on this journey.

Statement: Bojal Lalić, the Baranja Civic Center, Beli Manastir, Croatia, Consultation with the local community, Osijek, Croatia, October 17th 2009.

Public testimony of victims and perpetrators and admission of crime are more important than financial compensation for victims.

I think that the story of what South Africa did for society [public testimony of victims and perpetrators and fact establishing] in terms of cleansing the wounds is much more important than any financial compensation which victims may be entitled to. I

really think that it is much more important that those who upheld and enforced apartheid admitted that they "did what they were accused of, that it was a crime, and they were truly sorry about that".

Statement: Bojal Lalić, the Baranja Civic Center, Beli Manastir, Croatia, Consultation with the local community, Osijek, Croatia, October 17th 2009.

RECOM needs to have mobile teams which will scout the area and collect statements from victims.

What I think is critical for the functioning of an institution like this is the question of its mobility. So, we can't expect victims to come to us, we have to go to them and for that reason in the very beginning RECOM needs to be organized in a way that grants enough mobility to its team members to be able to access victims wherever they are.

Statement: Branislav Vorkapić, Organization of Civic Initiative, Osijek, Croatia, Consultation with the local community, Osijek, Croatia, October 17th 2009.

Members of RECOM should not be politicians but representatives of religious communities and non-governmental organizations and gender equality should be taken into consideration.

The issue of the composition of this commission (...) should not come under the influence of the sphere of politics or politicians, but definitely the influence of religious communities, non-governmental organizations and it should take into consideration all those standards which have been long ago adopted in Croatia, gender equality, and so on. I believe that the functioning of such an institute, a government institute, requires that the same kind of immunity is granted to members of the commission as enjoyed by members of the Croatian Parliament.

Statement: Branislav Vorkapić, Organization of Civic Initiative, Osijek, Croatia, Consultation with the local community, Osijek, Croatia, October 17th 2009.

RECOM should also address the issue of victims of institutions.

So, we have a person victimized by an individual, we have a person victimized by a group, but we also have persons victimized by institutions. Are we going to have mechanisms in place within RECOM to address the issue of persons victimized by various institutions over the years (...) i.e. somebody to confirm that a crime has been committed against an individual by an institution?

Statement: Branislav Vorkapić, Organization of Civic Initiative, Osijek, Croatia, Consultation with the local community, Osijek, Croatia, October 17th 2009.

An individualized list of victims should be compiled and victims should be enabled to speak in public.

What I think is really important and the reason I cherish this Coalition so much is its assumed capacity to record each and every victim by name. That is extremely important. We have numerous records of military actions, TV shows, recorded statements of various war-mongers, newspaper clips and so on. Everything has been recorded except for the victims. It is my desire and I will spare no effort to try to provide space for the victims to speak publicly, although I am aware that some people will try to interpret that in a way that best suits their interests in order to create their own truth.

Statement: Miroslav Varga, homeland defender from Osijek, Consultation with the local community, Osijek, Croatia, October 17th 2009.

RECOM should deal with the destiny of those imprisoned and missing in Vukovar and it should dedicate every effort to search for war crimes perpetrators.

We will be really glad if this commission, if RECOM, is able to shed light on the fate of at least one imprisoned or missing person from Vukovar or from our area and bring to justice at least one war crime perpetrator, of course with sufficient evidence of his guilt. The people of Vukovar would really like to see that happen.

Statement: Željko Pinjuh, Deputy Mayor of the City of Vukovar, Consultation with the local community, Osijek, Croatia, October 17th 2009.

Prosecutors should have a lawful mandatory duty to monitor and use documentation obtained by the commission.

I am telling you this because all prosecutorial offices should have a legal mandatory duty to monitor the work of the commission. This commission can be very important from the point of view of penal law and penal policies.

Statement: Slavko Kecman, Associations for Peace, Baranja, Croatia, Consultation with the local community, Osijek, Croatia, October 17th 2009.

In Croatia nobody talks about the crimes committed in Osijek and some victims are not even eligible for compensation.

No one ever mentions war crimes committed in Osijek as if we had forgotten it ourselves. We don't

even know any longer if it really happened or we are just unwilling to admit it to ourselves. I don't know (...) in this country no one has ever asked the questions "Where are those families? What happened to these children? Did they attend school? Do they have jobs today? Or have they enough food at all?" No one cared about it. There are 33 houses on my street and they have all been demolished - each and every one. And they were all compensated except for me. I was the only one not eligible for financial compensation. Why? They told me I did not qualify for their assistance program.

Statement: Marija Lovrić, victim, Croatia, Consultation with the local community, Osijek, Croatia, October 17th 2009.

60. Consultation with the local community

**Kikinda, Serbia,
October 17th 2009**

Consultations with the local community in Kikinda were organized by the Women's Support Center (Serbia) and the Kikinda Club (Serbia). Thirty three participants, representatives of the local self-government, local media outlets, cultural institutions, human rights organizations, non-governmental organizations, and veterans' associations attended the gathering. The speakers were Dževad Bektašević (Association of Civilian Victims of War Vlasenica 1992–1995, BiH) and Dragan Popović (Humanitarian Law Center, Serbia). The discussion was moderated by Miomirka Mila Melank (Kikinda Club, Serbia) and Marija Srdić (Women's Support Center, Serbia) and the event was covered by the weekly Kikindske, TV VK, TV Rubin, and Radio Television of Serbia (RTS.)

Suggestions, opinions, and recommendations

The media's war-propaganda of the 1990s inspired the young people in Kikinda to found independent media and offer an alternative to the people of Kikinda.

As a journalist, I am really anxious to know what inspired us, the college-bound generation of the 1990s, to choose journalism in an atmosphere where war-propagating journalism dominated the

public space both in our town and in the region in those years. Maybe it was the fact that for a long time there had been no alternative to that kind of reporting and it may have influenced some of us back in the 1990s to choose journalism as our vocation and create a different sort of media in this town out of resentment that we had towards the existing media outlets.

Statement: Željko Bodrožić, Kikindske, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

The independent media should remind the public that some of those who supported the war and the creation of paramilitary units are members of the Government of Serbia today.

What we can do is remind the public of those war years and remind people about the way the same politicians, who are today, in an era of democratic government, recognized partners in the ruling coalition in Serbia, treated other nationalities, minorities, and anyone who did not share their political beliefs in this town (...). The public seems to have forgotten a lot of issues very quickly and they need a reminder about how some people went overboard in supporting the war and the actions of paramilitary units from Serbia in war zones in other former Yugoslav republics.

Statement: Željko Bodrožić, Kikindske, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

More than 90% of the male population of Kikinda reported for duty upon being mobilized. However, once in the war zone, they realized they had been manipulated and used by their leaders.

From this area more than 90% of men reported for duty upon being mobilized and they did it because they felt that it was the right thing to do (...) and I believe that many of them realized what was going on once they arrived to their destinations. I know many of them who quickly realized that they had been used and manipulated and who understood that it was the war-mongering media that had created their misinformed opinion about their neighbours and about their own leaders who used it in the worst possible manner.

Statement: Željko Bodrožić, Kikindske, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

Weekly “Kikindske” may help RECOM establish the fact by granting access to its documentation containing statements of war veterans and refugees.

One of the ways Kikindske can help this whole story is to allow RECOM to access our documentation containing testimonies of people who went to war and experienced the madness of war. Many of these people are still suffering physical consequences of the war and many are guilt-stricken for agreeing to take part in that war. I think that may be interesting for RECOM.

Statement: Željko Bodrožić, Kikindske, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

Here in Kikinda (...) we can do a lot by providing testimonies of people who fled Croatia and Bosnia and Herzegovina. Many of them came to Kikinda because they had relatives here and many have decided to stay. Their stories are painful. We reported about some of them, but it does require a more comprehensive and serious approach because, unfortunately, many of those who left their homes and decided to stay in Kikinda have tragic stories to tell.

Statement: Željko Bodrožić, Kikindske, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

Public testimonies of victims are important because state institutions destroyed evidence about war crimes, those who issued orders and the perpetrators who carried them out.

Those who committed crimes, who contributed to the commission of war crimes, those who initiated and inspired war crimes, those who still defend those war crimes today, I am sure they had plenty of time to destroy many documents and that is why it is very important to hear the testimonies of the victims. Some of us here have already had an opportunity to hear different testimonies.

Statement: Marija Srdić, Women's Support Center, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

War-veterans from Kikinda support the creation of RECOM and they want to help establish the facts about the past.

Sometimes I find it very difficult to even talk about what we have seen, experienced, and so on, but in any case we can greatly contribute to the work of RECOM if we are included through direct representatives or not (...). I believe we have a lot to say and can help RECOM in its efforts generally speaking (...) and you will definitely have our support.

Statement: Slobodan Kikić, Association of Veterans of the Wars of the 1990s, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

I think it may be interesting to tell about the behaviour of some people (...) and the conditions in which we lived [veterans from Kikinda in Kopački Rit in Croatia] and so on, that would be interesting. The reason I am telling you this now is the fact that many of these people are here in town, in Vojvodina, in Serbia, and other states in the region, and all these testimonies of the people who were there can help learn the truth hoping that it will help people stop feeling guilty for something they did not do.

Statement: Jovan Gvero, Creative Center, Novi Sad, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

RECOM can help de-stigmatize war veterans who acted honourably during the war.

Your idea is very good for us who went to war and acted honourably while doing our duty, fulfilling our Constitutional obligation. It is so significant for us to take the stigma from our names. State media (...) defamed us, called us all kinds of names when we came back from the war. They called us rapists, plunderers, and the truth is we all suffered financially just as the other citizens did. Maybe even worse. Why worse? Because upon our return from the war zone, many of us found that the companies that had employed us before the war were financially destroyed, that the government even played with the law, including adopting some changes to the Employment Law (...). But the fact is that when the government resorts to abolishing veterans' rights, usually it is groundless (...). Our veterans are dying and their families are left to live in poverty without any social assistance because they "do not qualify for government assistance".

Statement: Zoran Kosić, Association of Veterans of the Wars of the 1990s, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

It is going to be very difficult to find out what happened 20 years ago given the fact that we never found out the truth about what had happened 50 years.

I am sitting here with you contemplating on how to create RECOM, to organize it so that we can find out what happened 20 years ago (...). But we skipped something that had happened 50 years ago, all state archives of the states formed on the territory of the former Yugoslavia are closed, so we don't even know the truth about the time of Broz. I don't see how we are going to learn the truth about what happened 15 or 20 years ago since we know that these archives are marked state secret and they will

not be accessible for the next 50 years.

Statement: Zoltan Moldvai, Association of Organizations of People with Disabilities OSI, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

Both witnesses and victims of war crimes will be afraid to name perpetrators.

Many people will avoid saying that it was the man over there that did it. Please understand that it is perfectly normal to be scared, someone may say who disclosed the name of a perpetrator, and I am really under the impression that most victims will choose not to say the name.

Statement: Zoltan Moldvai, Association of Organizations of People with Disabilities OSI, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

RECOM should make a list of all victims of the NATO bombardment of the former Yugoslavia and establish the causes that led to the bombing.

Is the mandate of RECOM going to include both asking questions and searching for answers, or in other words, is it going to tackle the issue victims and causes of the NATO led bombing of the former Yugoslavia. I think that the example of the bombing of the RTS building is a very good example; we can see both a cause and consequences to understand the guilt on both our and their side.

Statement: Velimir Lipovan, lawyer, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

RECOM should include the period starting at the end of the second world war until the present time and research the suffering of the Volksdeutsche and Hungarian population in Vojvodina after the second world war.

I must say I am a little dissatisfied by the time frame RECOM is mandated to investigate [1991 - 2005] and I would like to make a proposal (...) to extend it to the period following the end of the second world war in Vojvodina. It is necessary to investigate the suffering of the Volksdeutsche population and the Hungarians in Vojvodina because they were victims (...). They were sent to concentration camps, killed, persecuted, in other words they were ethnically cleansed.

Statement: Nenad Talijanov, Kikinda Forum, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

People who are brave, righteous, and truthful should be members of the Commission.

The key issue is who should become a member of the Commission. In my opinion, first of all righteous and truthful people (...) and since the truth changes our reality, these people should also be very brave.

Statement: Brana Marjanović, National Theatre in Kikinda, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

The findings of RECOM should be included in history books of the schools in the region in order to help prevent political manipulations and interpretation of the events from the past.

It is important to include all of the authentic facts established by RECOM into history books in order to prevent further distribution of distorted pictures of the past. RECOM should definitely see into it.

Statement: Šandor Melank, Kikinda Club, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

It is not only the lessons in those history text books, but the fact that if you analyse them, you can see that authors of those texts are trying to induce students to draw certain conclusions; you can identify hate speech, calls to nationalism, all kinds of things (...). So, an elementary school student simply takes it the way it is presented and creates his or her opinion accordingly. That is a how you inspire nationalistic feelings.

Statement: Tijana Velmirov, Women's Support Center, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

RECOM should also establish the facts about serious human rights violations which happened outside of war zones but which are related to the conflict.

It is a horrible thing to happen (...) when children watch their mother being held at gunpoint, it is almost the same as firing from that gun (...). So, outside the war zone, at the time of war (...) three children watching their mother being held at gunpoint, an ambulance not being allowed to pass through (...), someone at this gathering should say whether that was also something that should be condemned, whether it can be considered a human rights violation.

Statement: Zoran Kosić, Association of Veterans of the Wars of the 1990s, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

RECOM cannot be authorized to grant amnesty to, or pardon, war crimes perpetrators. That can only be done by the judiciary or by a head of state.

RECOM cannot grant pardon or amnesty to perpetrators of war crimes. I don't know if it is planned for RECOM to give amnesty recommendations, but these things should only be handled by state institutions, the judiciary, or the head of state, the way it is stipulated by the law. So, RECOM does not have a mandate to do that and can never have it.

Statement: Velimir Lipovan, lawyer, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

It is necessary for RECOM to investigate the persecution of the Albanian population and the destruction of their property in Kikinda during the NATO bombardment.

At the beginning of the bombardment of the former Yugoslavia in 1999, many businesses of the Albanians from Kikinda were demolished or burned down; our Albanian neighbours were driven away from their homes. Someone had to issue orders to these people who destroyed so many buildings. I think we need to investigate who instigated these events, which turned all these people into a raging mob that went on a destruction spree against the Albanians and their property.

Statement: Nenad Talijanov, Kikinda Forum, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

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

**Banja Luka, Bosnia and Herzegovina
October 17th 2009**

The second national consultation with young people in Bosnia and Herzegovina was organized by the Youth Initiative for Human Rights in BiH. The gathering was attended by more than 50 participants representing various youth organizations from Banja Luka, Sanski Most, Prijedor, Rudo, Srebrenica, Bihać, Bijeljina, and Šeković. The consultations were monitored by Mario Mažić (Youth Initiative for Human Rights, Croatia) and Marijana Toma (Impunity Watch) and the discussion was moderated by Alma Mašić (Youth Initiative for Human Rights, Sarajevo, BiH) and Aleksandra Letić (Helsinki Committee for Human Rights in Republika Srpska, national coordinator of the consultations process of the Coalition for RECOM in BiH).

Suggestions, opinions, and recommendations of the participants.

The main task of the Coalition for RECOM should be to watch out for any damaging political effects inflicted upon the Commission.

The Coalition for RECOM has a uniquely important role to monitor the work of the Commission and make sure that it is independent from its founders, i.e. the governments of participating states because we must not allow the Commission to depend on daily political interests, conflicts, and so on. The Commission must be independent in a way similar to that of the judiciary. So, members of the Commission and researchers employed by the Commission must not be under any political influence whatsoever (...) and must be able to carry on their investigations openly and transparently.

Statement: Mario Mažić, Youth Initiative for Human Rights, Croatia, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

There is a dilemma whether being financially dependent on the founding states will impair the ability of the Commission to function independently.

I am afraid of the way this truth-commission is going to be funded (...). I am afraid that the states will agree to fund the commission but that in the end they will not give any money.

Statement: Ervin Blažević, Mladost Youth Association, Kozarac, BiH, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

I think that the commission should be funded by international donors. However, I don't think that the public financing option would represent an additional threat to the independent work of the commission.

Statement: Mario Mažić, Youth Initiative for Human Rights, Croatia, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

There is a reasonable amount of concern that the parliaments will try to obstruct the work of RECOM because some parliament members are the same people who committed war crimes.

My only concern is the possible obstruction of the work of the commission. I think it is not going to be a problem to establish the commission, but to

ensure it completes its work. The way I see it is that parliaments may make a decision to form the commission, but if people who committed war crimes are members of these parliaments, they will do anything in their power to prevent the establishment of the facts pertaining to these crimes.

Statement: Dejan Čabrilo, Youth Group of the Helsinki Committee for Human Rights in Republika Srpska, Bijeljina, BiH, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

The generation that fought this war does not recognize other nation's victims. RECOM can only receive support from post-war generations.

The target group you should be focusing on are young people. The generations that participated in the war (...) are really blinded (...); they have their pain and their victims. They cannot worry about victims from other ethnic groups. They just want to find their peace but within their own national environment. They will even go as far as to protect the identity of those who caused the death of others or genocide on other sides. You should strongly focus on the consciousness of the young people (...) because a young person can equally understand other nations' victims as their own (...) simply because they value every human life the same.

Statement: Rade Mrđen, Party of the Democratic Progress, Young People Council, Banja Luka, BiH, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

When the RECOM creation process is over there won't be any more manipulations with victims or with the names of victims.

It is important that we now have this initiative and we can't go back. And why is it important? Simply because it will curtail all forms of manipulations with victims and their destinies, with numbers of victims and war heroes. We will be able to leave it all behind us and move on.

Statement: Dalibor Tanić, Youth Initiative for Human Rights in BiH, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

RECOM is a positive solution with respect to the need to find out the truth and achieve reconciliation.

In my opinion (...) that coalition of non-governmental organizations, RECOM, is a positive solution with respect to discovering the truth and achieving

reconciliation and also to offering psychological support to victims. RECOM is a mechanism, a good mechanism for getting out of this situation.

Statement: Lamija Gudić, Youth Center, Gornji Vakuf-Uskoplje, BiH, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

I think that we can't have a future until we discuss our past, until we deal with our past. The situation in Gornji Vakuf is that the town is very strictly divided and it cannot be unified unless we deal with our past. It is a very important feature and I strongly support this initiative and I hope it will be successful.

Statement: Nejra Jukić, Youth Center Gornji Vakuf, BiH, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

RECOM gives space to victims to talk about their suffering, to unburden themselves and make a step forward towards a shared life.

It is a good idea to give victims an opportunity to talk about what they have suffered, that is the focal point of this initiative. This commission has a huge importance for the future of the entire region because I feel that it also has a therapeutic character. Victims (...) who are offered an opportunity to talk will be able to get rid of the burden that they carry and they will be ready to take a step in the direction of a shared life.

Statement: Almir Salihović, Association of students from Srebrenica, Srebrenica, BiH, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

The key issue is that the facts about the war crimes committed against the Bosniaks in Prijedor are accepted by the Serbs and that the facts about the crimes committed against the Serbs in Konjic are accepted by the Bosniaks.

The Coalition for RECOM will get the support of victims associations in BiH. Bosniaks from Prijedor will support RECOM, while the Serbs may not be so willing to do that (...). I'd like to hear both sides admit that the crimes have been committed against the other side (...). I'd like to hear them say 'yes, they are different from me but they are still my fellow citizens'. They may both be against RECOM, I don't know. That is the whole point of this story.

Statement: Ervin Blažević, Mladost Youth Association, Kozarac, BiH, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

The priority is to enable victims from Knin testify in Croatia and bring the victims from Vukovar to testify in Serbia.

Let's say that the testimonies of the victims from Knin should be heard in Belgrade, in Banja Luka, and in Zagreb, depending on the year (...) that the testimonies of the victims from Stolac and Prozor are heard in Zagreb, that the testimonies of the victims from Vukovar are heard in Belgrade, Niš, etc.

There are priorities, of course (...). It is not so important that the people in Zagreb listen about the Kosovo Albanians or the Serbs from Kosovo who were victimized, but it is important that we hear about the year 1995. It is important that we hear about the victims that not only the Croatian Defence Council (HVO) but the Croatian Army (HV) too, produced in Bosnia and Herzegovina. That is the key – the voice of the victims, the platform for victims' testimonies should have a regional character.

Statement: Mario Mažić, Youth Initiative for Human Rights, Croatia, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

How will RECOM treat those who lost their lives or became victims in other ways while waiting for the humanitarian aid or those who were killed in mine fields?

How will RECOM treat those who lost their lives or became victims in other ways while waiting for the humanitarian aid or those who were killed in mine fields? Are they going to be treated as victims?

Statement: Ismar Kasapović, Youth Initiative for Human Rights in BiH, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

Witnesses are disappearing and the truth is disappearing with them. Many witnesses are abroad and they need to be included in the process.

Witnesses who could tell the truth are slowly disappearing and the truth is going away with them. Also, many witnesses live abroad, there are 70 witnesses from Kozarac alone who live abroad and they should also be included in the process.

Statement: Rade Mrden, Party of the Democratic Progress, Young People Council, Banja Luka, BiH, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

There are many victims who moved away from the

states in which they lived before the conflict and we have to think of ways to include them in the process because they can offer significant historical material and they have certainly had no place to talk about it.

Statement: Aleksandra Letić, Helsinki Committee for Human Rights in Republika Srpska, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

RECOM is a substitute for everything institutions in the region failed to do in solving essential issues, especially in solving the problem of the missing.

These institutions did not demonstrate the ability to solve these problems; they just drove us even further apart from each other over the years. I have been waiting for them to find the remains of my brother who was 15 when he was killed and the remains of my father, grandfather, grandmother, and my whole family. I think that they never will, but RECOM will.

Statement: Mirsad Duratović, Prijedor '92 Association of the former detention camp inmates, Prijedor, BiH, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

It is encouraging that a lot of young people are taking part in the consultations process. That will represent a huge support for the creation of the commission once the proposed RECOM model is sent to parliaments. However, it is quite concerning that associations of former prisoners and civilian victims from BiH are ostensibly missing.

I am a member of a youth group of a political party (...) and I encourage young people belonging to various political parties to take a more active part in this process. I think it can help the Coalition for RECOM because politicians, whether we like it or not, have a significant impact on all major victims' associations and also on some of the leading non-governmental institutions in this country. Their absence (...) at least here in BiH is easily noticed. I am talking about major civilian victims' associations, associations of former detention camp inmates, and associations of the families of missing persons of all three nations.

Statement: Mirsad Duratović, Prijedor '92 Association of the former detention camp inmates, Prijedor, BiH, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

The 'One Million Signatures for RECOM' cam-

paign should not be conducted at the time of the elections in BiH.

Maybe it is even counterproductive to tell the story of RECOM during the election campaign, which, as you can see for yourselves, is already underway.

Statement: Sudbin Musić, Prijedor '92 Association of former detention camp inmates, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

62. National consultation with women's groups about the RECOM Initiative

**Podgorica, Montenegro
October 23rd 2009**

The national consultation with women's groups in Montenegro about the Initiative on the Formation of RECOM was organised by ANIMA – Centre for Women's and Peace Education and the Centre for Civil Education in Podgorica. It was attended by 43 NGO women activists, politicians, journalists and others.

Mejra Dautović (Bihać, BiH), Žanka Stojanović (Belgrade, Serbia), Jany Hansel and Aida Cvjetković (both from Dubrovnik, Croatia) spoke about their personal wartime experiences. Tijana Rolović (Humanitarian Law Centre, Serbia) and Mira Arsović (League for Women Voters, Nikšić, Montenegro) were the lecturers; the meeting was moderated by Daliborka Uljarević (Centre for Civil Education, Montenegro). The discussion was covered by the daily *Vijesti* and *Bošnjaci.net*.

Suggestions, opinions, and recommendations

RECOM needs to address the role of institutions, especially the educational ones, and the judgments of The Hague Tribunal should be incorporated in text-books.

What do our books say? War criminals are heroes. Should the commission recommend including The Hague judgments in text-books? You think we should not concern ourselves with amnesty (...). I think we should concern ourselves with institutions, the media in particular, the police – and that there will

be a lot of work ahead.

Statement: Sabina Talovi, Bona Fide, Pljevlja, Montenegro, National Consultation with women's groups in Montenegro, Podgorica, October 23rd 2009.

National commissions should be the starting point and then they can link up across the region.

It is simply very difficult to have a regional commission (...). It would be better to start collecting them within one state; to prepare everything and then link up at the regional level (...). People should find it easier to talk if there is a mixed, a regional commission, but a basis for it should come from inside, from every state.

Statement: Olivera Vukadinović, TV Montenegro, National Consultation with Women's Groups, Podgorica, Montenegro, October 23rd 2009.

RECOM should determine the causes of the war.

Our members who will be developing the model for RECOM will need also to bear in mind the causes because if they talk only about the consequences, if we list 100,000 victims, 16,000 missing, we still won't know what all this is about. (...) If this RECOM, this commission doesn't materialise, I'm afraid that the history and the wars in these territories will happen all over again.

Statement: Sonja Radošević, free-lance journalist, Podgorica, Montenegro, National Consultation with Women's Groups, Podgorica, Montenegro, October 23rd 2009.

I think that finding only the facts about what happened, without the context, would be highly questionable. Without the women's stories which need to be incorporated in the history of these territories at long last.

Statement: Ljupka Kovačević, Anima, Kotor, Montenegro, National Consultation with Women's Groups, Podgorica, Montenegro, October 23rd 2009.

RECOM should recommend institutional reforms and the opening of secret files and address the role of the church in particular.

One of the RECOM recommendations is to carry out institutional reforms; to have secret files opened; vetting (...) that should cover the most important institutions (...) - the Serbian Orthodox Church which was a war-monger, which justified war crimes and participated in the glorification of criminals; which gave its blessing and canonised those who either participated in war crimes or condoned them.

Statement: Staša Zajević, Women in Black, Belgrade, Serbia, National Consultation with Women's Groups, Podgorica, Montenegro, October 23rd 2009.

RECOM should examine the role media and individual journalists played in war-mongering.

It is necessary to establish the facts and the role played by the media in war-mongering and [find] the names. In Montenegro we can name and show precisely who is responsible (...), not all journalists are the same, they do not all bear the same responsibility.

Statement: Ljupka Kovačević, Anima, Kotor, Montenegro, National Consultation with Women's Groups, Podgorica, Montenegro, October 23rd 2009.

I think that Radio-Television Montenegro must be named alongside all the other institutions because it did what it did (...). In other words, along with politicians, the judiciary, the police, the military, everybody, because it does not function to this day. All this whitewashing of CVs (...), only initiatives like this one, to keep talking about it, but do it non-stop (can achieve something)

Statement: Ervina Dabižinović, Anima, Kotor, Montenegro, National Consultation with Women's Groups, Podgorica, Montenegro, October 23rd 2009.

The Commission's mandate should include the forcible mobilisation of refugees and Serbian citizens.

(I propose) to include yet another war crime, namely the forcible mobilisation of refugees in Serbia; and we've kept a very accurate record of this as much as we were able to (...) all the men who were forcibly mobilised ought to be victims. We also recommend checking whether these states are willing to say how many young men were mobilised forcibly.

Statement: Staša Zajević, Women in Black, Belgrade, Serbia, National Consultation with Women's Groups, Podgorica, Montenegro, October 23rd 2009.

RECOM may not neglect the gender aspect of justice.

Will RECOM really remain blind and silent with regard to the gender aspect of justice? Women want it talked about, so that we remember and establish who did what and to whom (...). I want to know why somebody could sleep while another's life was going to pieces.

Statement: Ervina Dabižinović, Anima, Kotor, Montenegro, National Consultation with Women's Groups, Podgorica, Montenegro, October 23rd 2009.

The victims of rape need to testify about their experience before RECOM, but they also need to be adequately protected.

It was a war against the civilian population, waged over the bodies of women. True, women's testimonies about this crime are essential but it is also important how the expertise is prepared, what kind of protection they need to get.

Statement: Biljana Zeković, SOS Podgorica, Montenegro, National Consultation with Women's Groups, Podgorica, Montenegro, October 23rd 2009.

Women's organisations request separate consultations rather than have them as a part of the general consultations.

We must insist within the RECOM leadership that the women's consultations should stop being just a part of all consultations; they need to be separate for every one of us, if need be.

Statement: Memnuna Zvizdić, Women for Women, Sarajevo, B&H, National Consultation with Women's Groups, Podgorica, Montenegro, October 23rd 2009.

Many women in the region want to help with the formation of RECOM; they should be given a chance.

I think there are many women in Montenegro, Serbia, BiH and elsewhere across the region who would like to participate in all this, but are not given a chance, no opportunity is offered them. I think there is a vast number of people who need to be galvanised into action.

Statement: Tanja Jovović, Anima, Kotor, Montenegro, National Consultation with Women's Groups, Podgorica, Montenegro, October 23rd 2009.

63. Local consultation with homeland defenders

**Donja Stubica, Croatia
October 28th 2009**

The local consultation with homeland defenders in Donja Stubica, Croatia was organized by MIRAMIDA center (Croatia). Twenty-three participants attended the gathering. Panellists were Eugen Jaković (Documenta, Croatia), Vesna Teršelić (Documenta, Croatia), Dragan Popović (Humanitarian Law Center, Serbia), Gordan Bosanac (Center for Peace Studies, Croatia), and Suzana Kunac

(B.a.b.e., Croatia). The discussion was moderated by Goran Božičević, (Miramida, Croatia), and Mirjana Bilopavlović (Delfin, Croatia).

Suggestions, opinions, and recommendations

Establishing the facts about the wars of the 1990s will prevent manipulation with data, which happened after the second world war.

We are looking at the past but by establishing the facts about the wars of the 1990s we will clear up many misunderstandings and create a better starting position both for the present and the future. That can prevent the same mistakes from happening again, the kind of mistakes we had after the second world war and with respect to the crimes committed during and after that war when many arbitrary executions took place. We have started this initiative and these debates wishing to learn from that experience.

Statement: Vesna Teršelić, Documenta, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

The facts need to be established in order to prevent war in the future.

The facts really need to be established in order to move on into the future because without it we will not be able to make responsible decisions in the future, what is it that we are going to be deciding, are we going to be able to convey to our young generations that book and say "from now on it is up to you" or we are going to allow a new war in 25 or 50 years in this region. This is where I see the importance of this. I see fact-finding as a starting point for creating potentials to change our attitude with respect to certain things that happened. I see its preventative character to make sure the wars on this territory never happen again.

Statement: Ljiljana Canjuga, UDVR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

Homeland defenders in Croatia have no information about the Initiative for RECOM.

I'm reading this list of people that should have been present here today, and there are only 10% of us here, maybe even less... People don't know what is going on (...) they don't have information about RECOM.

Statement: Ivan Burić, HVIDRA, Trešnjevka, Croatia, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

Veterans have the potential to help speed up the reconciliation process in the region.

I think that this Initiative for RECOM offers homeland defenders a huge potential to help speed up the reconciliation process in the region. That is extremely important because the creation of a healthier society directly depends on the level of reconciliation we have achieved.

Statement: Adnan Hasanbegović, Center for Non-Violent Action, Bosnia and Herzegovina, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

Without the participants of homeland defenders the Initiative for RECOM will not get the necessary support of all layers of society. Homeland defenders should be included in this process as much as possible.

Without the homeland defenders the Initiative for RECOM will never succeed, it simply will not have the necessary support and a process like this truly depends on the amount of support offered by different layers of society.

Statement: Ljiljana Canjuga, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

By coming here we demonstrated our desire to be included in this initiative and I truly support it. This is finally the kind of initiative where we can start creating our own history, and establish the facts on our own. But I am afraid that we will have to change something in the way homeland defenders are approached or maybe we will even have to include them deeply in the work of the initiative through their individual associations and get a grasp on what their opinions are.

Statement: Jelena Laić, coordination of Homeland Defender Associations of the Karlovac County, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

The Declaration on the Homeland War which was adopted by the Croatian Parliament constitutes a framework and a basis for defining the role of Homeland Defenders.

I will invoke the Declaration on the Homeland War adopted by the Croatian Parliament, and I keep emphasizing how important it is, that it is

our foundation. We fought for this country and our highest state authority voiced its opinion about the Homeland War. These are the boundaries which we have to respect and we have to stick by them.

Statement: Veljko Vičević, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

Veterans have an interest in being involved in the process because they want to be de-stigmatized; they want to have an opportunity to condemn the war crimes committed on their behalf, on behalf of the army and the state.

Veterans are really interested in it (...) to first of all try to get rid of the stigma marking their names, their army's name, or their country's name for which they fought, or whichever way people experienced the recent war.

Statement: Adnan Hasanbegović, Center for Non-Violent Action, Bosnia and Herzegovina, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

The commission should deal with non-selective bombardment of cities, sniper killing, torture of prisoners etc. and veterans can help a lot.

What we owe ourselves, what we owe our children, is at least to make that first step, to open the chapter of these horrible war crimes from the recent war, these horrible war crimes violations, from random bombardment of cities to sniper killings or torture of prisoners. This commission needs to start dealing with these things and we as veterans can help a lot.

Statement: Adnan Hasanbegović, Center for Non-Violent Action, Bosnia and Herzegovina, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

Can veterans also be considered victims at the same time because they were forced to leave their families in order to fight for their country?

Are my family members also victims because during the Homeland War I had to leave them to fight and am I, as a veteran, also a victim? This question comes up naturally when I'm thinking about the list of victims here. Who can be considered a victim? In this case, I can consider myself a victim because I did not stay at home with my family and I because I was not able to go to work and the job I have always done and live a normal life with my friends and family etc. I can't figure it out on my own, whether I was a victim as a Homeland defender.

Statement: Hajro Vandžić, Association of Homeland Defenders of the 150th Brigade, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

National commissions should be favoured: RECOM should verify the work of the national commissions. It is necessary to standardize the procedure so that all commissions apply the same rules and criteria.

When talking about RECOM as a regional commission, I can only understand it as a verification commission assessing the work of all national commissions, making sure they all used a standardized methodology, a standardized statistical sampling method, and that they all approached the victims and treated them in a uniform way. So, RECOM goes on and confirms that the work of the national commissions was good. So, for that reason, I favour national commissions because of the freedom to approach the victims, the perpetrators as well as the documentation, and the regional approach should only have a role in confirming that it was like that.

Statement: Ljiljana Canjuga, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

We all want to talk about the mandate of RECOM, what it should be and so on, but I understand that the point is to standardize the procedure and activities which should help us reap results at the national level. If that's accepted, in my opinion, that standardization of the procedure and activities, that means that the commissions of every rank and level in Serbia, Bosnia and Herzegovina, in Croatia, in Kosovo, or in Montenegro, will simply treat the facts which they establish as such and standardize them and describe them in the same way. That's what I understand as standardization of the procedure and activities. At that point, if there is a commission at a regional level, we can talk about possible members of the commission.

Statement: Veljko Vičević, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

It is necessary to form a national commission which will respect the identity of the Homeland War. The Republic of Croatia already has in its possession about 80% of established facts on the Homeland War. The headquarters of the national commission does not necessarily have to be in Zagreb.

How I understand this is basically the respect of a national commission which will respect the identity of the war and start from what is known to what is unknown, which means that if we establish a unique methodology which will be used by all those involved in the process, we can now say with confidence that the Republic of Croatia owns as many as 80% of all established facts verified by different sides, that there are registers of victims as recognized by the state, that there is a register of homeland defenders, that in place is also a statistic monitoring of forcible deaths since 1989 also operating by certain established statistic standards, so we do have some information already and we have to start from that. But, at the same time we have to respect the will of a local community with respect to whether headquarters of the commission should be located there. I think the local community can make the best decision whether it is acceptable for it to place the headquarters of the commission in Vukovar, Pakrac, Osijek, or some other place.

Statement: Ljiljana Canjuga, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

The witnesses speaking at public hearings should not be allowed to talk about experiences of others but only about their own experiences and what happened to them.

What I think is a bad idea is that form of public hearing. We had an opportunity to hear in Budva [at the Fifth Regional Forum on Transitional Justice] a testimony that was way beyond our up-to-that moment established criteria of a witness testimony. The person testified about something he learned from somebody that had happened to somebody else and that really irritated and frustrated us a lot because that sort of testimony could potentially be heard during any public hearing.

Statement: Ljiljana Canjuga, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

Out of eight victims seven say "I speak for myself" and one says "I heard it, my neighbour told me that, do you understand what I'm saying?" It left me with a bad impression, I experienced it myself and therefore I think that the "I speak for myself" type of speeches should be the guideline when it comes to public hearings. When people speak for themselves, they will usually experience it all over again and they will stand behind their words, they will offer arguments as well as a way and facts how to verify it, while this type of hear-say testimony is highly

questionable and it should be avoided as much as possible.

Statement: Veljko Vičević, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

It is not a wise choice to base the entire work of RECOM on witness statements alone because they may be a source of dubious assumptions for historical facts to be based on.

If the entire work of the commission is based on witness testimonies, who will be a higher authority to determine their authenticity and the relevance of any particular victim? There are many questions here because it is possible to construe various stories and create an untruthful account, not only for us, but for the entire public, too, and lead to wrong assumptions on which basis we are supposed to establish historical facts.

Statement: Željko Špelić, Croatian Officers' Assembly of Pakrac and Lipik, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

Victims can truly believe that their perception is true when they stigmatize someone declaring them to be war criminals, while these individuals can be acquitted in court proceedings.

I can truly believe that someone has wronged me, that they hurt me in this or that way while that person can be proven innocent during court proceedings. What do we do when that happens, what happens to individuals who have been publicly stigmatized? Are we ready to face that or are we still willing to use technical features of recording and verification of the facts obtained from witness statements and then present them with caution?

Statement: Ljiljana Canjuga, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

Victims should testify voluntarily, they should not be pressured or talked into it. If they ask, they should be granted identity protection, both for the victim and the perpetrator.

Victims should not be invited to testify, they need to do it of their own will and initiative and they need to be ready to speak in public about what's been troubling them for so long. I think that would be a good idea. We should not invite people who have been victimized to come out and testify. We should not try to persuade them to do that. That's not good (...). So, all victims should be identified

and informed about the possibility of testifying in public, but only those who are ready and willing should really do it.

Statement: Veljko Vičević, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

Public hearings of victims have a therapeutic effect.

I have listened to some public hearings and I've come to understand that they have a therapeutic effect on victims, a very positive one. They unburdened themselves, released some negative energy which set them free. Afterwards, they were able to look at things from a different perspective. I saw it myself, and I know these people meant well, they wanted to help the entire process.

Statement: Veljko Vičević, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

It is impossible to reach a consensus on all issues by the end of 2010. The public is still not fully informed about the initiative.

As far as I understood what was said during the consultation we held in Vukovar on September 30th 2009, we already have a deadline for the submission of the document [the RECOM model and the RECOM mandate] to the Croatian Parliament, and in reality we have not defined the foundations yet. That is very bad since we need to allow at least six months to mobilize the public and sensitize it to the initiative.

Statement: Ljiljana Canjuga, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

In addition to all other limitations we are dealing with, we now have a time limit, too [December 10th 2010]. Clearly, consultations like these require more time if we really want to have the consensus of a nation about something as important as this initiative.

Statement: Bruno Čavić, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

Which victim's testimonies are going to be used for establishing the facts? Who are the victims? And so on. There are many unanswered questions. And if the deadline is really what you say it is to submit it to our national parliaments, all in all not longer than a year, we still have not defined the starting point for setting up the rules which the govern-

ments are going to accept. We may come before our government and present a million signatures for something they are not yet ready to accept.

Statement: Željko Špelić, Croatian Officers' Assembly of Pakrac and Lipik, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

If we unify the approach, are we going to be able to make people accept it when it comes to defining who the victim is? Are going to be possible to carry it out in all former Yugoslav republics? Knowing the people who live there, I am not overly optimistic. Listening to their media and knowing how they react to certain things, for example visits to places of torture and imprisonment of Croatian homeland defenders in Stajicevo and Begejci, and so on. I am not too thrilled about it. No, I don't see that the overall climate is very favourable having in mind that the deadline for the submission of the document to our respective parliaments is December 2010.

Statement: Bruno Čavić, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

The signature collection procedure must be based on clearly defined criteria.

I personally did not manage to explain to myself the meaning of one million signatures which will be collected throughout the former Yugoslavia, so in seven different countries. It means that we can collect 40,000 signatures in Croatia and let's say half a million in Macedonia for example. That will ultimately mean that Croatia was not ready while Macedonia exercised a very strong will to take part in the process.

Statement: Ljiljana Canjuga, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

The commission should start investigating the events starting as early as 1990 because that was the time the Territorial Defence was disarmed and political rallies and hate speech in the media also began to appear.

For that reason it is very important for Croatia to investigate the period from 1990. Why from 1990? Well, not only because the Parliament adopted the Declaration on the Homeland War, treated the period between 1990 and 1996 as a war in the wider sense, but since the Territorial Defence was disarmed in 1990 which is extremely important because that makes the entire republic of Croatia a victim. If you deprive someone of the means of

defence, then that person automatically becomes a victim with respect to the force acting against that person or that entity. On the other hand, political rallies and hate speech along with the changes in the media became more frequent in 1990. Everything that happened afterwards, was just an aggravation of the situation announced by such behaviour.

Statement: Ljiljana Canjuga, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

Institutions should open their archives and all documentation must be available to the commission.

That commission's mandate must not be too long and it is expected that all state organs dealing with issues like this within our national states must be fully cooperative. We want them to open their archives and make them readily available to members of the commission and we want to be able to treat each and every fact in accordance with the standards established by the commission.

Statement: Veljko Vičević, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

If RECOM is accepted by all states, then we can draw the line that prevents manipulation with the facts.

Playing with the history may be very dangerous. I want to say that if we take that approach when considering RECOM, we can prevent some quasi historians in the future to serve false facts about the Homeland War to my grandchildren... It happened to us after the second world war. Everybody's flirting with some facts about the second world war in order to score in their daily political battles (...). If these facts are adopted on a broad based platform and if the highest ranking politicians are ready to accept them and confirm them as such, then the line has been drawn regardless of what comes next.

Statement: Veljko Vičević, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

The final goal should be establishing the facts. In order to discover the truth it is necessary to establish the causes. Once we know the causes, we will know who the victims are.

I think that truth is our final goal, not the facts, but the truth. However, in order to know the truth, we must first know where the truth is going; we must

know when it all started and what caused it. So, we had a war in Croatia that began in 1990 and ended in 1996. It is called the Homeland War and we need to know if it ended in 1996 and whether it started in 1990, in 1991, in 1941, or whether it started when Arsenije Čarnojević led the Serbs to Croatia – whether they were fleeing the Turks or they came to conquer Croatia. How long are we going to go back through history and when are we going to start collecting the facts about the causes of the war (...)? Are we all in the region ready to accept the facts that explain the causes of the war? When that happens, when we know what caused the war, what brought it on, then we will know who the victims are.

Statement: Željko Špelić, Croatian Officers' Assembly of Pakrac and Lipik, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

If we only use victims' statements in our efforts to establish the facts, then we will only learn the facts about direct perpetrators and not about their leaders, those who initiated ideologies that prompted and those who held important government positions and who planned and organized the whole thing.

Perpetrators – who are they? If we play down the whole event to a story told by a victim, if we only listen to victims telling us about their suffering, in the end we will only conclude that the ordinary people were victimized and that the war crimes perpetrators are only those who committed the crimes directly. We will not learn about the leaders, instigators of politics and ideologies, state officials, who planned and organized the whole thing. We will not get where we want to be.

Statement: Željko Špelić, Croatian Officers' Assembly of Pakrac and Lipik, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

In order to collect the facts, we need to restore mutual confidence.

We have to define our mutual relations and gain the confidence of each other. Then we will be able to start collecting facts. If that doesn't happen, I am not an optimist.

Statement: Željko Špelić, Croatian Officers' Assembly of Pakrac and Lipik, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

RECOM should deal with establishing the facts and reconciliation and establishing the causes of the conflict is the next step.

First of all, I see RECOM, literally, as a step in the direction of establishing the facts about war crimes during the recent conflict, pure figures, to try to find out how many people really lost their lives and possibly find out something about the perpetrators, reaching as far up the political hierarchy as possible, to get the facts on those who had command responsibility at the time of the events, those who initiated actions which ultimately resulted in war crimes (...). So, I am here trying to insist that RECOM remains focused on the facts and the talk about reconciliation and what caused the war should be considered the next step.

Statement: Adnan Hasanbegović, Center for Non-Violent Action, Bosnia and Herzegovina, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

The international community is the main culprit. If it was powerful enough to stop the war, it was certainly powerful enough to prevent it.

And who really committed the crime? I would single out the international community as the main and most important culprit. Did the ladies and gentlemen representing civil society groups ever dare come up with a thesis like this? Did you ever bring it up with any of the international community representatives, although they partially finance such projects, that they started the war and that they ended it. In Bosnia they left the war unfinished, and I don't think that it can end peacefully; conflict may break out again in one hundred or so years (...) because if the international community was able to stop the war, it was certainly able to prevent it in the first place.

Statement: Ivan Burić, HVIDRA Trešnjevka, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

There are three levels in the fact-finding process: a local commission collecting data in the field, a national commission formed by Parliament, and finally, the Regional Commission, consisting of the representatives of national commissions, which verifies that all national commissions abided by the same standards and submits the final document for adoption by national parliaments.

So, this is how I understand the organizational scheme of the Commission - there are three levels: a local commission acting locally and collecting data, facts, documents, victim statements, and anything that's available locally. National commissions are

those formed by the Parliament and in order for them to be able at all to approach RECOM, they should allow members of other national commissions to join them in order to preserve their objectivity. In other words, those who come from other states should confirm that a particular commission used a standardized procedure and form in conducting its work. And as I have already said, the regional commission should only be a verifying authority, maybe bringing a conclusion reached at a meeting or an assembly that all national commissions abided by the same standards. After that the regional commission submits to its respective parliaments the final documents for adoption.

Statement: Ljiljana Canjuga, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

The commission must be independent from political influence but it should be obliged to regularly inform the public.

We always stress the need to make the commission independent from politics (...). That's number one, it has to be free from any political impact (...). But its independence should not be used as an excuse for not informing the public about its work. It should be in a way controlled by the public so that we don't lose the interest of the public in the whole. We don't want to be sitting for several years quietly working on it without informing the public about it.

Statement: Ljiljana Canjuga, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

64. Local consultation with civil society on the Initiative for RECOM

**Mitrovica/Mitrovicë, Kosovo
October 29th 2009**

A local consultation with civil society on the Initiative for RECOM was organized by the non-governmental organization Youth Step (Vučitrn, Kosovo.) Forty-six participants: representatives of non-governmental organizations from the region of Mitrovica/Mitrovicë, Vučitrn, and Srbica, by members of the press, students, representatives of the Islamic community, physicians, historians, and interested citizens attended the gathering.

Speakers were Ylber Maxhuni (Youth Step, Vuči-

trn, Kosovo) and Amir Kulaglic (Srebrenica, Bosnia and Herzegovina). The discussion was moderated by Nazim Bahtiri (Youth Step, Vučitrn, Kosovo).

Suggestions, opinions, and recommendations

The commission should deal with the facts but it should also give space to traumatized victims.

I think that this commission should, in addition to dealing with the facts, give space to the victims who are still trying to forget their wounds, be it physical or emotional.

Statement: Xhavit Mehmeti, Youth Sector, Municipality of Vučitrn, Kosovo, Local consultation with civil society on the Initiative for RECOM, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

Making an apology is not enough. Serbia should pay reparations for all the crimes it committed.

It is not enough just to apologize; Serbia should pay reparations for the crimes committed in Kosovo.

Statement: Mentor Hasani, Youth Step, Vučitrn, Kosovo, Local consultation with civil society on the Initiative for RECOM, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

Will it be possible to create the commission if Serbia refuses to recognize Kosovo?

Will it be possible to create the commission if we know that Serbia is against Kosovo's independence and still considers Kosovo to be part of its territory?

Statement: Flakadan Azemi, Vučitrn/Vushtrri, Kosovo, Local consultation with civil society on the Initiative for RECOM, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

An independent commission can do a lot but only if it is neutral and just. It should not be impartial to any one side.

If we want to form a commission then it should be neutral and independent and it should work in a manner acceptable for all communities, a commission which will work for the benefit of all and not just one community.

Because RECOM, and its name speaks for itself, is a regional commission and it encompasses the entire region and the only correct way is to encompass all ethnic communities in order to obtain as

many facts as possible. (...) And it is important that the Serbs are a part of this process. And why is it important? Mr. Amir Kulaglic explained that we should all conduct some investigation within our own community, not only because the crimes were committed against us but because we need to investigate the crimes committed by members of our community against others.

Statement: Rexhep Lushta, Islamic Community in Mitrovica/Mitrovicë, Kosovo, Local consultation with civil society on the Initiative for RECOM, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

RECOM should encompass all crimes committed by the Serbian forces against the Albanians in the Preševo Valley (Preševska Dolina) during the conflict with the Kosovo Liberation Army of Preševo, Bujanovac, and Medveda.

I don't know how much the Preševo Valley is going to be included in the process and it is important that it is because many crimes were committed there. Many people went missing and we don't know where they are. So, the Preševo Valley, Preševo-Bujanovac, and Medveda should be included. The war in this region went on for a year, maybe it wasn't a war, call it whatever you want, but we call that period a war because many people were killed or went missing so that for us it was a war. I would like to know if the commission intends to cover these areas.

Statement: Nexharije Islami Pllana, Dona, Mitrovica/Mitrovicë, Kosovo, Local consultation with civil society on the Initiative for RECOM, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

Albanians are guilty for the violence in 2004.

We should not (...) connect the events from 2004 with the war events. What happened in 2004 is our own fault and we are the only ones to blame for that. We should be held responsible for everything that happened, for the churches, the houses, and everything that happened in that period and we should bear the responsibility for all of it. We should learn a lesson from the war about what we mustn't do to other communities.

Statement: Musa Mustafa, Koha Ditore, Kosovo, Local consultation with civil society on the Initiative for RECOM, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

It was suggested that RECOM should investigate possible war crimes committed by the NATO forces during the 1999 bombing campaign.

I don't know that the NATO committed any war crimes during the bombing. They targeted mili-

tary targets, state buildings, and the Serbian forces' command posts which ordered the crimes and the deportation of the Albanian population from Kosovo.

Statement: Musa Mustafa, Koha Ditore, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

We need to obtain data from NATO (...) and find out how much uranium they dropped here. We know that uranium causes all kinds of illnesses and since there are some physicians here among us, I would like to ask them how it affects people and what kinds of illnesses it can cause.

Statement: Nexhmedin Munishi, Turkish Democratic Party, Vuçitër/Vushtrri, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

There are various opinions about whether war crimes perpetrators should be granted amnesty or whether their sentences should be commuted.

I don't think that war crimes perpetrators should be granted amnesty and I would not recommend their sentences to be commuted.

Statement: Nexharija Islami-Pllana, Dona, Mitrovica/Mitrovicë, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

There are approximately 1,900 missing persons in Kosovo and if our only chance to find out the truth about the missing persons is to talk to the convicted war crimes perpetrators who will tell us what they know in return for a less severe sentence (...) If not like this then what interest would they have in talking to us?

Statement: Besarta Vasija, Humanitarian Law Center Kosovo, Pristina, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

Victims have a need to be heard and they want others to recognize their suffering.

Each day we face post-traumatic stress syndrome in people who have been exposed to war crimes (...) They keep seeking medical assistance all the time, they suffer from psychosis, and it is clear that the government has done very little for them. Non-governmental organizations, too, did very little because they could have organized such gatherings more frequently to provide space for these people to talk, even if it is just to be heard.

Statement: Nexharija Islami-Pllana, Dona, Mitrovica/Mitrovicë, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

Civil society should help create collective memory about the past lest we forget what happened and not only in Kosovo. For that reason it is important to have a regional commission.

The families will never forget what happened. However, as civil society and society as a whole, it is our obligation to uphold the creation of a collective memory about the past so that we never forget what happened in Kosovo and elsewhere. That is why the commission must have a regional character.

Statement: Bekim Blakaj, Humanitarian Law Center Kosovo, Priština/Prishtinë, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

I think that our obligation is to help this commission (...) we should not dwell too much on whether the Serbs are going to apologize or not. It does not really matter; the time will come for that. However, the problem is to identify all cases, to make an exact record, and have it printed.

Statement: Musa Mustafa, Koha Ditore, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

RECOM should investigate all allegations of mass graves locations. For the last ten years it has not been allowed to build a new mosque in the place of the one that was demolished in Mitrovica/Mitrovicë because it is believed that the bodies of the killed people are there. Regardless of citizens' requests, it has not been done yet.

There used to be a mosque in Mitrovica/Mitrovicë at the very bank of the Ibar River. This mosque was demolished ten years ago and now they will not let us renew it or build a new one. Unfortunately, people believe that the bodies of the killed people are underneath the mosque and there are even people ready to testify about it. We have informed many people about it but nobody has ever come to investigate it although it is in the heart of the town of Mitrovica/Mitrovicë.

Statement: Rexhep Lushta, Islamic Community in Mitrovica/Mitrovicë, Kosovo, Local consultation with civil society on the Initiative for RECOM, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

RECOM should deal with the destiny of the missing and it should also address the issue of victims of sexual and psychological torture.

RECOM should definitely try to make a list of the missing. However, we should not forget the victims

of violence, from physical to sexual violence.

Statement: Rexhep Lushta, Islamic Community in Mitrovica/Mitrovicë, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

RECOM commissioners and members of the commission should be professionals and they should hold high ethical standards. They should be lawyers, economists, sociologists, physicians, victims' family members, representatives of civil society.

RECOM commissioners and members of the commission should be educated professionals, lawyers, economists, sociologists, physicians, victims' family members – all those who can help us collect and make public the facts about war crimes.

Statement: Musa Mustafa, Koha Ditore, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

The people that we need the most in the fact-collecting process ... should be lawyers, family members of the killed and missing, as well as representatives of civil society.

Statement: Bashkim Asllani, Exploring Intelligence, Bećuk/Bequk, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

RECOM should guarantee security to members who disclose information about possible locations where the bodies of the missing are hidden.

When the Serbs are present, we should guarantee them security if they tell us where our missing family members are. They are afraid because if they tell us their government may kill them, put them in jail, or even kidnap their children. They should be offered protection, for example, if they tell us where the bodies of our loved ones are, we will not tell anyone who gave us that information.

Statement: Nexhmedin Munishi, Turkish Democratic Party of Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

RECOM should protect the identity of rape victims. If a person or an institution gains their trust, they will tell their story.

In the medical field, when we talk about a patient, we don't reveal fully the patient's identity. We only state the age, gender, region, the event in its entirety, and this procedure should be applied with rape victims. That is a way to avoid the stigmatization of victims. Once they trust a person or an institution,

they will tell their stories.

Statement: Nexharija Islami-Pllana, Dona, Mitrovica/Mitrovicë, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

Religious communities should be included in the process because religious leaders can win the trust of the victims and they can motivate them to talk about their suffering.

When it comes to religious communities and their leaders, I think that they should be included in the process because of the very important role they may play. People trust them and (...) if they are honourable enough in all communities and put politics aside and be objective, I think that victims may actually trust them and they would tell them what happened to them.

Statement: Rexhep Lushta, Islamic Community in Mitrovica/Mitrovicë, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

The International Red Cross and all other organizations that have at their disposal information about the events in Kosovo should be included in the RECOM debate.

I think that it is important to include the International Red Cross and all other human rights agencies that have information about the events in Kosovo and the crimes committed there.

Statement: Blerim Ibrahim from Vučitrn/Vushtrri, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

65. National consultation with intellectuals

**Sarajevo, Bosnia and Herzegovina
November 7th 2009**

The consultation with intellectuals was organized by the Association of BH journalists and attended by Law School professors and their teaching assistants, representatives of non-governmental organizations, Missing Persons Institute of Bosnia and Herzegovina, organizations offering psychological support to victims of war and war crimes, Serbian Civic Society, Research and Documentation Center, the Council of the Congress of Bosnian Union Workers, and independent intellectuals. Speakers were Nataša Kandić (Humanitarian Law Center, Serbia) and Bogdan Ivanišević (International Cen-

ter for Transitional Justice). The discussion was moderated by Dženana Karup-Druško (vice-president of the Association of BH journalists, BiH) from Sarajevo and Vehid Šehić (Tuzla Citizens' Forum).

Suggestions, opinions, and recommendations

It is important for all victims to be recognized and respected across the entire territory of the former Yugoslavia.

In addition to their local community and their state, all victims ought to be recognized by other people as well, to make sure that everybody knows what happened to them. And this consultation process proves just that, to be heard by victims from other ethnic groups and societies, to be heard by those who were not victims, too, and to be reassured that they care about them.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

The main obstacle in our efforts to shed light on our recent past are politicians and that segment of the general public who perceive "their own" perpetrators convicted of war crimes as heroes.

There is no readiness to recognize the fact that crimes have been committed. Instead we have politicians who think it is a good idea to send a government-owned plane to pick up a war crimes perpetrator who has publicly recognized that he has committed a war crime, though he later denies it... That sent us all a clear message. And we expect these same people to raise two fingers tomorrow for any kind of access, regional, or national, to participate in creating conclusions about what happened in the past. That's why I think this is not the right time to do it.

Statement: Amor Mašović, Missing Persons Institute, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

And in the end, the convicted war crimes perpetrators, I think of those indicted by the ICTY, returned victoriously to their countries and it did not only result of political manipulation, but because that's how the public feels about them.

Statement: Zdravko Grebo, law professor, Faculty of Law, Sarajevo, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

In a small town near Sarajevo, a convicted war criminal was welcomed home at a football stadium with flags and music. Another was received in the Presidential Palace of Bosnia and Herzegovina. The third was flown home by a government plane. Therefore, I am not quite sure if the existing state structures are willing to give any significant contribution to the fact-finding process.

Statement: Josip Muselimović, lawyer, Mostar, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

The commission can significantly advance the search for the missing, but there is a fear that this commission will divert the funds donated for exhumations and identification of mortal remains.

The idea as such is extremely noble and I am quite sure that a regional or a national commission can advance the search for missing persons, it can have better access to state organs, institutions or individuals and I am sure that witnesses will speak more freely to representatives of the Humanitarian Law Center or to members of a national or regional commission than to some [national] state institutions. I am afraid that a national or regional commission could divert the funds needed for further identification of mortal remains or specific identifications because the states only dealt with exhumations so far.

Statement: Amor Mašović, Missing Persons Institute, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

Although the judgments handed down by the ICTY indicate the character and the causes of the wars waged on the territory of the former Yugoslavia, the commission will not be able to deal with the causes of these wars.

Many facts are already known and based on the judgments handed down by the ICTY, we have a pretty good idea about the causes and the character of all wars waged throughout former Yugoslavia (...), we have a glimpse at the truth about what happened (...) However, it will almost be impossible for the members of the commission, whoever they are, to deal with the causes of the wars in the former Yugoslavia.

Statement: Amor Mašović, Missing Persons Institute, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

Public testimonies of victims will help us learn about the suffering of others.

I am in favour of public testimonies of victims. But we need to think of ways how to do it. They are what victims need. They are what we all need; all of us who still don't have a slightest idea about happened to others. So, I support that kind of approach (...). What we don't know is the truth of ordinary people, who don't have access to the media, who have no means of expressing themselves (...) although they wish to. They are not witnesses in war crimes trials; they are not capable of writing books about their suffering. All they want is to use simple language, the language typical for their culture and tell us what hurts. Well, that's what we don't have and what probably can't be obtained through war crimes trials, but I hope we can achieve it in a way presented to us by this initiative. That is what I support, but I am not raising my hopes too high.

Statement: Amor Mašović, Missing Persons Institute, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

What I think our problem is, and I don't know how to overcome it, is finding the right way to approach that segment of the institutional framework which is necessary to have in order to make this whole thing valid, considering the kind of politics we have right now. Where should we start from? In my opinion, we can't go all the way back to the history of the 18th, 19th, or the 20th century. We must start from what we have right now, the history of the last 20 years. But which is the right way to go? Public testimonies are the way to go because the public has no way of hearing victims' testimonies in any other way, but that of course requires the media to be more deeply involved and dedicated to the entire idea (...). There are numerous undeniable stories and they are rarely heard (...). The question is why am I the only person here from Banja Luka? (...) I give my support to this and so does the organization for which I work, but I don't want to be sceptical.

Statement: Lidija Živadinović, the Helsinki Parliament of Banja Luka Citizens, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

You can only defend the victims from your community if you condemn the perpetrators in your own midst.

If it is possible to reposition a victim in this whole story and allow it to be not only a witness but a prosecutor, too, then we would be able to do something. Since there are no means to justify the crime, and since the crime can only be condemned, then the victim should be the one to condemn the crime. In other words, victims should tell the war crimes

perpetrators in their own midst that they should not have defended them by committing crimes against others and that they should not go on defending themselves by claiming they did it for the victims (...). The only way you can defend your victims is by condemning the war crimes perpetrators in your own midst.

Statement: Esad Bajtal, philosopher, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

No one can deny the need to establish the facts about the past.

Fact-finding is something that is very difficult to deny as a prerequisite to be able to start a serious and honest discussion about the horrors of the wars that happened in this region.

Statement: Zdravko Grebo, law professor, Faculty of Law, Sarajevo, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

The regional approach is not only needed, it is indispensable. It opens a way to deal with crimes and our own responsibility.

If our primary task is to deal with the crimes committed directly or indirectly, it is all the same to me because we are talking about responsibility in general, then let's keep it our primary task. The only problem is that I may not be encouraged by the people I trust from Belgrade, Zagreb, Priština, or Podgorica, and this whole enterprise may turn out to look like treason and you may hear things like "if they are talking about their crimes, then we should talk about ours", right... The regional approach is not only needed, it is indispensable.

Statement: Zdravko Grebo, law professor, Faculty of Law, Sarajevo, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

We should not expect government institutions to make a huge contribution (...). It is exactly a commission like this, acting at a regional level and cooperating between nations, that may have better results (...).

Statement: Josip Muselimović, lawyer, Mostar, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

One of the conditions for RECOM to be formed is that Serbia recognizes Kosovo, and as things are now, that will not happen in the near future. What are the options to solve that problem?

The governments that agree to form RECOM and a

regional fact-finding project must recognize Priština, must recognize Kosovo and the other way around. I really don't see it happening at this moment or in the near future, Belgrade and Sarajevo recognizing Kosovo, for their different reasons.

Statement: Amor Mašović, Missing Persons Institute, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

During the debate on the creation of RECOM it is important to make sure that all participants are equally informed and then it is necessary to tell the truth about the shortcomings and the advantages of such a truth commission.

I think that at such gatherings and during consultations like this one, and I support them, make no mistake about it, and as Professor Grebo says, it is necessary to present the whole concept to those who are not so much familiar about it, tell them about the flaws and the advantages of such a truth commission and open a discussion in that direction.

Statement: Midhat Izmirlija, Faculty of Law, Sarajevo, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

The facts are our weapon to prevent any kind of manipulation of the truth.

Through the judgments handed by the Hague Tribunal it was established that all sides committed war crimes. That is indisputable, and that is very important to me. What we need to do, and I think we all agree on this is to help official institutions, first of all our judiciaries, but we also have the Missing Persons Institute and other institutions formed at the state level for that purpose. This commission has some chances to find the facts and as we like to say, open the soul of a victim or some witness and allow them to present their perspective on a particular event. And that is the really big role of the truth commission called RECOM and that is our main task. The facts will prevent anyone from manipulating the truth.

Statement: Vehid Šehić, Tuzla Citizens' Forum, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

Individuals who were positioned high in the command chain and who were not indicted of war crimes should be invited to consultations like these and they should tell us who ordered them to commit war crimes.

It is important to invite individuals who participated in the war, who issued commands, not those indicted by the ICTY, but those who were commanders during the war and whose names never came up in the context of war crimes. They should tell us who ordered them to commit crimes and what they ordered their subordinates to do. They should also tell us why they chose to take under their wing members of the paramilitary units that committed war crimes (...). I am personally convinced that this commission should be able to do something, but only if its members can agree on important starting points.

Statement: Veljko Droca, Serbian Civic Council, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

RECOM should be mandated and obliged to work with the social environment, to make sure that the process of searching for justice and facing the truth is the need of the societies rather than the need of certain structures.

I strongly support this idea. For the last five years I have been working with victims from Srebrenica and I have an idea how this works. The judiciary hands down a judgment. The culprit is identified and victims are stigmatized once their victim status and the torture they suffered are recognized. The fact is that our young generation, and I'm talking about a region in North-eastern Bosnia where we conducted a mini-research, has been influenced in a way that guarantees that they will become warriors who will try to undo all injustices from this war. That is a fact (...). I would like to suggest that RECOM is under an obligation to work with society, to make sure the process of searching for the justice and facing the truth is the need of society rather than the need of some structures in the society. We are not going to do much if we don't approach it in this way.

Statement: Salih Rasavac, Koridor, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

It is mandatory to include religious communities in the debate on the past.

Religious communities must be included in the process because of the huge influence they enjoy. But they must sincerely demonstrate, not just for the sake of the form, that they want to deal with the past.

Statement: Vehid Šehić, Tuzla Citizens' Forum, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

The commission should publish a selection of texts from journalists who prepared the implementation of the idea that led to the commission of the crime.

I support this initiative because regardless of how many different chapters are dealing with this problem, it is never enough because the crime is universal. RECOM should publish a selection of the most indicative texts by journalists who supported the war and helped implement the idea to commit war crimes.

Statement: Ibrahim Bušatlija, the Council of the Congress of Bosniak Intellectuals, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

The basic and logical reason to form this commission is: we have mass graves, we have victims, we have mortal remains, yet we don't have criminals and perpetrators.

And again, the basic and logical reason to form this commission: there are mass graves, there are victims, there are bodily remains, but there aren't any criminals and perpetrators.

Statement: Esad Bajtal, philosopher, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

The regional commission is important because of the register of victims which will demonstrate that "the other side" also had victims.

It was very important for me to attend this gathering because I really support this idea. I heard about it before and I have read some materials, I closely follow this thing, and that's why I am here. I think that this regional commission is very important because once we get these lists of victims many will realize that, to use their language, "the other side" had victims, too. Why am I reducing the entire idea to that? Because I come from a town where everything, including water and the air we breathe is divided. Everything is doubled in a city raising future fighters on these facts. Every institution, from day-care to university is either "their" or "our" (...). I still haven't heard a single victim say that he or she was satisfied once the sentence was handed down, even if it was a 40 year prison sentence. Victims don't get any satisfaction out of the sentences. Everything remains the same. What continues is a feeling of emptiness and dissatisfaction, the feeling that there's no justice.

Statement: Sead Đulić, Center for Drama Education and the Young People's Theatre, Mostar, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

The biggest obstacle is an association of religion and bad politics.

This is a courageous and ethical act, worthy of respect and support – what we are trying to do here, in order to come closer to the truth and true facts. But if you ask me, the biggest challenge is to overcome the negative impact of religion combined with bad politics. Religion is today the most dangerous politics. Religion forgets its most important postulates because politics is more important. Religious communities are in fact political parties and they are being accepted by these people here.

Statement: Lazar Manojlović, professor from Bijeljina, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

66. National consultation with women's groups on the Initiative RECOM

**Tuzla, BiH
November 11th 2009**

The national consultation with women's groups on the Initiative RECOM in Tuzla, was organized by Vive Association of Women from Tuzla, BiH. The gathering was attended by 40 representatives of non-governmental organizations from Bosnia and Herzegovina advocating the rights of women but also dealing with the issue of women victims of war. There were two participants from Croatia and two representatives of the OSCE regional office were monitored the event. Introductory speeches were given by Vesna Teršelić (Documenta, Croatia), Aleksandra Letić (Helsinki Committee for Human Rights in Republika Srpska), and Teufika Ibrahimfendić (Vive Association of Women, Tuzla, BiH).

Suggestions, opinions, and recommendations of participants

All governments in the region are strongly against establishing the facts about war crimes because many of those responsible for some of these crimes are holding government positions.

In Bosnia and Herzegovina, but in other post-

Yugoslav states too, there is a lot of opposition to establishing the facts about war crimes and other serious human rights violations. Why? Well, I believe the reason is the fact that some people responsible for certain war crimes are members of these governments.

Statement: Amir Kulagić, Srebrenica, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

A list of victims accompanied by basic facts about the victims including where the victim was killed, what the victim's occupation was etc.

I am in favour of an individualized, personalized list of victims, so that we know who the victim was, what the victim's occupation was, where the victim lost his or her life, and under what circumstances.

Statement: Amir Kulagić, Srebrenica, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

Facts will give us a starting point to conclude the causes of the conflict. RECOM must establish the reason why there is a conflict in this region every 30, 40, 50 years during which people commit horrific crimes.

Based on the facts we establish, I believe we are going to be able to have some idea of the causes of the crises in the Balkans (...). The causes of the conflict are very important. If RECOM is unable to get some idea of the causes that brought on the whole war story (...) well, we can say we didn't do anything important (...). For us here it is very important to come to a realization about what causes a conflict in this region every 30, 40, 50 years and forces people to commit crimes.

Statement: Fikret Grabovica, Association of parents of the children killed during the siege of Sarajevo, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

RECOM should encompass the period preceding the war since these were the years when preparations for war were underway.

In Srebrenica, for example, three years before the war broke out some people had made roads through the woods. Why did they make roads through the woods? They said they needed them for exporting timber. But they were just preparing for the war. They also drove away arms and ammunition belonging to the territorial defence in Srebrenica.

My husband was an intellectual, he knew what it meant. He asked Savo Aleksić, Chief-of-Staff of the Srebrenica Municipality and the Chief-of-Staff of the Internal Affairs Secretariat (SUP): "Savo, what are they doing?" and he replied: "Too old, I guess. They want to bring in the new ones." However, the town was left without any means to defend itself. That meant they were preparing for the war. And we, RECOM, will have to start with these facts to be able to know why it all happened. Somebody planned these things in advance.

Statement: Kada Hotić, Mothers of Srebrenica, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

Victims have a need to tell their stories and they must trust the people they are talking to. They want to be listened to and they need to be understood. They need to reinstate their confidence in their own potential and dignity. That is the only way they can be empowered enough to testify in public.

Victims feel the need to talk (...) to be heard, to be understood and respected. They want to have their dignity back (...). Victims need to start believing in their own potential to be able to trust others (...). They have to believe they can do it, they have the power to do it (...). That is how we can create a document that will help us make a timeline of events.

The judiciary, as I said, is tasked with establishing the truth, but they cannot satisfy the needs of the victims. Victims need to talk if anyone will listen. We must say honestly that many people try to avoid listening to victims' stories. When we talk about public hearings of victims, we mean that victims are talking to somebody who is listening. They will not talk to a wall. They want to be heard, understood, respected, and they want their dignity back.

Statement: Teufika Ibrahimfendić (Vive Association of Women, Tuzla, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

All victims' stories must be heard. That means respect and not equalization of victims.

I don't want to get in the middle of what happened in Kalinovik, what happened in Konjic, what happened in Mostar, because I don't know these stories. I want to receive them with respect and not with judgment; I don't want to evaluate whose story is more horrific because all stories are different. That is the only way. That does not mean

that we are making all stories equal because we know what the main issues are – Srebrenica, the beginning of the war, Kapija, Merkale Market in Sarajevo, and all other places where mass crimes happened.

Statement: Teufika Ibrahimfendić (Vive Association of Women, Tuzla, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

The regional commission enables us to find out the truth about the people in Srebrenica who fled to Montenegro in 1992 and who were deported from Montenegro only to disappear without a trace.

Why do we need a regional approach to establishing the facts? Well, we can't know what happened in Srebrenica – a group of people from Srebrenica, my neighbours, left for Montenegro in April 1992 (...) only to be soon afterwards deported by the Montenegro government to the so called Republika Srpska police. They were all killed. We never found out anything about them (...). So, I am asking you: how can we learn the truth about these people if we do not apply the regional approach? If we don't make the government of Montenegro open their state archives and tell us what happened and where these people were sent, those responsible for destiny will never be brought to justice.

Statement: Amir Kulagić, Srebrenica, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

RECOM needs to investigate the destinies of many children who became victims during the war.

We are talking about the killed, the raped, about veterans. I think it is good that the gentleman is here today because I think that RECOM really needs to investigate the destinies of many children who became victims during the war.

Statement: Rosama Milić, May 22 Association, Kapija, Tuzla BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

The central commission should be a bridge between victims' associations and the judiciary and it should have sub-commissions with a pre-determined information flow protocol in place.

I think that it (...) should be a central commission with a series of sub-commissions which (...) will function in accordance with a precisely defined information flow protocol (...). The central commission

should be a bridge between victims' associations helping the victims of war and the judiciary (...) and also put pressure on our governments to help us solve these problems.

Statement: Aida Omeragić, Medica, Zenica, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

Facts about victims and war crimes will curtail the circulation of various conspiracy theories and put an end to a war crime denial culture.

It is very important to provide exact personal information about the victims and for everything else that will be within the mandate of the commission so that exact numbers can be determined. That should be done in order to (...) cut short all sorts of conspiracy theories and war crimes denial culture.

Statement: Teufika Ibrahimfendić (Vive Association of Women, Tuzla, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

RECOM should be made up of people other than politicians and celebrities from the field of culture, science, or sports. Members of RECOM should be anonymous persons with high moral integrity, not burdened with the heritage of the past, individuals able to look out for the best interest of everybody.

Only people other than politicians and celebrities from the area of culture, science, or sports should become members of RECOM. Members of RECOM should be anonymous persons with high moral integrity, not burdened with the heritage of the past, individuals interested in doing what's in the best interest of all parties. They must be honourable people who will not put their personal interests before the interest of others.

Statement: Edin Turić, May 25 Association of Citizens, Tuzla, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

I think it would be wise to come up with criteria which would be respected by all members of the commission. They should be profiled as persons with high moral integrity, unburdened with the legacy of the past. Only people fitting that profile can draw conclusions from all this.

Statement: Fikret Grabovica, Association of parents of the children killed during the siege of Sarajevo, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

There are no proper system solutions in BiH

for the war reparations issue. RECOM should help solve this problem.

The most frequent form of redress in BiH is government sponsored reparation system which is offered to civilian victims of war, handicapped war veterans etc (...). There are no system solutions in place (...). They approach this issue in a very limited way, it all comes down to monthly payments, compensation for physical injuries and impairment or on account of a killed or missing family member, on account of sexual abuse, rape, etc.

Statement: Teufika Ibrahimfendić (Vive Association of Women, Tuzla, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

May 25 Association Kapija will join the Coalition for RECOM if it is independent of political influences.

We will be glad to join the Coalition for RECOM if it is not going to be under the patronage of any political option in any of the post-Yugoslav countries.

Statement: Edin Turić, May 25 Association Kapija, Tuzla, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

The lack of interest in the media for this topic indicates that the state is not interested in hearing about the past. They keep sending a message that the past is best forgotten and that we should focus on economic issues.

In reality, the lack of media interest for this topic reflects the lack of interest of the state to learn about this [the past]. I think that the state simply does not want to hear about it and keeps telling us that we should forget the past and focus on economic issues.

Statement: Jasna Zečević, Vive Women, Tuzla, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

Special training should be organized for journalists so that they can understand the instruments of transitional justice.

Separate trainings should be offered to journalists in order to better inform them about this topic and transitional justice mechanisms.

Statement: Zorica Rokić, PAN Radio, Bijeljina, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

67. Consultation with the local community on the Initiative for RECOM

Šabac, Serbia
November 13th 2009

The consultation with the local community in Šabac was organized by the Youth Office of the City of Šabac (Serbia) and they were attended by 23 participants, representatives of the local self-government, municipal committees of parliamentary political parties, journalists, cultural workers, and non-governmental organizations. Speakers were Marijana Toma (Impunity Watch, Serbia) and Dragan Popović (Humanitarian Law Center, Serbia) who also moderated the discussion.

Suggestions, opinions, and recommendations of the participants

RECOM will help both younger and older people understand what happened in the past.

This truth commission and the initiative around it, I think (...) will be very good for younger generations, it will help them understand what happened in the past and it will offer the real truth to those of us who are older.

Statement: Ana Lazić, Youth Office of the City of Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

If we fail to establish the facts, the past will haunt us forever.

Dealing with the past is a necessary process and we should start it as soon as possible because for as long as we don't know the facts, the past will haunt us.

Statement: Ivan Dosković, Inter-Municipal Historic Archive, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

The commission should gather the facts about the destiny of the missing.

From a technical point of view it is a lot of work but I think that the facts about the destiny of the missing and the number of the missing should be established no matter what (...) and it is important that the right operational approach is chosen (...).

Statement: Đorđe Radović, Rotary Club, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM,

Šabac, Serbia, November 13th 2009.

Conflicts in BiH, Croatia, and in Kosovo are specific and they cannot be considered in the same context.

It is not the same, the conflict on the territory of Bosnia and Herzegovina, what happened between the Serbs and the Bosniaks, and what happened between the Serbs and the Albanians. In a way, that is a bilateral topic, and it is the responsibility of all nations, organizations, and individuals to deal with each of these conflicts individually... because they are all specific in their nature.

Statement: Đorđe Radović, Rotary Club, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

Victims should receive satisfaction which should lead to reconciliation.

I think that the most important issue for victims is satisfaction which will speed up the reconciliation process and help normalize life in this region.

Statement: Marica Lazarević, Liberal Democratic Party, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

Reconciliation is a lengthy process and depends on those who are still searching for the remains of their loved ones.

I'd say that reconciliation is a lengthy process and it does not depend only on those of us who are in favour of it but also on those who are victims and who are still searching for their loved ones and who want to be able to give them a proper resting place.

Statement: Ksenija Pantić, Liberal Democratic Party, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

In order to achieve reconciliation, it is necessary to find out the causes of the conflict.

If we are talking about reconciliation among the warring nations, so to speak, we must first find out what the nature of the conflict was.

Statement: Živana Lazarević, Youth Initiative Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

The only way we can have closure is to admit that a member of "my" nation committed a war crime.

The only right way to deal with it and have closure

is to have your opinion about these events and say "yes, that crime was committed by a member of my nation, I strongly condemn it and it should never happen again. I feel awful that it was done by the members of my nation, but I would also condemn it if it was done by other people".

Statement: Đorđe Radović, Rotary Club, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

Granting amnesty to war crimes perpetrators who want to talk about their crimes is a way to discover most horrific crimes.

Amnesty is a good idea because it may actually encourage (...) some war crimes perpetrators to come forward and tell what they know about some of the most horrific crimes (...) so that these crimes can be also processed in a court of law.

Statement: Ivan Dosković, Inter-Municipal Historic Archive, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

We are not able to reach a consensus on the amnesty issue in the region.

We have enough evidence already without bringing these criminals here to testify, so we don't have to talk about amnesty, but if we don't have enough evidence, then it may be a good way to collect more information (...). It is going to be difficult to reach a consensus about it on a broader level when I am unable to figure it out in my own head.

Statement: Ivan Čosić, Liberal Democratic Party, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

The only way to prevent relativization of war crimes is to establish the facts and have perpetrators admit their crimes.

It is important to raise awareness among the people to start fighting the relativization of war crimes (...) and it will be best achieved by establishing the facts and by having perpetrators admit the crimes they committed.

Statement: Ivan Dosković, Inter-Municipal Historic Archive, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

Morally speaking, it is not a good idea for RECOM to make a list of war crimes perpetrators because everyone is innocent until proven guilty.

RECOM should not make lists of war crimes perpe-

trators as it will go against the basic judicial premise that everyone is innocent until proven guilty. It would be like an act of proscription.

Statement: Ivan Dosković, Inter-Municipal Historic Archive, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

RECOM should investigate the events from the period 1991-2000.

The time frame for the investigation undertaken by RECOM should be 1991-2000, mid 1999 or until 2000.

Statement: Ivan Dosković, Inter-Municipal Historic Archive, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

Documentation collected by RECOM should be used by the judiciary.

When speaking about processing war crimes, it is important that the facts collected by RECOM are used by the judiciary in order to establish the responsibility for all war crimes.

Statement: Ivan Dosković, Inter-Municipal Historic Archive, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

The existence of a political will in Serbia to create RECOM is doubtful. Non-governmental organizations should lead the campaign for RECOM.

I think that there is no political will in Serbia to support this idea and I also think that RECOM can only be successful if it enjoys unwavering political support - the support of the government. Non-governmental organizations supporting RECOM should do more to create a positive image and to present this project in public.

Statement: Milan Nikolić, G17 Plus, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

All of us here have the best intentions, but (...) and I don't mean to offend anyone here, in reality, there is very little we can do without adequate political support which is ostensibly missing in our society.

Statement: Dušan Kostadinović, Democratic Youth of the Democratic Party, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

All countries in the region bear the burden of our recent past: are they going to be willing to create RECOM?

The entire territory of the former Yugoslavia is carrying the same burden, the burden of the recent past and everybody is having a hard time dealing with the past. I think that all these societies are lacking the political will to create such a commission and to allow it to do its job.

Statement: Ivan Dosković, Inter-Municipal Historic Archive, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

It is necessary to create a regional TV station or provide a time slot on all national TV stations to air public testimonies of victims so that the public can hear them.

We should either form a regional TV station which will air victims' testimonies or designate a time slot on national TV stations in which these testimonies will be aired so that the public can have a unique picture and so that citizens of all post-Yugoslav countries can have the same input about these testimonies.

Statement: Ivan Dosković, Inter-Municipal Historic Archive, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

The headquarters of RECOM should be in BiH because a vast majority of crimes happened there.

When speaking about the decentralization of RECOM, I think that RECOM headquarters should be located in BiH because a vast majority of crimes happened there and that is where most of our activity is going to be concentrated.

Statement: Marica Lazarević, Liberal Democratic Party, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

Members of the commission should only be from the region but it is reasonable to fear that it may fall apart for that same reason.

The commission, I think, should not have any out-of-the-region members simply because it would be complicated to make a selection. Rather it should just have representatives of the nations that participated in the war, so that they can slowly start talking about what happened. I am afraid that RECOM may also fall apart just like the former Yugoslavia did. Maybe members from other countries should be in charge of supervising the commission so it does not fall apart.

Statement: Dušan Višnjić, Youth Office of the City of Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

RECOM should investigate the events in Slovenia and Macedonia.

I think that RECOM should deal with the events in Slovenia and Macedonia.

Statement: Dušan Višnjić, Youth Office of the City of Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

RECOM should secure psychological support for victims and perpetrators who want to cooperate with the commission. This may be a way to obtain more information about the crimes.

In fact, RECOM should be an organization that offers support to victims and any individuals who directly or indirectly took part in war operations (...). We should try to come to some sort of understanding with them.

Statement: Milan Nikolić, G17 Plus, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

In order to implement the goals and the results of the process it is necessary to have the support of the European Union and of the international community in general.

The European Union can exert all kinds of pressure in different places and this whole process will be a lot more successful with that kind of support.

Statement: Marica Lazarević, Liberal Democratic Party, Šabac, Serbia, Consultation with the local community on the Initiative for RECOM, Šabac, Serbia, November 13th 2009.

68. Consultation with the local community on the Initiative for RECOM

**Vlasenica, Bosnia and Herzegovina
November 14th 2009**

Consultation with the local community in Vlasenica was organized by the Vlasenica 92-95 Association of Victims' Families (BiH) in cooperation with the Helsinki Committee for Human Rights in Republika Srpska (BiH). The gathering was attended 57 participants representatives of victims' families associations from Vlasenica, Milići, Bratunac, Hadžići, Zvornik, and Vogošće, representatives of the local community, Municipal Assembly member of the Municipality of Vlasenica, Chief-of-Staff of the Municipality Vlasenica and Municipality

of Milići. Speakers were Admir Kulaglič (from Srebrenica, BiH), Dževad Bektašević (Vlasenica 92-95 Association of Victims' Families, BiH), and Aleksandra Letić (Helsinki Committee for Human Rights in RS, BiH). The discussion was moderated by Hazim Mujčinović (Vlasenica 92-95 Association of Victims' Families (BiH).

Suggestions, opinions, and recommendations of participants

The facts must be investigated and experiences must be told and recorded in order to serve as a reminder to future generations.

Victims of torture and rape, families who lost their loved ones, everything they suffered and lost, they can never forget it because they live their lives with that pain, with these thoughts and secrets (...). But if these facts cannot be in any way removed or forgotten, then they have to be investigated, established, and documented; they must be interpreted in an objective and honest way (...). Experiences must be told and recorded in order to serve as a reminder to future generations so that they don't have to experience what we have experienced.

Statement: Amir Kulaglič from Srebrenica, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

RECOM can only be successful if it is free from all kinds of political influence.

Politicians in power in Bosnia and Herzegovina are very deft in manipulating (...) their own people (...). This regional commission is a good idea, but it will only be successful if it is completely void of all sorts of political influences.

Statement: Mladen Popović, Chief-of-Staff of the Vlasenica Municipal Assembly, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

Victims expect the commission to solve the issue of missing persons as soon as possible so that they can give them a proper burial and tell the whole world why it happened and who initiated it.

What we want is to find all the missing so that we can give them a proper burial. Also, we want the perpetrators to be identified and punished (...). We all want to show the world why it all happened and who initiated it.

Statement: Alija Dautović, Vlasenica 92-95 Association of Victims' Families, Tuzla, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

I buried my parents and my pain is agonizing, but believe me, it would be a relief only to know why they were killed. And that is the only relief many victims of the war may have (...). My family has been living in Vlasenica for a long time and I would really want to know why my parents had to be killed.

Statement: Temima Begović, Vlasenica 92-95 Association of Victims' Families, Tuzla, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

RECOM should cooperate with government institutions which are creating records and it should also set up victim data bases.

One very important issue when it comes to RECOM is that we cannot go past government, municipality, or entity institutions (...). There are institutions and bodies dealing with this problem, making these lists, and setting up data bases of victims.

Statement: Ahmet Grahić, Association of Bosniak Associations of the Missing, Sarajevo, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

The commission must not grant amnesty but it should give a recommendation to commute sentences for those perpetrators who give confidential information on mass graves.

I personally don't approve of the idea to give amnesty to war crimes criminals, but I am in favour of some sort of sentence reduction for those who are willing to disclose privileged information about the victims, about mass graves, and mortal remains. That's an idea I can condone.

Statement: Amir Kulaglič, Srebrenica, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

Victims cannot be equalled with veterans who lost their lives fighting.

Most people don't agree on the definition of a victim. Veterans who lost their lives fighting cannot be considered victims. There is a difference in cases of mass execution and those who were killed in action. I wish my brother had died in a battlefield instead of being executed blindfolded with his hands tied behind his back.

Statement: Ahmet Grahić, Association of Bosniak Associati-

ons of the Missing, Sarajevo, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

The goal of RECOM should be to use the facts in order to influence the education system in Bosnia and Herzegovina.

Since the end of the war we have produced four generations of students from elementary school to university students. That is thousands of our children who studied history from three different history text books (...). It would make me very happy if the facts established by RECOM can make their way into our history books.

Statement: Ahmet Grahić, Association of Bosniak Associations of the Missing, Sarajevo, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

We will make a first step forward when the victims start talking about what happened to them and when the criminals are held responsible for their acts.

It is my opinion that only a dialogue of victims' family members can lead to truth (...). All political dialogues should be forgotten (...) and it [dialogue of victims' family members] should be done in a way that guarantees the security of the victims who want to testify (...) for many victims are afraid to come forward and talk about what happened to them (...). And once victims are interviewed we can put pressure on prosecutors to put the criminals where they belong. That will be a step forward.

Statement: Kadeřa Rizvanović, Association of Women of Podrinje, Bratunac, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

RECOM will be successful even if only one victim is found and one perpetrator punished.

For that reason I would like to support this whole initiative and I am grateful that (...) we can offer at least some satisfaction to victims and if this initiative and this program help us find only one victim and help us identify and punish one criminal, it will be successful.

Statement: Alija Dautović, Vlasenica 92-95 Association of Victims' Families, Tuzla, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

Young people born during the war have very radical views which can help create a new space for new conflicts. Therefore, it is necessary

to establish the fact and stop interpreting the past arbitrarily.

What can be quite discouraging in certain situation is the fact that young people who were two or three years old during the war, are quite radicalized and have more extreme views than those who took part in the conflict on the territory of the former Yugoslavia. That can definitely create a new space for a new conflict. And the only way to put an end to it is to stop interpreting the past arbitrarily, in a manner that suits best our ethnic interests. We need to lay down the facts and create an authentic record, a truthful record of what happened, chronologically, and give these events the name they deserve.

Statement: Aleksandar Letić, Helsinki Committee for Human Rights in Republika Srpska, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

Victims' families should be included in the process and asked whether they want the commission and what kind of commission they prefer and what its mandate should be.

Victims' families (...), we should be included in the process because our word and our strategy must be heard, it must be told in public and this is an opportunity (...). We should not allow others to talk about us, we should speak for ourselves and we should say what kind of commission, if any, we want. We need to set its goals or its mandate and everything that needs to be done.

Statement: Mevludin Lupić, Association of the families of detention camp inmates and the families of the missing of the Zvornik municipality, Zvornik, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

The Report of RECOM should be a legally binding document for all governments on the territory of the former Yugoslavia.

The end result of the entire work of RECOM should be a document, a report that's legally binding (...) for all governments on the territory of the former Yugoslavia.

Statement: Alija Dautović, Vlasenica 92-95 Association of Victims' Families, Tuzla, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

All governments taking part in the creation of RECOM should provide the funds for its functioning.

RECOM should be financed by the governments of

post-Yugoslav states taking part in this project.

Statement: Alija Dautović, Vlasenica 92-95 Association of Victims' Families, Tuzla, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

Members of the commission should be honest and trustworthy people who will easily gain respect and command authority across the region. Members of the commission can be victims, too. Politicians must not be members of the commission.

RECOM commissioners must not be active politicians (...) and all commissioners must be honourable, trustworthy persons commanding authority and enjoying respect all over the region. Victims can also be RECOM commissioners. Why? Well, because they can set the right tone and help RECOM efforts to find the truth.

Statement: Amir Kulagić, Srebrenica, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

69. National consultation with non-governmental organizations on the Initiative for RECOM

**Sarajevo, Bosnia and Herzegovina
November 21st 2009**

The national consultation with non-governmental organizations on the Initiative for RECOM was organized by the *BH Journalist Association*. The gathering was attended by 43 participants, members of various NGOs from all parts of Bosnia and Herzegovina. Dženana Karup-Druško (*BH Journalist Association*, BiH), Nataša Kandić (Humanitarian Law Center, Serbia), and Aleksandra Letić (Helsinki Committee for Human Rights in Republika Srpska) informed the participants about the Initiative for RECOM.

Suggestions, opinions, and recommendations of the participants

War crimes were committed all over the territory of the former Yugoslavia. For that reason it is important to have a regional commission.

I would really like to see us compile a comprehen-

sive document listing all crimes committed in BiH for one of our upcoming meetings so that we can get an idea of the scope of the research we need to do (...). And the attack in Bijeljina resulted in the killing of a large number of Albanians living in BiH and that was done purposefully, to kill the Albanians and then explain it as an attack of Albanian irredentists. The bodies of the Albanian victims were secretly driven and buried in Kosovo and in Macedonia. And look at this situation now, those who did it came from another country and most of them returned home after they completed their task. The remains of the victims are in several countries and we are unable to do anything about it if we act locally or on the state level. And that is why the organization I represent chose to support this regional approach.

Statement: Salem Ćorbo, Return and Sustainable Living Association of Citizens, Bijeljina, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

The commission should deal with the facts about where, under what circumstances, and how each victim individually suffered. Looking for causes takes us back to ethnic communities.

I think that this commission should deal with facts explaining where, under what circumstances, and how each victim suffered individually. If we start interpreting the facts or searching for reasons why things happened, I think we will be doomed to end up in our ethnic trenches.

Statement: Nedžad Horozović, Center for Non-Violent Action, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

Association of the families of missing civilians and veterans of the Semberia region support the Initiative for RECOM and they will join the Coalition for RECOM if the commission is determined to treat all victims equally.

I apologize to all, but I have to tell you the opinion of the members of my Association: I was sent here to meet with you [talking to Nataša Kandić] as the person in charge of the campaign to create RECOM and ask you to address the members of my Association explaining all this and to sign the admission statement to join RECOM. And my duty here is just to say that, and of course, to tell you that we want all victims to be accepted and treated equally, just like you said, all victims must be treated equally and everything must be known.

Statement: Smilja Mitrović, Association of the families of missing civilians and veterans of Semberija, Bijeljina, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

Reconciliation as a societal need is indispensable in Bosnia and Herzegovina.

I take into consideration the fact that reconciliation is a private and individual thing and that we cannot force people to forgive or reconcile with someone, but I simply think that reconciliation as a societal process is very badly needed in Bosnia and Herzegovina.

Statement: Nedžad Horozović, Center for Non-Violent Action, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

Mothers from Srebrenica are offended by the word “reconciliation”.

I will say first of all, on behalf the Movement of the Mothers of Srebrenica and Žepa Enclaves Association that we salute all commissions, not only this one, but every commission in Bosnia and Herzegovina or elsewhere because it is always better to do something than to do nothing. We understand that dialogue is needed, but I must tell you that at this moment I am offended by the word “reconciliation”. I intimately know whether I can forgive somebody, whether I will be able to forget, but on behalf of thousands of mothers I cannot decide (...) whether they will be able to forgive or forget. So, I don't want this commission to mention the word “reconciliation”.

Statement: Munira Šubašić, Movement of the Mothers of Srebrenica and Žepa Enclaves Association, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

All victims must have a first and last name and for that reason it is indispensable to create a data base on the missing, died and killed.

We need a data base of all victims. Even 14 years after the conflict, we don't have a data base of missing persons. We definitely must have a data base because then nobody will be able to play with the numbers of the killed and the missing. But this data base must be correct. I support the work of Mirsad Tokača and others, but that was not enough. We need to go further because we don't want our children to be just numbers, they have to have names. In order to really do that, we must go door to door, town to town, village to village (...). That is the only

way to find out how many persons are missing, from all three ethnic groups. But I think that the disappearance of each child is a pain for the child's mother and no one else.

Statement: Munira Šubašić, Movement of the Mothers of Srebrenica and Žepa Enclaves Association, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

Victims need to talk about their pain and suffering and they need to be listened to.

It is so obvious to me that the people who personally or through their loved ones suffered great tragedies, injustices, violence etc. need to talk about their suffering. They need to say what happened and they want to be listened to.

Statement: Nedžad Horozović, Center for Non-Violent Action, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

It is necessary to start talking about the crimes committed against mentally ill persons. Some of them are lost without a trace.

I don't want to repeat myself, but we forgot a whole group of citizens, a marginalized group of citizens – the mentally ill persons who were victims of war crimes. As far as I know, and there is no available data because there is no research about it, many mentally ill persons are unaccounted for, regardless of whether they were institutionalized or stayed at home, and many became victims of various war crimes (...). I want to know how we can solve this problem and start talking about it. It is clear that even if they want to, they are probably afraid to talk.

Statement: Vahid Đulović, Fenix, Tuzla, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

Some participants are afraid that parliaments will not accept the initiative to create RECOM.

Let me say, first of all, that I fully support this idea. We have been dealing with this topic since 2001 through various research activities. But the most urgent issue bothering me is how we can influence parliaments to accept this Initiative.

Statement: Goran Bubalo, TERCA, section of the Bosnia-Herzegovina Council of Non-governmental organizations – BHVNVO, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

The Coalition for RECOM should monitor RECOM's activities.

I can tell you right now on behalf of the Center for the promotion of civil society that we will fully support the Commission (...). One of the mechanisms that this Commission needs is a monitoring mechanism, or maybe that word is too strong – when governments found some bodies, they don't like the word 'monitoring' anywhere near their bodies. However, I think that this Coalition for RECOM should be used to generate a number of various organizations, 10, 50, or 100, which will represent a counselling or a monitoring body, a partnership if you will, so that this body can represent this Coalition but at the same time some sort of a partner in charge of pressuring and mobilizing parts of the civil society (...) so, this Commission should have a partner in the Coalition and in the body which will be generated by the Coalition which will monitor, navigate, and negotiate with the commission, be a partner in this whole process.

Statement: Šefko Bajić, Center for the promotion of the civil society, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

Members of RECOM must be prejudice-free and able to resist influences of various political parties.

I think that a lot of groundwork must be done before the commission is founded and members of the commission must be people who are prejudice-free and able to withstand influences produced by political parties, especially the nationalist ones, because the nationalistic rhetoric brought us where we are today.

Statement: Fadila Hadžić, La Strada, Mostar, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

Non-governmental organizations, members of the Coalition for RECOM should be organized in sectors in order to give their best contribution to the creation of the Commission.

If each and every one of us here considers the mission of our organizations, we will realize that our organizations are moving toward the realization of RECOM's goals. Well, the question now is how to implement that. Maybe the best way is to organize the Coalition for RECOM in sectors, according to their missions so that we can act within our missi-

ons and contribute to the realization of set goals.

Statement: Salih Rasavac, Koridor, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

The Initiative for RECOM should be discussed within local communities so that citizens, victims, and refugees alike can give their opinions.

I would like these consultations to be held in smaller places so that they can be visited by ordinary people, victims, and refugees who can take an active part in the consultations process.

Statement: Svetlana Vuković, Luna, Rudo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

The Coalition for RECOM should lobby for the adoption of a law on the creation of the commission. Non-governmental organizations network and their infrastructure should be used for lobbying.

I think that one of the goals of the program part of the Coalition should be lobbying for the adoption of a law which will clearly define the goals and the purpose of the creation of the Commission and which will envisage the involvement of civil society organizations into the process from the very beginning. I agree with Mrs. Kandić that this is an open process, there are no ready-made solutions and that this is not a process going from the top down but on the contrary, from a grass-roots consultations process. And as Mr. Ševko said, we should use the existing infrastructure and make the most of it.

Statement: Milena Savić, Center for Info-Legal Support, Zvornik, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

The Coalition must have a strategy in place in case the governments in the region reject the Initiative for RECOM.

Some experiences show that the non-governmental sector can do something – register the victims. The Research and Documentation Center proved that, the Humanitarian Law Center is showing us that, and very simply, the work we are putting in here should be put to a good use and not wasted until the spring of 2011. So, we should know what we can do with the capacity we have ourselves in case

the governments in the region decide not to support this idea.

Statement: Sinan Alić, Truth, Justice, and Reconciliation Foundation, Tuzla, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

It is necessary to create a Regional Media Center which will control all information pertaining to the Initiative for RECOM.

I have a question: are minorities going to be included in the consultations process? I am thinking of Roma people, Jewish people and so on. And what I want to say as a professional, as a journalist is that we should create a regional media centre for exchanging information pertaining to our activities so that at all times we know what is going on in Croatia, in Serbia, or in BiH and Kosovo with respect to the activity of the Coalition. So, a regional media centre.

Statement: Dalibor Tanić, Youth Initiative for Human Rights in BiH, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

Various unions should be included in the consultations process.

I worked for a long time for a union here in the region and I can tell you that there is potential for what RECOM will do, so I would like to know how you intend to include unions, especially when talking about the time of war and serious work-related human rights violations, cases of forced labour and illegal employment terminations. Unions have a large number of members and they can give a serious contribution to this process.

Statement: Emina Abraham-Stoter, SIPU International, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

The bottom-up as opposed to the top-down approach guarantees the success of this initiative.

And I say that I like the 'bottom-up' approach because in our world everything is up-side-down and I think that's often the reason why so many things fail.

Statement: Emina Abraham-Stoter, SIPU International, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

It is necessary to make an overview of all sug-

gestions for the mandate of RECOM made in the up-to-date consultations process.

I would like to see a list of topics to be debated within the mandate of RECOM in Bosnia and Herzegovina for our next consultation session.

Statement: Salem Čorbo, Return and Sustainable Living Association of Citizens, Bijeljina, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

What I would like to do is to see a proposed model, a draft. This is the seventh time I have attended a consultation and I will not come again unless you tell me there is a proposed model for us to review.

Statement: Edin Ramulić, Izvor, Women from Prijedor Association, Prijedor, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

We need to include religious and academic communities. The Coalition for RECOM is an opportunity to overcome divisions and conflicts within government structures.

This whole concept should be extended to other societal structures, not just the civil society. I mean primarily religious and academic communities. However, they are also deeply divided. I see this Coalition for RECOM as an opportunity to overcome the existing conflicts in the government and government structures.

Statement: Jovan Divjak, Education Builds BiH, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

Everything needs to be done for the sake of young people so that they can accept, understand, and forgive.

There are still many people searching for their parents even after 17 years. We have students who were not able to give a proper burial to their parents, children who never knew their parents. Everything we do should be done for the sake of young people so that they are able to accept, understand and simply forgive, just like Mrs. Subašić said.

Statement: Jovan Divjak, Education Builds BiH, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

The mandate of this commission must be clear and precise, so that the commission does not disappoint some categories of victims.

I think that the mandate of the commission should be narrowed and that we should decide what precisely the Commission is going to be mandated to do. There are two reasons for that; we don't want to disappoint some categories of victims and it is obvious that this commission will not be able to address all crimes committed during the conflict.

Statement: Muhamed Džemidžić, Helsinki Committee for Human Rights, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

70. Public forum on the RECOM Initiative

Split, Croatia,
November 26, 2009

The Croatian Academic Community organized a public forum on the creation of RECOM. The forum was attended by 44 participants: human rights activists, journalists, representatives of the Academic Community, representatives of the Catholic Church in Croatia, and members of the public. Vesna Teršelič and Eugen Jakovčić (Documenta, Zagreb, Croatia) and Suzana Kunac (B.a.b.e., Zagreb, Croatia) gave introductory speeches. The discussion was moderated by Ivan Grubišić (Croatian Academic Community, Split, Croatia).

Review of Opinions, Suggestions, and Recommendations of the Participants:

War crimes related documentation is being destroyed, witnesses are dying, and we don't even have a database yet.

While investigating war crimes committed in Bosnia and Herzegovina, I was able to see for myself how justified and urgent this initiative is. When I first tried to obtain documents testifying about war crimes... when I first began searching for official documents, I was rejected and greeted with mistrust as if they were saying: "This man is looking for information about the crimes committed against Croats by Muslims – what happens if he starts looking for other kinds of information, too? ... The archives on the war in Bosnia and Herzegovina are in different places all over the world, and so are the documents testifying about those crimes.

I have visited the State Archives of the Republic of Croatia and searched through the entire part titled "The War in Bosnia and Herzegovina" stored in as many as 74 trunks. Now, after a careful examination, I can tell you that the material I found during my first visit to the archives was no longer there when I went back... So, the documents are being destroyed or they simply disappear. At the same time, the witnesses are dying and we don't even have a database.

Statement: Ivica Mlinovčić, journalist, Split, Croatia. Public forum on the RECOM Initiative, Split, Croatia, November 26, 2009.

The Church should be the first to be included in this Initiative, but they chose to simply turn their head away from the truth. Those who believe they own the absolute truth don't need dialog.

In accordance with the adopted procedure, at the next meeting of the Council of the Association we are going to discuss whether to join the Coalition for RECOM or not. But I can tell you one thing, we are certainly in favour of establishing the facts and we will do our best to give our contribution to that effort. ... I believe that the Church should be the first to be included in this initiative, but there is a series of their explanations, which are essentially Utopian or which simply illustrate the fact that they are turning their heads away from the truth. I am afraid, and I wish I was wrong here, that they will act in the same manner now, 19 years after those events [the end of communism] as before. A lustration process needs to be conducted in our society and that the next president of the Republic must unequivocally be on the side of the victims of communism and condemn the crimes committed against them... The problem lies is that we are not under the same umbrella where they are able to control and supervise everything that is going on and decide what the next steps should be. That is their mental structure and I believe that it's not only the way they think, it is their intellectual maxim.. Those who believe that their truth is the absolute truth need no dialog. And that is the whole problem this mentality creates. However, I am hopeful that civil society is evolving, becoming aware of its potential, and I think it is gaining momentum. At this point we have to be patient. I am personally always very enthusiastic about being included in programs pushing the Mosor region forward. I find it very challenging and I believe that this initiative will also help push Mosor forward.

Statement: Don Ivan Grubišić, Academic Community Split.

Public forum on the RECOM Initiative, Split, Croatia, November 26, 2009.

71. Consultation with the local community

**Zrenjanin, Serbia
November 28th 2009**

The consultation was organized by the Kikinda Club and the Women's Support Center from Kikinda, in cooperation with the Zrenjanin Education Center. Twenty-eight representatives of the local self-government, political parties, student parliaments, non-governmental organizations, associations of veterans and war invalids, all from the territory of the Zrenjanin municipality attended the gathering. Dragan Popović (Youth Initiative for Human Rights, Serbia) monitored the consultations. Miomirka Mila Melank (the Kikinda Club, Serbia) and Mirjana Ivančević (Education Center Zrenjanin, Serbia) opened the debate by disclosing their personal motives for getting involved with the Coalition for RECOM. Marija Srđić (Women's Support Center, Serbia) talked about the *Why RECOM* issue. Nataša Kandić (Humanitarian Law Center, Serbia) informed the participants about the suggestions, opinions, and recommendations of the participants from previous consultations and Maja Stojanović (Youth Initiative for Human Rights, Serbia) spoke about selected positive experiences of various truth-commissions from around the world. The discussion was moderated by Maja Srđić (Women's Support Center, Serbia).

Suggestions, opinions, and recommendations

The Initiative for RECOM leads to reconciliation and integration into the European Union. What caused the war is a separate story.

(...) I fully support this project and I am ready to give my contribution, not by working in the Commission but by working in preparing the field, trying to help this happen because this can bring reconciliation among, it can help the European Union recognize us as a country where normal people live and not some barbarians, and it can also help us better understand Europe. I should not talk about the causes that led to the war.

Statement: Milan Milivojević, Association of Veterans and War

Invalids of the Wars of the 1990s, Zrenjanin, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

(...) This could have multiple beneficial effects for all generations in the region, and we can serve as an example of a country that did it.

Statement: Milan Milivojević, Association of Veterans and War Invalids of the Wars of the 1990s, Zrenjanin, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

If something similar had been done after the second world war, many of these crimes would not have been repeated. That is why it is very important that it is done properly.

If such a debate had been conducted regarding war crimes committed during the second world war, if we had earlier known what had happened in Jasenovac, this would not have happened, it would not have been repeated. So, let's not make the same mistake now and let's try to do it thoroughly this time.

Statement: Milan Milivojević, Association of Veterans and War Invalids of the Wars of the 1990s, Zrenjanin, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

Veterans from Serbia expect RECOM to tell others it knows about the crimes they committed. Only if they, too, take an active part in the truth-telling process we will have an opportunity to establish the facts and build them into our culture and customs.

Through these examples (...) RECOM will have an opportunity to give its contribution to making all of us willingly accept the initiative, to let other people know we know about the crimes they committed on their side in order to be more successful, in order to attract a larger number of people take part in this, and in order to motivate more people to give their testimonies and help create not only the data base but more importantly help establish the facts and, as somebody here said, build it in our customs and culture.

Statement: Milan Milivojević, Association of Veterans and War Invalids of the Wars of the 1990s, Zrenjanin, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

The debate should include war commanders – there are plenty of those who are honourable men. Political parties and members of Parliaments should also be included.

(...)What I would like to suggest is to invite those war commanders who took an active part in the war. I am one of those people who can go anywhere because I have done nothing wrong and I don't have anything to hide, and I know there are many like me, honourable people who acted like honourable soldiers and whose motives to go to war were nothing but pure. I can name a couple of political parties which would certainly like to be involved in this project... But, in any event, it is not a bad idea to have representatives of our municipalities and parliaments, to invite some representatives from our respective parliaments to sit here and listen to what we have to say and show them that's what we are fighting for.

Statement: Milan Milivojević, Association of Veterans and War Invalids of the Wars of the 1990s, Zrenjanin, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

If the creation of RECOM depends on financial support of the governments in the region, that commission will never be founded, primarily because the states do not want war crimes to be discussed publicly.

In that case, [the states in the region are expected to provide financial support for the creation of RECOM] I think that the entire initiative is doomed just like many before it. That is what I think. And the reason I'm convinced that will happen is because these states, had they wanted to, would have invested in such a project a long time ago and made some progress in this area.

Statement: Danilo Babić, Association of Army War Invalids, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

Our countries, each one of them, showed us clearly that this topic is something they don't want to discuss. The state interest is not to talk and not to disclose war crimes.

Statement: Zlatko Jelisavac, a citizen from Zrenjanin, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

In the dealing with the past process we should start with introspection. From other people to ourselves.

We need to recognize other people's pain, but in order to do that we have to start from the things that caused pain and suffering of others and which was done by us or on our behalf, so, it is very important to initiate introspection so that we can under-

stand where we are hurting.

Statement: Sanja Milosavljević, Women's Forum of the League of the Social-Democrats of Vojvodina, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

Refugees are victims and they are entitled to a dignified life. People empathised with them when they first arrived, but later on they were condemned for coming here.

Even today they are unhappy deep down because they feel trapped here and they never wanted to be here in the first place. And the people who accepted them when they first came here partially empathized with them and partially condemned them for coming here because they came uninvited and took their jobs. The refugees are hurting because of the fact that their situation is not taken into consideration and discussed seriously and they are simply no longer considered as persecuted and displaced but as living a dignified life, which, of course, is not true. Wherever it is they are living, whether they like that place or not, they should be offered a chance at a normal life.

Statement: Sanja Milosavljević, Women's Forum of the League of the Social-Democrats of Vojvodina, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

Local media outlets will support the initiative but there is very little we know about it. Members of the Coalition for RECOM at the local level should better inform the media about it.

There are certain media outlets here who expressed an interest in this initiative. Let's get involved in the work of the media as much as we can. I think that Santos or the KTV will give us the necessary support if we are actively involved in this... This is the very beginning and very few people at all know about it. This is an extremely useful project for the future of this region, not only for the future of Serbia, but equally for all the countries in the region.

Statement: Milan Milivojević, Association of Veterans and War Invalids of the Wars of the 1990s, Zrenjanin, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

(We need) to meet and plan a visit to these TV stations to explain to them in a very direct manner the entire initiative, and to use this material which is quite understandable, and visit municipality after municipality. And if we do that, I think we can successfully present the importance of RECOM to the public.

Statement: Milan Milivojević, Association of Veterans and War Invalids of the Wars of the 1990s, Zrenjanin, Serbia, Con-

sultation with the local community, Zrenjanin, Serbia, November 28th 2009.

Young people in Zrenjanin are not familiar with this initiative. Our high schools don't offer their students any courses that tackle the issue of the wars of the 1990s. History teachers avoid the subject and the curriculum for civic education classes is designed by individual instructors.

We have an insight into how much young people in our region know, or rather how much they don't know and how badly they are misled by ideas forced onto them by other people. I don't know, leaders in our community who wish to manipulate young people and it is good that the truth comes out finally, because there can only be one truth and it cannot be up to each nation to have their own history regardless of the others – there is only one history.

Statement: Jasna Janošev, "Maštalište" Youth and Child Center, Zrenjanin, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

Members of regular armies and the police bear the burden of crime of the paramilitaries. RECOM can help them rectify that.

Let's consider the Croatian war zone as an example. How many different paramilitary formations did we have there? And we suffer the consequences of their acts, on both sides of the front line. And we are being charged with whatever it is that they did in that war zone and all other war zones on the territory of the former Yugoslavia.

Statement: Žarko Beštanski, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

RECOM should support the need of war veterans to be rehabilitated.

The problem I see here is that a large number of veterans have no access to medical care. They don't know how to apply for help and support. Now, I understand that is not part of RECOM's mandate, but it is certainly one of the things we can influence, just like we are influencing states to support the Initiative for RECOM. There are very few centres throughout Serbia where war veterans can get any kind of help. I personally associate it with the fact that there are many people who are sick and who stay at home, trying to resolve their issues and traumas by abusing alcohol or other substances, which increases the number of domestic violence cases and creates a generation of young people living in

broken families in which children get beaten and neglected. Simply speaking, it is a huge problem, it is like having an elephant in the living room that nobody pays attention to.

Statement: Danijela Jelisavac, a concerned citizen, Zrenjanin, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

Religious organizations and communities are victims, too, and they have a responsibility and a role in everything that happened in the past.

So, religions and religious communities are also victims because so many mosques have been destroyed and so many churches and monasteries... and on the other hand, they need to be included because we need their feedback about their role and their responsibility for the things that happened in the past. That is a slippery road, when somebody is a victim but at the same time expected to be self-critical with respect to the role of his or her own religious community for the events of the past.

Statement: Nataša Kandić, Humanitarian Law Centre, Belgrade, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

Building joint memorials in places of war crimes locations and detention places is the best way to prevent the repetition of crimes.

If RECOM is able to do it, chronologically list all locations where crimes were committed from January 1991, and if we are able to mark all these places, we will create a memory map. I am quite confident that by doing it, we will create the most powerful tool to fight the recurrence of such crimes in the future.

Statement: Nataša Kandić, Humanitarian Law Centre, Belgrade, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

It is in the best interest of truth to apply international standards for the classification of places of detention, so that we can differentiate between detention camps, collection centres, prisons, and concentration camps.

Let's once and for all finally clarify what exactly happened in Stajićevo and Begejci. That is why we need to work together, regardless of what side we are on. Let's finally establish what exactly happened. If you really think, if you have evidence, solid evidence that it was a collection centre or a military prison, you should say it to this Commission which

is a government organization where you can convey relevant facts and that's the end of it.

Statement: Zlatko Jelisavac, a concerned citizen from Zrenjanin, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

Every public testimony must be double-checked from several independent sources.

When somebody comes to testify about a crime or says that he or she took an active part in something or that they were in some way abused, how do we determine whether these persons are really who they say they are.

Statement: Aleksandra Mladenović, Municipal Committee of the Liberal Democratic Party in Zrenjanin, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

Each testimony must be double-checked from two or three independent sources so that we do not allow people to give us incorrect information.

Statement: Nataša Kandić, Humanitarian Law Centre, Belgrade, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

Collecting signatures for RECOM must be organized on a local level by using local community offices. War veterans will take part in this.

And in the end you say we need one million signatures for RECOM. I think that Serbia alone should be able to yield one million signatures. If that's not the case, then we are not going to do much. Let's be active in all municipalities and organize the signature collection campaign properly. Many of us will be willing to accept this responsibility once we realize what it is all about (...). If you want one million citizens to give their vote for this, we need to bring them into our local community offices to sign for this initiative which is not a national or a personal initiative, but an initiative born out of the need and necessity of this region.

Statement: Milan Milivojević, Association of Veterans and War Invalids of the Wars of the 1990s, Zrenjanin, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009.

We should try to fight oblivion in our societies.

(...) This community is mainly in the "I don't care what happens to other people" kind of mood. We need to bring people round to the "I care about it and I want to talk about it" position in order to establish the truth and help the Coalition for RECOM come into being in a proper manner.

Statement: Tijana Živanov, Municipal Committee of the Democratic Party in Zrenjanin, Serbia, Consultation with the local community, Zrenjanin, Serbia, November 28th 2009

72. National consultation with young people on the RECOM Initiative

**Selce, Croatia
December 3, 2009**

A national consultation with young people in Croatia was organized by the Croatian Youth Network and Documenta, a non-governmental organization from Zagreb, Croatia. The gathering was attended by 46 participants. Introductory speeches were given by Eugen Jakovčić (Documenta, Zagreb, Croatia), and Ivan Novosel (Legalis, Zagreb, Croatia). The discussion was moderated by Emina Bužinkić (Youth Network of Croatia).

Opinions, Suggestions, and Recommendations of the Participants:

Increased mobility of young people, intercultural cooperation, the production of movies tackling the issue of dealing with the past, and the inclusion of the media should be key elements in approaching young people.

I think that young people of my generation are also indirect victims of war... simply because our chance of a normal life is seriously compromised when compared to that of our peers in Europe and around the world... What I see as a possible approach to young people, except, of course, for formal and informal education, is to increase the regional mobility of young people. That is absolutely the most important step. Secondly, another significant issue is the role of the media and the so-called independent production houses. We have all seen what influence movies such as 'A Storm over Krajina', 'Vukovar – the Last Cut', or 'The Erased' can have. Those movies exploded in our societies louder than any bomb. It is absolutely necessary to produce more movies like that and make sure they are put in the main-stream – i.e. aired on prime time TV as often as possible. I would also like to add that it is very important to act on a national level and influence our governments to encourage intercultural cooperation and exchange in the region, which

should primarily focus on the cooperation of young people in co-producing cultural events.

Statement: Katarina Pavić, the Croatian Youth Network, Zagreb, Croatia. National consultation with young people on the RECOM Initiative, Selce, Croatia, December 3, 2009.

Young people should request the Government of the Republic of Croatia to replace facts for the mythology contained in text books.

...Countries like Germany, Poland, France, and so on, put in a lot of effort into improving their [school] textbooks. Would it be worthwhile to submit a request to the Government of the Republic of Croatia to substitute facts for the mythology contained in our textbooks? ...Maybe it would be a good idea for young people to request that the governments in the region form such a Regional Commission... Maybe that can be an initiative of youth organizations to advocate for. What do you think? To include into the recommendations addressed to the government the suggestion to form such a commission?... The Croatian Youth Network will be included in the One Million Signatures Campaign through the activities of its Board of Directors and its Operations Team and we will also support any other local initiatives.

Statement: Emina Bužinkić, the Croatian Youth Network, Zagreb, Croatia. National consultation with young people on the RECOM Initiative, Selce, Croatia, December 3, 2009.

One of the long-term goals for the education system is to encourage the adoption of history and sociology curriculums containing more facts and less political interpretations of events, thus helping our societies build a sustainable peace. Young people should be taught tolerance and other skills necessary to interact in multicultural environments.

We believe that the education system is a building block for the creation of a systematic approach to building a lasting peace in our society... Our text books for many courses taught at schools, primarily history and sociology text books are full of what we call 'tainted' interpretations of the war-related events. We believe that it is important to stop interpreting information and we are convinced that it would be much healthier for our society to include more facts and leave it to the discretion of young people to interpret them, and the way they understand them. In other words, we think that a history book should provide, for example, an exact number of people killed in such and such village, so many civilians, that this or that army was stationed there

at the time of the execution of civilians and so on. So, give us information. As far as I know, we still don't have accurate information on the number of civilians killed. ...Also, it is important to teach young people the skills necessary for interacting in various situations they may find themselves in, including (presenting) their position on the events from the past and the critical thinking they should apply when analyzing those events. Also, valuable lessons can be learned with respect to interacting in multicultural environments, with young people from the states we were instructed to consider our enemies at some point.

Statement: Lovorka Bačić, Center for Peace Studies, Zagreb, Croatia. National Consultation with Young People on the RECOM Initiative, Selce, Croatia, December 3, 2009.

Is it possible to organize public hearings of victims in schools so that students can hear their experiences first hand? Also, it is important to hear testimonies of war crimes perpetrators who are hiding behind victims, because they can tell us how low a human being can stoop.

There are organized visits to the Jasenovac memorial center – people go together to places like that, which is a good thing to do. So, my question is: is it realistic to expect – since Documenta is already in the business of helping our society deal with the past through collecting the testimonies of victims of war crimes – is it possible to arrange for some of the victims to testify in schools and other public places and talk about their experience? However, for me personally, it would be more interesting to hear the story of a perpetrator than the story of a victim of war crime. I think that victims always sound almost the same and it would be more useful for young people to hear those who committed crimes, tell us about what they did and how they did it; to understand what it means to commit a crime. It is important to present the gravity of one's decision to kill another human being... Perpetrators of war crimes are hiding behind the victims, and we all know that young people can be violent... We all carry that trigger and we may all benefit from meeting those who have committed crimes in real life. Also, it would be a good idea to meet some of the scouts. You know what scouts did during the war? They cut off ears, noses, and so on. It is important to show young people how low a human being can stoop.

Statement: Marina Globočnik, FadeIn, Zagreb, Croatia. National consultation with young people on the RECOM Initiative, Selce, Croatia, December 3, 2009.

It is important to tell children and young peo-

ple about the things we had in common and the life we lived before the war of the 1990s and to explain how the war happened.

... There is a lot of mythology taught in schools. However, apart from dealing with the war, the break-up of the former Yugoslavia, and the crimes committed during the war, it is crucial to tell children and young people about the things we shared before 1990. Our history books only mention it on a page or two, if that. That is an important passage, as well. It is important for young people to understand how it was possible for a society like ours to end up in such a bitter conflict. It is important for educators to be objective. The same goes for families and the society itself. The entire education process must rise above bias.

Statement: Marija Hrebac, the Croatian Youth Network, Zagreb, Croatia. National consultation with young people on the RECOM Initiative, Selce, Croatia, December 3, 2009.

I don't support the idea of holding public hearings of victims of perpetrators in schools. There is much more work to be done in our dealing with the present than dealing with the past.

I would not allow my child to attend a public hearing session, regardless of whether it is the hearing of a victim or a perpetrator. I am absolutely against it. I think there is much more we need to do in our dealing with the present than dealing with the past. We need to open our eyes and understand the things happening around us now.

Statement: Vesna Vilus, Domaći, Karlovac, Croatia. National consultation with young people on the RECOM Initiative, Selce, Croatia, December 3, 2009.

Schools and universities across Croatia should have information desks offering information on RECOM and organizing short lectures on transitional justice issues.

...the most important recommendation here is to put up info desks in schools and universities across Croatia to inform young people about RECOM and to organize short lectures on transitional justice within regular classes... Our colleagues from the Croatian Hostel Organization offer their volunteers, some 200 of them, to help with the One Million Signatures Campaign. ...it is also important to put up info desks in hostels run by the Croatian Hostel Organization, there are six of them, where young people from Croatia and all others will be able to get information on this topic... Our colleague from K.V.A.R.K., Križevac, said that his association could be organized to help

with the signature collection campaign and that they could also organize workshops to play films and offer a place to discuss RECOM.

Statement: Darija Marić, Documenta, Zagreb, Croatia. National consultation with young people on the RECOM Initiative, Selce, Croatia, December 3, 2009.

73. Consultation with the local community on the Initiative for RECOM

**Brčko, Bosnia and Herzegovina
December 5th 2009**

The consultation with the local community on the Initiative for the creation of the Regional Commission for establishing the facts about war crimes and other serious human rights violations committed during the conflict in the former Yugoslavia (RECOM) held in Brčko, BiH, on December 5th 2009 was organized by the Tuzla Citizens' Forum. Eugen Jakovčić (Documenta Croatia) spoke about the goals and the up-to-date progress of the consultations process in the region. Branko Todorović (Helsinki Committee for Human Rights in Republika Srpska) talked about the most significant experiences of other truth commissions, while Vehid Šehić (Tuzla Citizens' Forum) moderated the discussion. The gathering was attended by 24 participants, most of whom represented victims' associations, former detention camp inmates' associations, associations of the families of missing veterans and civilians, non-governmental organizations, religious communities, and local authorities: Dragan Pajić, Mayor of the Brčko District BiH and Mirsad Đapo, President of the Municipal Assembly of the Brčko District BiH.

Suggestions, opinions, and recommendations of the participants:

There is political will in the Brčko District BiH to establish the truth about the events that place during the war. Representatives of the government support the idea to create RECOM.

We need the truth about the events from the war to finally become known (...). We want to know the real truth because that can help empower our multi-ethnic community. Just tell us what we need to

do in the Brčko District (...) and we will do it because we are fully aware that the Brčko District and the entire Bosnia and Herzegovina (...) cannot exist if we have three truths.

Statement: Mirsad Đapo, president of the Municipal Assembly of the Brčko District BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

I support this initiative unreservedly. We expect you to present clear ideas, to tell us what it is you want us to do in order to make it happen, what steps you need us to take at the government and at the municipal level in order to be involved in the project (...).

Statement: Dragan Pajić, Mayor of the Brčko District BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

The people in Brčko, we are still not open with each other and we are not even aware yet that we need to be frank with each other not because of the European Union or European integration but because it is a precondition for a better future for all of us living here.

Statement: Čazim Suljević, Cultural Community Preporod, Brčko, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

The societal need to know the truth and deal with the past is quite mature. This initiative is something all victims need.

It is a very healthy, useful, and constructive idea, and all of us here, as members of this community, as members of a broader society, should support this idea individually or through institutions we represent as much as we can (...). This need has a general, societal, psychological, and a mental dimension within these different national communities here (...) so that we all want to find out the truth, to come closer together as a society and get rid of the burden we have been carrying on our shoulders.

Statement: Mustafa Gobelić, chief imam of the Medglis of the Islamic community, Brčko District, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

I feel for all victims because I am a victim myself and I would like this approach we are advocating, and as an association we will join this [Coalition for RECOM], and I will personally join; I want it to be successful. That's what the victims want. That is what we need if we want to have a peaceful future in BiH and across the region.

Statement: Vlado Dragojlović, Association of former deten-

tion camp inmates and prisoners, Association of detention camp inmates of Republika Srpska, Modriča, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

We salute the initiative and we expect to raise awareness about it to a level where it will obtain broader support (...). We often discuss (...) criminal responsibility. However, in Brčko alone (...) there are ten or more women who suffered the horrors of rape (and who gave birth to children, now 13 or 14 years of age, conceived as a result of that act) who need psychotherapy and who need to go to Tuzla for their sessions. However, if they are of a lower social standing and are unable to afford therapy (and many of them can't) they just go through life like that, facing their trouble and their problems within the walls of their home. A woman recently committed suicide in Brčko. They live (...) between separated and isolated worlds and they remain prisoners of their own truth.

Statement: Čazim Suljević, Cultural Community Preporod, Brčko, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

RECOM must focus on the events from the recent war waged across the territory of the former Yugoslavia.

If we want to learn the truth about what happened during the recent war, if we want to find out the facts about the victims, we must focus on the events of this war.

Statement: Lazar Blagojević, Veterans' Organization of Republika Srpska, Šamac, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

Public hearings of victims will help change our perspective and wipe away the half-truths about what happened in the past. It is important that politicians listen to victims' testimonies.

Victims need to be given an opportunity to talk (...) and I think that after a while I think we will change our perspective about the events from the recent war (...). These hearings will erase the half-truths we have been hearing for so long, and I think we will be able to come up with an authentic account of everything that happened to us during the recent war.

Statement: Dragan Pajić, Mayor of the Brčko District BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

RECOM [the Coalition for RECOM] should hold consultations like these in all parliaments across

the region, and not only to explain to members of parliaments why they think it is important to create RECOM but to bring victims and allow them to tell their stories.

Statement: Sead Golić, Association of the missing, forcefully taken, and killed Bosniaks in the Brčko Municipality, Brčko, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

Rather than to see the perpetrators brought to justice, for the families of the missing it is more important to find the mortal remains of their loved ones and be able to give them a proper burial.

I don't have to sue anyone. I need the person that committed the crime to tell me where the bodies are so that we can have some peace finally. I just want them to give me the bones, to give me my child. All families whose loved ones are missing would be satisfied if they could only find out the truth about them and give them a proper burial.

Statement: Milorad Zimović, Association for tracing missing and killed Bosniaks of District Brčko, Brčko, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

Victims must have a first and last name and it must be carefully defined what a victim constitutes. There should be a distinction between those who were killed in action and those who were killed unarmed.

I am truly offended when victims are referred to as numbers. A victim cannot be a number. Each victim must have a first and last name and I think that job should have been done by government institutions in all entities; they should have made a register of all victims stating how that person became a victim. That work hasn't been done yet. From the moment a person is captured and is unarmed, that person becomes a victim. And somebody becomes responsible for that person. For that reason, it is very important to make a distinction between those who were killed in action and those who were unarmed at the time they lost their lives.

Statement: Rado Purić, Association of Disabled War Veterans, Brčko, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

It is necessary to make a register of all victims. And make sure they are categorized properly, as victims, war losses, or other categories.

Statement: Lazar Blagojević, Veterans' Organization of Republika Srpska, Šamac, BiH, Consultation with the local commu-

nity on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

Only victims have the right to talk about what happened to them and who did it. The ICTY was indispensable but its judgments are political.

When talking about such sensitive issues, victims have to be approached carefully and only victims can tell the story about themselves and those who harmed them. That is an easier way to find out the truth. If we are thinking too much about ICTY judgments, and I will allow myself to say that, the ICTY was indispensable because it opened up chapters we never would have opened otherwise (...). However, ICTY judgments are mostly political and we all know that victims don't need politics.

Statement: Vlado Dragojlović, Association of former detention camp inmates and prisoners, Association of detention camp inmates of Republika Srpska, Modriča, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

War crimes perpetrators cannot be granted amnesty.

War crimes are not subject to the statute of limitation and for that reason we should ask ourselves whether we can allow ourselves to discuss amnesty for war crimes perpetrators.

Statement: Vehib Šehić, Tuzla Citizens' Forum, Tuzla, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

Veterans' organizations must denounce its veterans who committed war crimes.

I was forced to take a gun although I never thought of going to war. And there are veterans who took guns and turned them against you or me or somebody else. You understand what I am saying, right? So that in the world of veterans, we have to make a distinction between those who went to war honourably and those who committed war crimes. I strongly condemn them and I never supported people who did. But it is important that all veterans' organizations do the same thing.

Statement: Narcis Mišanović, Association of demobilized veterans of the Army of BiH, Sarajevo, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

It is by far the best solution that RECOM is verified by parliaments. Without the endorsement of national parliaments the commission

will not be able to have the kind of impact we want it to have.

It would be the best solution for RECOM to be verified by state parliaments (...). If that support is unavailable, I am afraid that the commission will not be able to produce the same impact we want to have.

Statement: Effendi Mustafa Gobelić, Medglis of the Islamic Community, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

Members of RECOM should be professionals commanding authority. Victims should be main contributors in the process.

Members of the commission should be persons (...) who are familiar with this topic professionally (...), people who are widely trusted, whose work will not be denigrated, and whose findings will not be contradicted. Members of the commission should not be concerned with politics and they should be able to withstand all kinds of political pressure.

Statement: Lazar Blagojević, Veterans' Organization of Republika Srpska, Šamac, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

I believe they should be first of all professionals, but also people with intact authority, recognized in all communities, from the local to the regional level.

Statement: Marija Arsljić, Josip Broz Tito Association, Brčko, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

Victims should be main contributors to the process (...). They should be members of the commission because they cannot be bought. I think that veterans should be here, too. Maybe they should not be members of the commission, but they should have an advisory capacity, or act as sympathizers.

Statement: Narcis Mišanović, Association of demobilized veterans of the Army of BiH, Sarajevo, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

We have to learn to talk about the crimes, to listen to each other and understand the suffering and pain of others.

When it comes to this topic (...), I can say that we are at the very beginning (...). We have to start talking about the crimes (...) to try to reach the level where we can have a dialogue which means that we can tell others about our suffering and listen to others about theirs and try to understand each other.

Statement: Ćazim Suljević, Cultural Community Preporod, Brčko, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

RECOM is not in the best interest of politicians. They will try to influence its creation, its way of work, and all its activities.

Politicians don't really want to create RECOM. It is not in their best interest because many of them will be targeted once the report is made.

Statement: Rado Purić, Association of Disabled War Veterans, Brčko, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

Politicians which are (...) in reality most responsible for the situation we are in (...) will try to do anything to influence the creation, the work, and the scope of activity of the commission.

Statement: Ćazim Suljević, Cultural Community Preporod, Brčko, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

Based on the experiences of the ICTY, we have every reason to be concerned about our prospects of gaining access to state-owned documents.

We know that the ICTY is not able to obtain some documents and that makes me wonder if this commission, if it does not have the support of all political structures across the region of the former Yugoslavia, will be able to gain access to state-owned documents.

Statement: Ćazim Suljević, Cultural Community Preporod, Brčko, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

74. National consultation with former detention camp prisoners on the Initiative for RECOM

**Sarajevo, BiH
December 10th 2009**

The consultation on the Initiative to create a Regional Commission for Establishing the Facts about War Crimes and Other Serious Human Rights Violations in the Former Yugoslavia was orga-

nized by the Association of Former Detention Camp Prisoners of BiH and the Association of BiH Journalists. The gathering was attended by 31 participants, representatives of the Association of Former Detention Camp Prisoners of BiH and the Croatian Association of Former Detention Camp Prisoners of the Homeland War in BiH. President of the Association of Former Detention Camp Prisoners from Republika Srpska cancelled the participation of eight members of their Association two days before the event. Speakers were Nataša Kandić (Humanitarian Law Center, Serbia), Zoran Šangut (Association of lawyers, Vukovar '91), and Bogdan Ivanišević (International Center for Transitional Justice). The discussion was moderated by Dženana Karup-Druško. The media outlets FTV and Dnevnik San reported from this event.

Suggestions, opinions, and recommendations

The Initiative for RECOM is more than welcome and everyone should support it.

This is exactly why, because of the failures of the ICTY, because of the fact that the victims are being neglected in all countries in the region, as well as because of those who committed these war crimes, I think that such an initiative of the non-governmental sector is important. When I say that I think of RECOM first of all and I think that we should all support it and stand behind it.

Statement: Zoran Šangut, Association of lawyers, Vukovar '91, Vukovar, Croatia, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

I am glad that there is (...) an initiative like this. Let's accept what's good about it and we can discuss the things we don't agree with.

Statement: Zlatko Prkić, Croatian Association of Former Detention Camp Prisoners of the Homeland War in BiH, Vareš, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

RECOM is a solution but it has to be given a true meaning in order to become ours.

I just want to invite you to speak freely, to make suggestions. We don't have a ready solution, our solution is this commission but it has to have some content, some true meaning to become our commission.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia,

National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

We can ask these questions through RECOM, too, and tackle the issue of the facts, of war crimes, of status and social rights, but we can only do it if we speak truthfully about it.

Statement: Irfan Ajanović, Association of Former Detention Camp Prisoners of BiH, Sarajevo, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

RECOM will only be successful if they manage to register all detention camps, discover all mass graves, and find out the facts about the missing.

Because of our many sleepless nights, because of torture and everything that happened to us in various detention camps, I think that we should first of all focus our energy on the truth. We need to come up with a definition of detention camps, collection centres, and so on, and mark these places properly, regardless on the side on which they were, to give them names for the sake of future generations, for the sake of peace and truth (...). If this initiative becomes a reality, I will consider it successful if it can cover three segments: if it registers all detention camps on the territory of the former Yugoslavia, if it finds all mass graves, and if it discover what happened to our loved ones who are missing.

Statement: Zoran Šangut, Association of lawyers, Vukovar '91, Vukovar, Croatia, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

RECOM is a unique opportunity for the victims to make a coalition, to start showing respect for each other and to secure the respect of the governments.

We, the victims, we don't respect each other and therefore we cannot expect the governments to show respect for us and grant us the rights we are entitled to. Our government changed the thesis about victims and now mostly war crimes perpetrators are being treated as victims and the real victims are forgotten, all over the region. So, the very relationship of the government with respect to us, the victims, will be this way for as long as we are not able to sit down together and make a unique coalition of victims. We are certainly not able to do it, but RECOM, on the other hand, is our only chance to do it.

Statement: Mirsad Duratović, Association of Former Detention Camp Prisoners Prijedor '92, Prijedor, BiH, National con-

sultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

We have to define detention camps and collection centres. All place of detention and suffering should be marked.

All three sides in Bosnia and Herzegovina have their associations of detention camp prisoners, and I think it would be a good idea for all three sides to write a definition of a detention camp or a collection centre and why they thought the place where they were held was a detention camp. That definition should be further used to assess the places of detention organized by their own entities. So, not only where I was held prisoner, but also the detention locations that my own people set up for the members of other ethnic communities. The next natural step would be to mark all these locations the way the second world war camps were marked, such as Jasenovac, Auschwitz, etc (...) I denounce each and every war crime regardless of who committed it, and I will be very glad if the victims from the Lora camp can come on the day the Stajićevo camp memorial is posted. I can guarantee that if they decide to build a memorial in Split, at the Lora camp location, they will have my full support.

Statement: Zoran Šangut, Association of lawyers, Vukovar '91, Vukovar, Croatia, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

There can be no discussion until we have resolved the main issue here and that is the Law on Detention Camp Prisoners. What is a camp? What is going to be our discussion topic within RECOM? We don't even have the basic issues solved.

Statement: Željko Vladić, Croatian Association of Former Detention Camp Prisoners of the Homeland War in BiH, Mostar, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

The truth is, first of all, available through court proceedings.

How can we give our contribution to the truth? First of all we can testify in court proceedings. It is difficult to tell the truth without court proceedings.

Statement: Irfan Ajanović, Association of Former Detention Camp Prisoners of BiH, Sarajevo, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

Public testimonies of victims can cause a counter effect if there are no sanctions for those who tell lies.

And I accept public hearing. But public hearings are an opportunity for those who don't like the truth and who want to tell lies. They cannot be punished for that and the damage is done the moment a false statement comes out in the open, in the media and so on. That can confuse the public and create chaos. What we will have then is a counter effect.

Statement: Irfan Ajanović, Association of Former Detention Camp Prisoners of BiH, Sarajevo, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

Public testimonies of victims are very important because victims have no other opportunities to tell the media and the public what they have suffered.

Public testimony? I am in favour of public testimonies because otherwise I would not be able to have access to the media. We have our local TV station, the Herzegovina TV, which can be heard within a 2km radius. That means I have no way of telling my story (...) and I think we should show respect for each other and that we should never deny the suffering of other prisoners is totally wrong.

Statement: Darko Matković, Croatian Association of Former Detention Camp Prisoners of the Homeland War in BiH, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

Science and the time, with the help of victims' associations and good initiatives, we can find the truth and achieve reconciliation.

Only science and time together with these associations, these initiatives, but science and time in the first place, supported by us, can yield really good results. Then we can have what is indispensable in the Western Balkans – truth, justice based on that truth, sanction based on justice, and based on all that – reconciliation and the fact is there is no life without reconciliation (...). RECOM is an extraordinary idea but it will have to allow for a lot of counter-productive things to happen before it can reach its goal.

Statement: Irfan Ajanović, Association of Former Detention Camp Prisoners of BiH, Sarajevo, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

I am a pessimist because there are ministers in the current government who actually organized detention camps.

I am a pessimist because many lies have been put on paper so far and they are treated as truth. Many

things have been said and most of these things are lies. We are fighting windmills here. There are even people here among us who can or will not believe that members of their own ethnic community ran detention camps for members of other ethnic communities. And the reason is simple. People who actually organized these camps are ministers in the current government and they don't want any stories about detention camps to be told or published, let alone a law on the victims of torture or something like that. So, I think that it will take a long time before we can do something like that and the truth will only come out when different people are in ministerial positions.

Statement: Mirko Zelenika, Croatian Association of Former Detention Camp Prisoners of the Homeland War in BiH National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

If they want to work together, former detention camp prisoners must admit all crimes.

We must not deny a single war crime or human right violation that happened! If a crime has happened, we, former detention camp inmates, must say: that's right, it happened, and we should not allow barricades to be put between us if we want to work together.

Statement: Zlatko Prkić, Croatian Association of Former Detention Camp Prisoners of the Homeland War in BiH, Vareš, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

Detention camp prisoners' representative to RECOM must be a person able to admit that his or her fellow nationals also committed crimes.

That person must be able to admit that members of his or her ethnic group also committed crimes so that they can listen to the other side talking about crimes without an emotional reaction like "Wait, you, too, committed crimes! So, I want the facts first so that I can look Pero in the eyes and that Pero can look me in the eyes, so that I can listen to him talking about his suffering and that Pero can hear me out when I talk about mine. It is only then that we can actually talk about RECOM. There's nothing before that. And it is only then that we can talk about our individual cases. We should talk about whether we support RECOM, who do we want to delegate, and not what my personal problems are.

Statement: Mirsad Dizdarević, Association of Former Detention Camp Prisoners of BiH, Jajce, BiH, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

The Association of Former Detention Camp Prisoners of BiH is looking for a clear vision of the Initiative for RECOM and its own role in the process.

We want a clear vision about what RECOM can do for us. What is the goal of RECOM? What is our purpose in the entire process? What is it going to be and how will it be formed? Will it miss some important issues? Why aren't representatives of the Association of Former Detention Camp Prisoners from Republika Srpska present? I will only speak on my own behalf; I must say that I have not seen that clear a vision so far. I don't understand what is being offered with respect to the goals that should give us answers to all of the questions which we don't quite understand and which we sometimes don't want to accept and which are sometimes false.

Statement: Murat Tahirović, Association of Former Detention Camp Prisoners of BiH, Sarajevo, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

Associations of Former Detention Camp Prisoners can help define the RECOM mandate, they can help collect one million signatures, they can collect documentation and take statements from victims.

At this state, before RECOM is established, during the consultations stage, of course if you consider this to be worth the effort, these associations can influence the content of RECOM. The role of such associations is to help collect signatures. Nataša Kandić mentioned that it is planned to collect one million signatures to submit to the parliaments together with the request to form RECOM. That number of signatures will grant a greater legitimacy to the request. Once the commission is established, members of former detention camp associations can become members of the commission (...). In some countries truth commissions employed hundreds, 700 or 800 people, in others less than that. It takes a lot of effort to take statements from witnesses and it is good if the statements are taken by those who understand the situation, who know what to ask and who have heard it all already. Unfortunately, many of you are quite familiar with this issue. You can also help by testifying, by giving statements, by collecting materials – simply, I think there is a lot associations of former detention camp inmates can do.

Statement: Bogdan Ivanišević, International Center for Transitional Justice, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

75. National Consultations with Non-Governmental Organisations about the RECOM Initiative

Belgrade, Serbia
December 17th 2009

The national consultation with non-governmental organisations were organized by the Humanitarian Law Center and the Agency for Cooperation with Non-Governmental Organisations and European Harmonisation, the Belgrade City Administration. It was attended by 44 representatives of non-governmental organisations from across Serbia. The observers came from the embassies of the United Kingdom and The Netherlands. Nataša Kandić (Humanitarian Law Center, Serbia) and Bogdan Ivanišević (International Centre for Transitional Justice) were the lecturers. Dragan Popović (Youth Initiative for Human Rights, Serbia) acted as the moderator.

Suggestions, views, recommendations of the participants

The City of Belgrade supports the formation of RECOM.

To begin with, on behalf of the City of Belgrade and its administration – welcome. Why does the city support RECOM? During the 1990s the citizens of Belgrade and to a certain extent its administration which was in opposition [to the republican government] showed their readiness to raise their voice against the war. When I say 'the citizens of Belgrade' I mean, in the first place, the representatives of non-governmental organisations. One of the priorities of our agency is the region-wide cooperation in the effort, of course, to renew broken relations, shed light on the past for the sake of a clearer future, first and foremost, and, of course, an adequate satisfaction of the victims.

Statement: Danko Runić, director, Agency for Cooperation with Non-Governmental Organisations, Belgrade City Administration, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

RECOM should set up a body to work together with professionals who participated in the war in locating witnesses and scenes of crimes.

As a former member of the special units of the Republic of Serbia I had the opportunity to talk

with then officers and members of the professional forces of the Republic of Serbia. I think, therefore, that there should be a commission within RECOM which would work with professionals who are now in touch with direct witnesses in the majority of cases, of the majority of war crimes in the territory of the former Yugoslavia, Kosovo in particular.

Statement: Nenad Petrović, Palestra, Kruševac, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

It is time to take stock in writing of everything that has emerged in the course of discussions, including dilemmas and different opinions.

I think that time has come to write a serious draft based on all that was done during these 68 meetings. I was slightly taken aback when I heard '68 meetings'; it reminds me of certain things in politics. Of course, there are many dilemmas still, but I think that after four and a half years we have arrived at something that is indisputable and I think that that should be the skeleton of this draft. And then, in that text, to present all the dilemmas where they still exist, dilemmas or different opinions. I am confident that people will participate even more and be more active in further discussions when they have something that they can talk about.

Statement: Zoran Živković, Millennium – Centre for the Development of the Civil Society, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

It will be difficult to collect one million signatures, both technically and motivationally.

I have to say that I am pessimistic when it comes to how the authorities will respond, the current and future ones, unless something changes in any one of these states, successors to the former Yugoslavia. Maybe I am wrong. In any event, this proposal needs to be presented and major pressure brought to bear. It is far from easy to collect one million signatures, even technically, let alone motivationally and in any other respect. All this needs to be begun as early as possible or else we shall spend the best years of our lives discussing the initiative and it is time to bring it to an end.

Statement: Zoran Živković, Millennium – Centre for the Development of the Civil Society, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

The regional commission may be made only of the national commissions and the latter should

be independent. In Serbia the emphasis should be on the state's admission of its responsibility for the crimes.

I think that all these consultations are useful; They give some information, at least for people on the ground who are participating in this for the first time; they are simply motivated to take an approach to all this. However, I still think that a regional commission can be made only of the national commissions which should be independent. A gathering such as this one, made of non-governmental organisations in Serbia should continue to work and bring pressure on the authorities in Serbia itself. And I think that it is much more important to establish the cooperation between state institutions and non-governmental organisations in Serbia itself. It would be much more efficient if the focus were placed on Serbia (...) to lay the emphasis on the perpetrators and the state, to actively demand from the state that it admits responsibility for the crimes, including the genocide.

Statement: Sonja Biserko, Helsinki Committee for Human Rights in Serbia, Belgrade, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

It needs to be decided whether it is better to have commissions in individual states first and then make the regional commission from them.

I'd like to include all the states, but perhaps Slovenia and Macedonia don't have to be there. But those others should all be covered by the work of the commissions. And then, at some major reunion, such as the one we had in Bečići, when we have all the states represented, we could decide whether we should have commissions in individual states and then together make a regional commission out of them. We need to have an answer what to do if a state refuses to participate in this regional commission and how we shall make up for its absence in finding the truth. If all the states set up their commissions, then perhaps this will create mechanisms to for -, with the help of the international community - a joint, regional truth-finding commission.

Statement: Alija Halilović, Civil Forum of Novi Pazar, the net of human rights committees, CHRIS, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, 17 December 2009.

If the authorities reject RECOM, we shall be denied the truth.

I think, if RECOM fails, if our authorities and politicians do not support, do not accept this as a model for finding the truth, then we shall indeed be denied the truth because our histories are written by those qualified and by those unqualified so that in fifty years time we might have hollow histories or those written by amateurs or warriors or war-mongers. They love writing diaries now, and it's always somebody else's fault, never mine. Sorry, that's all.

Statement: Alija Halilović, Civil Forum of Novi Pazar, the net of human rights committees, CHRIS, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

National commissions cannot create a climate in which the states emerged from the former Yugoslavia will willingly admit the responsibility for the crimes committed. Facts cannot be established at the national level.

How does one do it, requesting responsibility and obtaining from the state its admission of responsibility? Or, for instance, how shall a commission, a national one, in Bosnia and Herzegovina, find the truth as it cannot be done without Serbia and Croatia. Just think - the perpetrators are, largely in Serbia, and in Croatia. Or, how could a commission, a national one, in Kosovo, whom would it deal with there? In what way does one arrive at a pure form in which every society adopts a stand towards its past, its history, its responsibility, how does one arrive at an ideal, critical self-examination? I, for one, do not believe that it is possible by means of a national approach...

Statement: Nataša Kandić, Humanitarian Law Centre, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

Non-governmental organisations should bring pressure on Serbia to look at itself.

I think that it is very important that these plans for the creation of a joint state of Serbs here [in Serbia] are exposed. There is plenty of material for that in the Tribunal in The Hague. (...) Who will make us - Croatia, Bosnia and Herzegovina, Kosovo? - admit that it was an aggression? Nobody. I think it is much more important to discuss it within the country because it is the only way for Serbia to look at itself in the face.

Statement: Sonja Biserko, Helsinki Committee for Human Rights in Serbia, Belgrade, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

Kosovo Serbs and Albanians need to be supported and empowered to join this process.

Serbs and Albanians who are already engaged in this process in Kosovo need to be empowered because they have already said that nobody from Belgrade has the right to initiate the process in Kosovo. The international community must be on their side too and then, with its help, to start an arduous and painful process.

Statement: Aleksandar Stojanović, Centre for the Development of Local Communities, Kosovska Mitrovica, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

RECOM needs to have a multidisciplinary team so that the events can be analysed from different angles.

I'd like to ask something, Mrs Biserko mentioned the qualifications of those individuals; I think that a multidisciplinary team should be involved and that things should be analysed from different angles.

Statement: Sedat Vrcić, Flores, Sjenica, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

The process concerning the formation of RECOM should include religious communities and political parties.

I'd like to welcome (...) the expansion of this whole process, first the number of those involved because I think that it was high time to do it. Maybe similar processes ended as they did because some of the crucial actors were not included. By this I mean, in the first place, the religious communities that you mentioned and the parliamentary parties. Needless to say, every one of us has the right to like or dislike some of the actors. To begin with, they are also a heterogeneous group, but I think that the manoeuvring room for the achievement of the goal is minimal unless they are included.

Statement: Milan Sitarski, Centre for Religious Research, Belgrade Open School, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

The most important thing is to de-ethnicise the victims and to create compassion in the region.

We must de-ethnicise those victims, we must explain to people, in all the republics, how those victims felt. We must first bring closer to them the feeling of pain and only then can we put pressure on the state

in whatever way (at the regional or national level). And then it will not be a problem. But in the first place we must find a way to put an end to the model of violence as a solution to the problems in the society and the family and only after that we can devise the mechanisms to put pressure on the state.

Statement: Simon Simonović, student, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

It is easier to achieve the consensus about the perpetrators at the regional than at the national level.

it is very easy to achieve a regional consensus regarding the fate of the missing, the camps, this and that, but as regards the criminals it's a no-go. I think that some agreement needs to be achieved primarily at the regional level. It then gives one greater power to act nationally.

Statement: Milovan Radonjić, Evrokontakt, Kruševac, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

RECOM is a tool of democratic dialogue.

I think that this group should focus on what we can and must do, that is what is indispensable for us to do to make the states accept RECOM. The Coalition for RECOM itself is a tool of democratic dialogue and in its future work it will find answers that I believe will be the right ones for this discussion.

Statement: Boško Nektarijević, Forum for Ethnic Relations, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

Non-governmental organisations should put pressure on local governments to support RECOM as a part of the European integration process.

And then, if gentlemen [local governments] do not want to take part in this story, then we shall stigmatise them, too. So, if a municipality which received 3,5 million euros from the European Commission in the name of European integrations, does not wish to participate in another kind of European integration, then we shall have a little talk with them. I see no other tool for us but to put pressure, too.

Statement: Virdžinija Marina Guzina, Civil Parliament, Vršac, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

The ambassadors to Serbia [international

community] should support the initiative for RECOM as a part of their support to Serbia.

If last year the ambassadors went to put pressure from town to town, from village to village, so that this massive coalition which is in power could be made, why shouldn't those same ambassadors come and say, 'Hey, wait a sec, we're giving you money, come on, do something concrete.

Statement: Virdžinija Marina Guzina, Civil Parliament, Vršac, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

RECOM should take into account people who got rich during the war because they are behind the crimes.

We suffer from certain things which citizens perhaps do not associate quite clearly with the crimes which took place. And these are, say, corruption, or, say, monopoly, these are, say, unstable governments supported by those selfsame people who have got very rich and I think, therefore, that the discussion should address these things too. I mean, even though we have very accurate lists of war criminals, are they being brought to justice or should they be brought to justice; perhaps inaccurate lists of victims, we do not have accurate lists at all, who are those people who enriched themselves through this tragedy, are their names quite clearly associated with crimes which could have had economic reasons behind them, and all the while those people are indirectly affecting the living standard.

Statement: Gordana Vele, Group 484, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

Victims and witnesses should testify in public. They should speak freely, but under professional supervision.

As for who will speak at public hearings, I think it is very important to get the stories of both the victims and the witnesses. As to how to hear the victims in public, I think it is very important to allow the victims to speak freely but not without professional supervision. This means that there should be examiners skilled in public hearing as well as in gentle guiding.

Statement: Nataša Ljubomirović, Group 484, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

Discussions about RECOM are the broadest social process in Serbia and the region.

RECOM by itself has the potential to restore the dignity of the victims.

REKOM is very, very crucial if the victims are to regain their names and their full identity. I also think, having followed the whole consultations process, forums and everything that it is the broadest possible process which takes place in Serbia and the civil society.

Statement: Goran Miletić, Civil Rights Defenders, Office in Serbia, National Consultations with Non-Governmental Organisations, Belgrade, December 17th 2009.

If REKOM advocates reparations for all victims, it will earn the commission major support in the states of the region.

I think that this truth commission should envisage reparations for the victims for two reasons. Firstly, I believe that the fundamental principles of justice demand that a person victimised, especially in such a monstrous manner, should be compensated so that he/she can have the possibility to go on living, so that the victims' children can have a chance to receive education and live a better life (...). If we start from the fact that all victims should be compensated, it could constitute a major incentive because in Serbia, for instance, the emphasis would be on Serbian nationals, in Bosnia and Herzegovina on the nationals of Bosnia and Herzegovina and no distinction would be made among the victims based on their ethnic origin or religion.

Statement: Bojan Gavrilović, Belgrade Centre for Human Rights, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

Non-governmental organisations should be the chief actors of the 1,000,000 Signatures Campaign for RECOM.

Non-governmental organisations included in this story since the start of the consultations, should step up their involvement from the beginning of this year, that is, start collecting the signatures, say, in February; it could all be expedited and non-governmental organisations in every town can be the chief actors of the project.

Statement: Nenad Porobić, Centre for Non-Violent Action, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

The question is if the signatures for RECOM can be collected at the time of the elections in BiH.

We were thinking about submitting [to the parliaments in the region] our model towards the end of the year. However, the electoral campaign begins in Bosnia and Herzegovina in September, the elections are in October and we wonder if our campaign One Million Signatures for RECOM will be possible.

Statement: Nataša Kandić, Humanitarian Law Centre, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

I believe it is wrong to tie up the collection of signatures with possible elections at that time; we are in the Balkans and there are always some elections somewhere.

Statement: Zoran Živković, Millennium, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

Brčko would be a good place as the seat of RECOM.

Just a brief suggestion concerning the head office of RECOM, for the regional commission as you call it. I think that Brčko is self-indicated because it is nowhere and everywhere. That is, some attempts at political pressure by this or that authority will be quite possible everywhere. Due to the circumstances, it will be most unlikely to have a political pressure group in this lovely town and it is also well positioned, geographically speaking. As a seat, yes. Test the enthusiasm of potential commission members.

Statement: Zoran Živković, Millennium, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

REKOM should address the facts about what happened, not the historical causes.

I think that the historical causes are well-known, that there was a lot of talk about them and that this is not something that RECOM should address. This is a topic for the science, for historians, sociologists, anthropologists and so on and I think that RECOM will be busy enough finding the facts about concrete matters and should not go into historical causes (...) it means going back to, I don't know, as somebody said, to Berlin Congress, World War I, the Battle of Kosovo or I don't know, the arrival of the Slavs in this territory. There are simply no witnesses for those things.

Statement: Sandra Farkaš, Peščanik (Hourglass) Women's Association, Kruševac, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

I think that the history is important but I also believe that it would make the whole process more complicated. We should not forget that there would be six, three, seven different histories which would have to be incorporated in one truth. From the point of view of the perpetrators' motives which made them commit the crimes, because they believed that their forefathers had been victimised in the past, going into that may make sense, but I'm afraid it would open Pandora's box and divert the attention from what has to be done and to my mind it is the stories of the victims and above all the reparations.

Statement: Bojan Gavrilović, Belgrade Centre for Human Rights, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

RECOM should address the causes and the historical context

The victims expect to hear some answers which go beyond the fact that person A came to a village and killed person B. One must go beyond that.

Statement: Goran Miletić, Civil Rights Defenders, office in Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

So we shall only deal with the victims and then (...) we shall produce some material based on this, and we will not go into the causes and the whole context. I think it is quite impossible

Statement: Virdžinija Marina Guzina, Civil Parliament, Vršac, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

In other words, this is not the talk about history for talking about history's sake, for the sake of an intellectual exercise or anything of the sort; this is dealing with that part of the history or that aspect of the history which is relevant for us here if we are to avoid its repetition. This is the idea behind the dealing with the history by the truth commissions.

Statement: Bogdan Ivanišević, International Centre for Transitional Justice, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

RECOM should address the responsibility of the media.

The political causes are something else and talking about them, I think that here it is impossible to avoid an examination of the responsibility of the media because we know how much did the media mobilise the masses for the war, war crimes and so on in the early 1990s and throughout the war; spe-

cifically, the role of the RTS in Serbia – I think it is important to go into that.

Statement: Sandra Farkaš, Pešćanik (Hourglass) Women's Association, Kruševac, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

Talk with people in local communities as much as possible and acquaint them with the initiative.

I think it is very important at the local level, that is in different milieus in the region, to talk, to talk, to discuss. I think that one of the causes for the armed conflicts was that people had no opportunity to talk about something that has troubled them for a long, long time, something from the past and so on.

Statement: Nataša Ljubomirović, Group 484, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

The legitimacy of the initiative rests with its regional character, a million signatures and that it is an initiative from below, ours for us.

This whole initiative is legitimised by this regional dimension, the regional character of the initiative; the regional debate and one million signatures provide both the legitimacy and the credibility.

Statement: Nataša Kandić, Humanitarian Law Centre, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

The third segment which vests RECOM with legitimacy is that the initiative comes from below, it is ours for us and it seems to me that this focus is what distinguishes it and why it can be argued that it might succeed.

Statement: Nataša Govedarica, Civil Initiatives, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

Public RTVs should have the central place in promoting the RECOM initiative.

There are public RTVs which are duty-bound, which we as citizens, each in his or her country pay for and (...) and the first task of our media initiative intended to promote this idea and enlist the support in this way needs to be directed at public RTVs.

Statement: Nataša Govedarica, Civil Initiatives, Belgrade, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

Apart from the public television, local media also play an important role in the shaping of the public opinion.

It seems to me that the media are not supporting adequately this whole story. The media indeed are decisive when it comes to influencing the politicians and the public opinion in any state. I think it is truly indispensable, not only in the central media, but, above all, in the local media, to talk about this as much as possible and even to air the stories of victims from all communities, those who were victimised in the recent wars. Maybe even pay for it.

Statement: Ljiljana Stojanović, Centre for the Development of Democracy and the South of Serbia, Vranje, Serbia, National Consultations with Non-Governmental Organisations, Belgrade, Serbia, 17 December 2009.

76. National consultation with intellectuals on the Initiative for RECOM

Podgorica, Montenegro
December 17th 2009

The national consultation with intellectuals on the Initiative for RECOM in Podgorica was organized by the Center for Civic Education (CGO) from Podgorica. The gathering was attended by 44 participants. Introductory speeches were given by Vesna Teršelič (Documenta, Croatia) and Dragan Popović (Humanitarian Law Center, Serbia). The discussion was moderated by Daliborka Uljarević (Executive Director of the CGO, Podgorica).

The gathering was attended by eminent intellectuals – university professors, writers, sociologists, analysts, military officials, retired diplomats, judges, human rights activists, journalists, and politicians. Daily Vijesti and Dan, Radio Antenna M, NTV Montena, Mina, Radio Montenegro, TV Pink M, and TV IN reported about the gathering.

Suggestions, opinions, and recommendations of the participants.

RECOM is a response to the limitations of existing dealing with the past mechanisms.

Existing dealing with the past mechanisms employed in the post-Yugoslav countries as well as those practised internationally are very valuable

and meaningful, but they are obviously insufficient. In order to do the job properly, we need additional activities, and I believe RECOM is the right way to go.

Statement: Dubravka Uljarević, Center for Civic Education, Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

Victims are being marginalized in all post-Yugoslav countries. RECOM should be able to create a space for all victims to be heard and identified and it should also prevent the selective presentation of facts about war crimes.

I think I have to say that regardless of the national group they belong to, victims are today marginalized all over the region, including Croatia. I think it is important to create a space for all victims – to talk about all victims and not just about those we already know a lot about. We wish to offer a model, a suggestion about how to stop presenting the facts in a selective manner, we want to make sure that when talking about war crimes and victims of war crimes, that we can talk about the fate of the victims of all war crimes.

Statement: Vesna Teršelić, Documenta, Croatia, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

It is very important that RECOM is established by governments because only governments can prevent war crimes denial and initiate changes in school curriculums.

It is crucial that a body like this is formed in an official manner so that its findings are credible. The governments have the power to prevent war crimes denial (...). Governments can even pass laws, as was the case in Germany when the government passed the Law on the Prohibition of the Holocaust Denial. Also, only governments have the power to change school curriculums and initiate changes in school history books etc. (...). And most definitely, real truth commissions must be independent.

Statement: Dragan Popović, Humanitarian Law Centre, Serbia, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

Not everybody believes that the current governments will try to preserve the independence and autonomy of RECOM from their political influence.

I am not quite sure that it is possible to ask the governments now in office to create and finance

RECOM and then to step aside, respecting its autonomy and independence without interfering with its work.

Statement: Milika Pavlović, writer from Bar, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

There is a dilemma whether to create national commissions first and later connect them into a body called RECOM or to form RECOM at the outset.

Would it be better to form national commissions first and then integrate them into RECOM or go directly to RECOM.

Statement: Branimir Jukić, Ambassador of Bosnia and Herzegovina in Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

Each country should make a register of the killed, the missing, detention camps locations, prisons, and other crimes, and then approach a regional network.

It is an undisputable fact that there are many killed and missing persons, former detention camp or prison inmates, so it makes sense, as the man who spoke before me said; it makes sense to create a national commission first to clean up in our own backyard first, so to speak... When we gather all these facts, we will have a result of the 1990s in front of us. Then you can ask your respective governments to take some measures to solve these people's problems. Then we can connect into a regional network in an attempt to solve these problems.

Statement: Goran Radić, lawyer from Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

Facts established at a national level will not be readily accepted in the entire region.

When we are talking about establishing the facts on a national level, I think it will be very difficult to make sure they are accepted in the entire region, and that is a very important part of this whole idea. It is crucial to talk about the wars and to establish the facts in a manner which will be authentic in the countries concerned so that from that point on it can become a foundation for building mutual trust or reconciliation among the nations of the former Yugoslavia.

Statement: Vesna Teršelić, Documenta, Croatia, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

National commissions cannot access archives owned by other states in the region.

The fact is that to date all national initiatives have failed, because, as Vesna pointed out, they did not have support from other countries. Also, national commissions can hardly give answers and access archives and documentation owned by other countries. National bodies can hardly convince the victims from other communities living in a different country that it is now okay to trust a national body created by a government whose institutions killed their families.

Statement: Dragan Popović, Humanitarian Law Centre, Serbia, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

Members of national minorities will only support a regional commission and not a national commission.

And in the end, national versus a regional commission – my answer is regional because national commissions would be anaemic, so to speak, it would be discouraged instead of encouraged by members of other nationalities and nations.

Statement: Azra Jasović, lawyer from Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

Most facts have been made public but the problem is how to confront political, media, and religious elites with them considering the way they treat war crimes perpetrators from their national community and victims from other communities.

I can say that we are rather well informed about the war crimes committed on the territory of the former Yugoslavia by means of the indictment handed down by the ICTY or by national war crimes trial chambers. In my opinion it is much more difficult to make political, media, and religious elites deal with them. I wonder if they are at all able to acknowledge these facts and I would like to know how they treat war crimes perpetrators from their own community versus victims belonging to other ethnic groups. With no intention to single anyone out, I would like to know if some progress has been made and if there have been any changes in the political matrix and the mentality generally within the region of the former Yugoslavia.

Statement: Branimir Jukić, Ambassador of Bosnia and Herzegovina in Montenegro, National consultation with intellectuals

on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

RECOM can count on the support of the Fact-Finding Commission of the International Red Cross Committee.

And one more idea – the International Humanitarian Fact-Finding Commission of the International Red Cross Committee is tasked with establishing the facts about war crimes and serious violations of the international humanitarian law. It is made up of experts in various fields and the only member from the former Yugoslavia region is Prof. Starčević. I hope this means something and I hope that this man can help us. He is a human rights activist, a former soldier, who left the army the moment he realized the army was violating human rights. Soon after he joined the International Red Cross Committee and the human rights protection movement and I hope it will help us secure the support of such a unique commission functioning within an institution such as International Red Cross Committee.

Statement: Ivana Jelić, Faculty of Law, Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

RECOM will have a hard time establishing the causes of the conflict because all governments will defend their predecessors.

I think that RECOM should explore the causes of the war. It is not going to be easy because everyone will defend their country and their nation (...). I think that discovering the causes of the war should be part of RECOM's mandate since academics will not be able to do it for a long time. We have to take a shared position on this: the war happened and wars never happen spontaneously, they are always planned. Let's talk about those who planned the war. Once we understand who planned the war, we'll know who created the war-mongering politics, and also who was in power. Then we'll know who the planners were.

Statement: Blagoje Grahovac, retired Army General, Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

RECOM should tackle the issue of the causes of the war and war planners.

I think that it is necessary to deal with the causes of war.

Azra Jasović, lawyer from Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

When we were elementary or middle school students we all learned about the real causes and immediate causes of the big wars. We all knew that immediate causes were of a superficial nature and that real causes were something very deep. So, I absolutely support General Grahovac and others who insist that we need to focus on the planners of the war.

Statement: Slaven Lekić, analyst from Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

The context of the war can only be established after the facts have been established.

It is still unclear whether this commission will have a mandate to establish the context of the conflict. I think the commission should first establish the facts and then try to determine the context. However, this issue still remains unanswered because we are not sure who should be the people determining the context – honest historians, honest intellectuals etc... All I know is that context must be determined for the sake of future generations. They must know what happened.

Statement: Dragoljub Vuković, journalist from Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

RECOM should try to determine the context of the conflict because understanding the context means drawing conclusions and lessons for the future.

I believe it is crucial that RECOM determines the context of the conflict because the context itself was the wave that spread over entire nations making them willing to accept war crimes as a way to solve the problems inherited from the period when we all lived in one country. Knowing the context will help us draw some conclusions for the future along with recommendations for a life more or less shared with our neighbours.

Statement: Radomir Laković, Math and Natural Sciences Faculty, Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

The Coalition for RECOM should win over the public because those making a decision on the creation of RECOM will be influenced by

public opinion about RECOM.

The RECOM initiative must have the powerful support of the public because those deciding on the creation of RECOM, first of all politicians, will be looking for public reaction to this idea. Therefore, it is necessary to have a strong public relations team able to make the public understand what the goals of such an initiative are.

Statement: Aleksandra Zeković, human rights researcher, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

We need to take advantage of the prevailing mood of citizens and political elites to embrace European integrations and we should create RECOM as part of that momentum.

My question is: what if our governments turn against RECOM and refuse to form it? I think it should be formed anyway and I think that everybody including the NGO sector, the media, and the entire society at a national level should pressure the government into accepting the request to create RECOM. But, as I said, even if they don't, RECOM should be created (...). So, we need to make good use of what we have available today – the desire of both the citizens and political elites to embrace European integration and use that momentum to create RECOM.

Statement: Branko Lukovac, Igman Initiative, Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

One of the goals of RECOM should be to demystify national heroes.

One of the goals of RECOM, in my opinion, should be to demystify national heroes at national levels, war crimes perpetrators who have been praised as heroes in their communities.

Statement: Azra Jasović, lawyer from Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

At the moment Serbia is not taking part in any official initiatives where Kosovo representatives are active. How can we solve that problem since it is necessary that both Serbia and Kosovo take part in the work of RECOM?

At this moment Serbia does not want to take part in any initiatives where Kosovo representatives are active. Will such behaviour of Serbia reflect to the

case of Bosnia and Herzegovina so that they, too, make a decision not to join for the same reason? It is something we need to think about.

Statement: Aleksandra Zeković, human rights researcher, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

Collecting the facts is very important because the governments are destroying evidence of their responsibility for the atrocities committed during the war.

I think that the role of RECOM is significant especially in terms of fact-finding because we are all aware that our governments are destroying evidence of their responsibility, entire archives are being burnt – so let's collect whatever evidence we can while we still can.

Statement: Slaven Lekić, analyst, Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

Citizens manipulated into supporting the war by their own governments are also victims.

Citizens manipulated into supporting the war by their own governments and by the media can also be considered victims... I think it is very important to understand that in countries such as Montenegro where we can only dream about having a significantly different government...

Statement: Budislav Minić, lawyer from Kolašin, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

The non-governmental sector, especially in Montenegro, must not allow the selection of members to annul the meaning of the commission as is the case with the selection of the human rights protection officials.

The selection process must be transparent – the non-governmental sector must not allow the government to chose members of the commission in a manner that would annul the meaning of the commission as is the case with the selection of human rights protection officials who practice the human rights protection from their own point of view, in accordance with their professional capacity, and primarily to the extent not jeopardizing their jobs.

Statement: Azra Jasović, lawyer from Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

The support for victims is a precondition for the creation of RECOM.

I just want to alert you that, in the history of truth commissions, there are examples around the world where at one point, before, during, or after the formation of the commission the truth commission was on one side and the families of the victims on the other side. I am sure there are mechanisms that can be used to prevent situations like these.

Statement: Gordan Stojanović, publicist, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

Maybe it is too early for the governments to be able to create a commission that is independent in its work.

We are witnessing situations where the government refuses to include people who have their own integrity and opinion in affairs that are less important than this one ... I can't imagine these governments setting up mechanisms, forming commissions full of free-thinking people, courageous intellectuals, willing and eager to investigate and process war crimes... I can't help thinking it is too premature for the governments to create such commissions. Of course, formally they can do it, but we'll end up having a commission which will not do the job properly.

Statement: Stanko Marić, Association of the Lawyers of Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

77. National Consultation with Non-Governmental Organisations about the RECOM Initiative

**Priština/Prishtinë, Kosovo
December 19th 2009**

The national consultation with NGOs was organised by the Humanitarian Law Center - Kosovo in Priština/Prishtinë on December 19th 2009. It was attended by 35 representatives of Albanian and Bosniac civil society organisations; organisations representing Turks, Roma, Ashkali and Egyptians and Serbs did not take part. Nataša Kandić (Humanitarian Law Center, Serbia), Eugen Jakovčić (Documenta, Croatia) and Nora Ahmetaj, human rights activist, Kosovo) were panelists. The

meeting was moderated by Bekim Blakaj (Humanitarian Law Center - Kosovo).

The regional commission shall provide facts about the past based on real events and this will benefit the whole region.

We support the regional approach because we believe that the regional approach will produce some effect, where the participants will mandate the commission to interpret the history as it happened, based on events which took place and which will not permit that any sides be taken to suit the interests of a particular society and will instead bring benefit to everybody in the region.

Statement: Ylber Mahxuni, Youth Step, Vuçitër/Vushtrri, Kosovo, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

RECOM means healing of wounds and closing the pain and that is an indispensable step towards reconciliation.

The role of the commission is discussed amidst silence, whether or not it should be associated with reconciliation and that simply depends on the perception, how and in what way. This is obvious and it seems to me that some aversion has been created, unnecessary I'd say, to what is, after all, good for everybody. The activity of this commission can offer what we, in therapeutic parlance call the healing of wounds or closing the pain and this produces a therapeutic effect and may be, I could say, an indispensable step on a road which could be long and complicated but will eventually lead to reconciliation.

Statement: Lulzim Arapi, Association for Psycho-Social Support to Children, Đakovica/Gjakovë, Kosovo, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

RECOM has great potential regarding rapprochement, reconciliation and expansion of the field of common interest.

It is not easy to find the area of common interest among sides to a conflict and so I say, surely there are the victims and the interest to shed light on the crimes and various perpetrators who violated the human rights of those victims, well, that common interest has a great potential to bring people closer together; it even has a diplomatic value because it is cross-border by nature and I believe that in spite of the fact which is, how shall I put it, sad and looks like a legal problem, It nevertheless has the poten-

tial to bring people closer together and broaden this field of common interest

Statement: Lazar Stojanović, film director, Belgrade Serbia, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

The main goal needs to be reconciliation and it is possible only by dealing with the past.

We should bear in mind that a precondition for the reconciliation process is the process of confrontation with the truth. And this is indispensable if the main goal, reconciliation, is to be achieved, and this is the request of the future.

Statement: Nafije Kuqi, Independent Union of Kosovo Pensioners and Invalids, Priština/Prishtinë, Kosovo, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

RECOM offers the opportunity for the perpetrators of war crimes to atone or lessen their responsibility by speaking out about the misdeeds in which they participated.

Another thing which comes to mind regarding what might be the consequences, the positive social effect of RECOM, is, as these reconciliation commissions in different parts of the world have shown, that it offers the opportunity to people who have done a wrong to get a chance, before the society and themselves, to atone, to be cleansed or at least lessen their responsibility by either communicating it or cooperating, in one way or another, with this commission or at least by participating in this kind of gatherings and discussions.

Statement: Lazar Stojanović, film director, Belgrade, Serbia, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

RECOM can help to remember the past and the victims. The society owes that to the victims and their families.

The commission can help to remind people of what happened and I think that as human beings we owe it to those who were victims at a certain point in time. In other words, we owe it to those who are no longer with us, but we also owe it to ourselves and the generations that will come after us. Because of that, after all, it is perhaps something that is very humane both for us and the others, and especially the debt owed to those who are no longer with us. It is perhaps the only support which numerous families of the missing persons expect.

Statement: Lulzim Arapi, Association for Psycho-social Support to Children, Đakovica/Gjakovë, Kosovo, National Con-

sultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

RECOM should concern itself also with the pensioners in Kosovo since Serbia stopped paying their pensions in 1999.

We in Kosovo have new victims too, the victims from after the war. It is common knowledge that there is a grouping, 80,000 individuals: pensioners and invalids, who are not getting their pensions, who are not returned the dues they paid during their working years when they could contribute to the development of manpower, the physical and psychological development of all generations. 80,000 people have been left without any financial support, let alone the psychological aspect and the extent of deformation, degradation, humiliation ...

Statement: Nafije Kuqi, Independent Union of Kosovo Pensioners and Invalids, Priština/Priştinë, Kosovo, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

Some people think that the financing of the commission by the states is not a good idea.

The setting of all this process into motion requires the parliamentary approval and the budgetary solution is also sought from the parliament. Then it will indubitably depend directly on the governments and as a result – it merely follows: it is said that somebody is bad but then his help is sought. And nobody, if he was told that he was bad, will help financially and the solution of this whole problem will become questionable

Statement: Atidhe Berisha, Kalaja, Peç, Kosovo, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

The victims will speak more freely if their identity is protected.

I think that it is very important to preserve his/her [victim's] identity. So, in this regard, the victim's identity when he/she is protected, I mean, not public for the public, he/she can express him/herself more freely.

Statement: Bashkim Asllani, Exploring Intelligence, Vuçitrn/Vushtrri, Kosovo, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

It is of crucial importance to include teachers and educational institutions in the debate, be it formally or informally.

So, when dealing with all this, how to change the situation, how the approach will change, it is important to include the educational sector, either formally or informally, because it holds the key to the change of relations

Statement: Karmit Zysman, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

The victims who will be testifying need to be ensured professional psychological support. The institutions are duty-bound to provide the funds for the rehabilitation of the victims following their testimonies.

[Exposure to] interviews can produce consequences and these can, in their turn, cause further psychological complications. It is important that these persons should not only be called upon to give information but also to receive treatment, [to serve] not only as a source of information; they should be provided treatment if they react in a manner necessitating psychological support. (...) treatment of traumatised individuals, with the post-traumatic stress, is a long-term process. So, whether there will be one or more sessions... but it is widely known that a number of sessions are required. I am talking about the financial consequences which can ensue if, for instance, a person needs a year-long treatment. It would be good perhaps to talk with institutions here in Kosovo, such as the Ministry for Social Affairs, the Ministry of Health, to find a way for them to help the rehabilitation of these persons after they've been through the interview.

Statement: Imri Zabeli, psychologist, Glogovac, Kosovo, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

It is necessary to set up a regional victim support centre. This could be one of RECOM's recommendations.

This means that we need to foresee not only the psycho-social support during the information gathering, taking of statements, but, in point of fact, special psychological support to those victims who will testify in public, and then a programme. It means that the recommendations must be serious and forceful, and later on the coalition must be in a position to monitor the implementation of these recommendations. I really think it is necessary to set up a regional fund for the victims.

Statement: Nataša Kandić, Humanitarian Law Centre, Belgrade, Serbia, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

78. Consultation with the local community

**Novi Pazar, Serbia
December 21st 2009**

Consultations with the local community in Novi Pazar were organized by the Sandžak Committee for Human Rights and Impuls from Tutin. Seventy-one participants, representatives on non-governmental organizations, teachers, cultural workers, and citizens interested in this topic attended the gathering. Sandra Orlović (Humanitarian Law Center, Serbia) and Dragan Popović (Youth Initiative for Human Rights in Serbia) spoke about the need to create RECOM. The gathering was monitored by Frantusanu Iulian, OSCE representatives, Ahmet Halilagić, SCOPES, Novi Pazar, Head of the USAID Regional Office – Strengthening Economic Stability, Marko Vujačić, PR officer for the Development of Municipalities in South-Eastern Serbia Program, PRO and Asmir Coković, Office of the Civilian Friedensdienst Forum from Novi Pazar. TV Jedinstvo and Sandžačke Novine reported on the event.

Suggestions, opinions, and recommendations

RECOM is important for Sandžak because of everything that happened in the period from 1991 to 1995: kidnappings, murders, property destruction, and the persecution of the Muslims.

RECOM has a special meaning for Sandžak (...) having in mind everything that happened here from 1991 to 1995, but later too: serious violations of human rights, kidnappings, murder, arson, heavy artillery siege of towns and villages, discrimination, mass persecution of the Muslim population, mass police repression. It was all in the shadow of war events in Croatia and Bosnia and Herzegovina and in Kosovo. Many crimes committed in Sandžak remain forgotten (...). The state must investigate the destiny of the victims and give their families relevant information about them.

Statement: Semiha Kačar, Sandžak Committee for Human Rights, Novi Pazar, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

If we only collect the facts about the crimes

committed during and after the war, it would only be a partial success because it is necessary to establish the causes.

If RECOM only collects the facts about the war crimes and serious human rights violations and freedoms committed during and after the war and documents it all, it would be only a partial success because if it is not recorded it did not happen.

Statement: Džemal Halilović, Committee for Human Rights Protection and Humanitarian Activity, Priboj, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

So, it is necessary to establish the causes because the causes are continuous and they really made the victims be innocent victims.

Statement: Mehmed Slezović, Sandžak Intellectual Committee, Novi Pazar, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

I believe that we should search for the causes of all these events in Serbian nationalistic programmes, from 'Načertanije' till today, so, since 150 years ago because the Bosniaks in this region have already suffered almost a dozen genocides and it happens all over again periodically, every 20, 30, or 50 years. If the causes are not removed, i.e. if the state does not give up its nationalistic programmes, the history is likely to repeat in the future.

Statement: Džemal Halilović, Committee for Human Rights Protection and Humanitarian Activity, Priboj, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

RECOM should investigate the period from the death of Josip Broz Tito and it has to deal with the causes.

I think it would be very good to investigate the events starting immediately after the death of Josip Broz Tito. Anything before that would be just too much.

Statement: Šemsudin Kurtović from Tutin, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

RECOM offers the victims a space to speak publicly about what happened to them and it offers to the society the necessary support to morally examine the past.

This is an opportunity for the victims to simply have a broader audience to hear about their suffering since justice is slow and the judiciary has many problems that need to be solved.

(...) RECOM can offer them support in a more positive sense but also in a moral sense motivating them to examine the past with a critical point of view.

Statement: Mehmed Slezović, Sandžak Intellectual Committee, Novi Pazar, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

The accent should be on the protection of civilian victims of war. The government and war profiteers should provide the funds needed for reparations.

Our main interest should be to protect civilian victims of war – provide reparations, compensate the victims or their families (...). The state and war profiteers should provide the funds (...) all those who are today successful businessmen and tycoons (...). And the level of human rights violations in Sandžak was worse than in Kosovo. Here (...) the civilian victims were subjected to torture by, first of all, state police, secret services, offices of prosecutors, by the judiciary – mainly by the system.

Statement: Alija Halilović, Citizens' Forum, Novi Pazar, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

For the victims driven from the villages in the Priboj municipality justice means receiving financial compensation and indemnification for their property.

The only way to give (...) these citizens at least some sense of justice (...) is to indemnify them, give them financial compensation because for years they have been unable to visit their properties, they could not work on their land. And all these years they had to pay taxes or they could not have health insurance.

Statement: Ekrem Hadžić, Association for the protection of rights of the persecuted and displaced from the Priboj municipality, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

Amnesty for war crimes perpetrators will motivate them to tell us about the crimes victims are not aware of.

It is very important to promise war crimes perpetrators pardon or amnesty for the crimes they are indicted of (...). Public hearings of war crimes perpetrators is very important, maybe even more important than victims' testimonies because victims can tell about their suffering and the perpetrators may tell us what we don't know.

Statement: Emir Fetahović, Sandžak Committee for Human

Rights, Novi Pazar, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

Victims' families expect RECOM to help punish the perpetrators, to find the bodily remains of their loved ones, and to protect them from further humiliation.

We expect this commission to speed up court proceedings for all perpetrators, to help us find the remains, and to help parents of these victims to die a dignified death.

Statement: Nail Kajević, Association of the families of the persons kidnapped in Štrpci, Prijepolje, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

RECOM has a potential to build a value system acceptable for everyone in the region.

RECOM should try to create a value system acceptable for everyone in the region.

Statement: Dušan Nicević, International University in Novi Pazar, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

Media coverage is important for the affirmation of the commission, but RECOM should investigate the role of the media in spreading hatred and intolerance.

Victims testifying before the ICTY are often ashamed by the reports from the trials at The Hague. Their role is multiple: they can help spread the word about RECOM, but they can also spread hatred and intolerance. In order to leave the past it is necessary to have the media with an independent relationship with respect to the crimes and victims in this country.

Statement: Šaban Šarenkapić, Damad Cultural Center, Novi Pazar, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

It is necessary to find a way to change the role of the media.

The fact that the states did not do anything justifies the regional character of RECOM. RECOM is a natural response to that fact (...). I agree that RECOM should include the entire system, including the media which contributed to the blossoming of fascist ideas in society. These media outlets should be included in the process of removing these bad influences from society.

Statement: Sabina Talović, Women in Black, Pljevlja, Montenegro, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

Public hearings of victims are an important activity for RECOM but it will only be effective if national TV stations broadcast it.

Further on, public hearings of victims are absolutely important but they must be broadcast on TV stations with national frequencies. There is no point covering these events only by local media, because the national media have aired things back in the 1990s and made people do what they did.

Statement: Muharem Mutavdzija, TV Polimlje, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

Children are being brought up and educated by listening to the lies about the past.

Evil has been planted in textbooks and we, those of us educating children, we violate children's basic rights every day.

Statement: Kemal Džemić, Gest - Association of citizens from Tutin, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

RECOM should make a difference between ideologies inspiring the crime and genocide and ordinary ideologies.

The commission cannot be neutral with respect to different ideologies (...) but it can differentiate between ideologies inspiring hatred, killing, ethnic cleansing if that is a euphemism for the crime, for genocide, and so on. We have to make a difference between that and an ordinary ideology.

Statement: Ramiz Crnišanić, Sandžak Intellectual Circle, Novi Pazar, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

RECOM should have offices in communities where crimes have been committed.

This commission should by all means have an office in Novi Pazar since it is the heart of the Sandžak and since there are many victims in need of help.

Statement: Nazim Halilović, Forum for Tolerance and Cohabitation, Tutin, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

For practical reasons I believe that RECOM should have offices in areas where most crimes and human rights violations happened. I specifically think of Priboj and its vicinity because mass crimes happened there, ethnic cleansing, in one word an exodus, which resulted in a change in the demographic

structure of the region since more than a half of the Bosniak population moved away.

Statement: Džemal Halilović, Committee for Human Rights Protection and Humanitarian Activity, Priboj, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

RECOM is the only way to reach the truth and to treat victims as human beings and not as members of some ethnic groups. In order for the commission to work independently, it is critical to select professionals with high ethical standards.

This is the right way to find the truth (...) but it is very important to choose the right individuals to be members of the commission. It is imperative that they are professionally and morally credible because that will have the biggest impact on the work of the commission. And secondly (...) to find a way to start treating victims as human beings regardless of the ethnic group they belong to.

Statement: Slobodan Martinović, Argument, Prijepolje, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

It is very important for the Bosniaks that all citizens are equal before the law.

When it comes to reconciliation, I don't know who we should make peace with, which is one of the goals of RECOM. The Bosniaks in Sandžak did not have any disputes with anyone, we did not make a single Serbian child cry, we did not harm anyone, and we should not make peace with anyone. We only want this government to treat us like all other citizens, in accordance with the law.

Statement: Džemal Halilović, Committee for Human Rights Protection and Humanitarian Activity, Priboj, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

RECOM should initiate and recommend psycho-social, work, and family rehabilitation of victims.

Would it be possible for RECOM to somehow help the victims, to tackle the issue of victims' rehabilitation (...)? What are the options to really help them through psycho-social, work, and family rehabilitation? There is very little talk about that and it is really very important because in addition to more substantial life problems, many people have to cope with these issues, too. The government does not pay attention to that, the courts don't care about it. So I was hoping that maybe

RECOM may address this issue.

Statement: Edin Jusović from Tutin, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

The state financed the police that tortured people and nurtured an affirmative relationship with respect to the crimes they committed. These are the main obstacles in creating RECOM.

These people were kidnapped and tortured by the state police, the state financed it, and I think it is going to be very difficult to convince them to create RECOM since they have for so long condoned the crimes the police committed.

Statement: Sedat Vrcić, Flores, Sjenica, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

It is going to be very difficult to win the confidence of the victims and motivate them to talk.

When I say victims, I mean people who are direct victims, who were directly affected, who were tortured (...). I think these people are not heard enough and it will be very difficult to win their trust and motivate them to talk about their suffering.

Statement: Omer Bronja, Urban In, Novi Pazar, Serbia, Consultations with the local community, Novi Pazar, Serbia, December 21st 2009.

79. Consultation with the local community on the Initiative for RECOM

**Zaječar, Serbia
December 22nd 2009**

Consultation with the local community in Zaječar was organized by the non-governmental organization Zaječar Initiative. The gathering was attended by 30 participants, human rights activists, citizens, members of political parties, representatives of the local self-rule of the towns of Zaječar, Knjaževac, and Bor, representatives of national minorities, members of the judiciary, educators, etc. The Initiative for RECOM was represented by Maja Stojanović (Youth Initiative for Human Rights, Serbia) and Milanka Šaponja-Hadžić (Humanitarian Law Centre, Serbia). Local media reported about the gathering.

Suggestions, opinions, and recommendations of participants

Parliaments should form the regional commission because it would instigate a broader discussion and more opinions.

We think that we need to have official support. I think that the parliaments should form the commission because it would mean a broader discussion, a more comprehensive debate and more opinions. If a commission is formed by a presidential decree, it may be understood as an act of nepotism in this region...

Statement: Srećko Čeferjanović, Municipal Committee of the Democratic Party in Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

RECOM should not deal with distant past. Tackling the events from the period before 1989 would only relativize the crimes. The report should present the crimes on a municipal level, where they happened.

I think the time period RECOM should be investigating is 1991-2001 because the commission should also deal with the events in Slovenia and Macedonia – I mentioned the year 2001 because of the events in Macedonia. Also, I think that we should make the reports on the municipal level, where the crimes happened.

Statement: Dragana Nikolić, Civic Initiative Committee, Niš, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

I think we should focus on the events starting in 1989, and not before. What happened before that would just relativize all this. I think that is a job for historians, not for this commission.

Statement: Zoran Stanković, Municipal Committee of the Liberal Democratic Party in Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

I think that we need to include the period before 1991 because no historical event can be viewed as an isolated occurrence, because we need to understand the events in Preševska Dolina.

Statement: Čedomir Vranjanac from Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

The only possible task of the regional commission is to collect the facts and it should by no means give a legal interpretation of war crimes.

I am convinced that this commission should only establish the facts and nothing else (...) only the judiciary can make a legal assessment of crimes in accordance with existing laws, the Constitution, and international legal acts. The commission must not do it.

Statement: Andreja Rajković, Timok newspaper, Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

The commission should deal with both the facts and the causes of war.

The commission should deal with both the facts and the causes of war, (...) and it says here (...) with reconciliation, too. OK, I will call it that because we need to understand the fact that these people did not start fighting each other just like that, but that they were influenced by a serious nationalistic propaganda and if we manage to clarify these causes, it would be easier for everyone to get a real understanding of what we did to each other.

Statement: Srećko Čeferjanović, Municipal Committee of the Democratic Party in Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

I think that history as a science must speak about the facts and the causes of these wars and the commission should speak about the facts and the causes from its point of view. The course of the events is necessary so that the genesis of the war is understood, and also we need a list of all victims. I think that it should be the most important role of this commission and I personally believe that it should operate on the national and regional level.

Statement: Čedomir Vranjanac from Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

The commission should investigate the plight of the Roma people in this war.

It is terrifying to see the percentage of the Roma people who lost lives in this war compared to what percent of the total population they make. And when you compare that to the number of sons of high ranking government officials or doctors who lost their lives – well, you'll realize that something is terribly wrong and that not everybody was treated the same by their own people.

Statement: Sava Smailović, Timok Roma Centre from Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

RECOM is a good opportunity for victims to learn where their loved ones are, who the war crimes perpetrators are and why they did what they did in order to be able to go on with their lives.

Also, I would like to add that RECOM is very important for the victims because many people are tired of taking part in such events, telling their stories for various TV stations, talking to institutions without any goal in mind or without any gain for themselves in the end. This is a good opportunity for them to find out what happened to their loved ones, who the perpetrators are and why they did it, so that they can move on with their lives.

Statement: Srećko Čeferjanović, Municipal Committee of the Democratic Party in Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

The debate on the regional commission should include non-parliamentary parties and veterans' organizations.

There are no representatives of non-parliamentary political parties and they have two and a half million voters (...) as opposed to one million signatures you want to collect. They are much stronger than you already. Also, I don't see members of veteran's organizations here.

Statement: Andreja Rajković, Timok newspaper, Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

Including the veterans and former detention camp inmates individually and through their associations will bring more truth to the process.

I believe that it is a good idea to include veterans as much as possible in the process. I suppose many of them were indoctrinated by the regime and they went where they were sent. I personally know at least a dozen people from Zaječar county who were either in detention camps or in the war zone. They can help a great deal by telling us what they went through.

Statement: Dejan Zdravković, Municipal Committee of the Liberal Democratic Party, Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

The commission should also deal with "our own victims" who suffered due to the negligence of their superiors.

What criteria are you going to apply in determining the war crime and the war victim? Is RECOM going to deal with those who became victims through the will of their superiors? For example, if a superior officer ordered his men to drive a truck through a mine field, fully aware that it was a mine field, whose victims are these men?

Statement: Sava Smailović, Timok Roma Centre from Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

Young people should be informed and included in the million signatures campaign.

There are many young people who have no knowledge whatsoever about the war events from the 1990s and it is really necessary to inform them and include them through civil society organizations in the process of establishing RECOM.

Statement: Maja Stojanović, Youth Initiative for Human Rights, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

I really find it worrying that my peers have no idea about what happened on the territory of the former Yugoslavia in the 1990s and I think that you should pay more attention to this problem and work on finding ways to inform them about it properly.

Statement: Siniša Kodacović, Negotin Grammar School, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

It is important to clarify the role and the responsibility of all state security services for war crimes committed during the wars of the 1990s.

State security services from all over the region should be investigated because we all know that they are responsible for everything that happened. The people did not do these crimes on their own, the crimes were committed by ideologies and individuals inspired by these crimes (...). I think that's the key element in finding the truth (...) because these security services were primary instigators of everything that escalated later.

Statement: Miodrag Milošević, The Town of Bor Improvement Workshop, Bor, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

RECOM should tackle the issue of human rights violations in Sandžak in the 1990s.

What was going on in Sandžak in the 1990s can

also be categorized as war crimes. These were not direct war crimes but you all know that citizens of Sandžak of Muslim nationality were tortured by the police, not by the paramilitaries, although they did it too, that is a fact. The police took people in for questioning and so on. That is not a war crime as such, but that should also be punished.

Statement: Dragana Nikolić, Civic Initiative Committee, Niš, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

Each state should form its own commission and there should be a regional commission to overlook the work of national commissions.

Each state should form its own commission and there should be a commission which is superior to all these national commissions, but only if that commission can be objective and unbiased.

Statement: Marko Ristić, Municipal Administration of the Municipality of Knjaževac, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

Experts in different fields should be included in the work of the commission.

And this commission should definitely be made up of experts in the field of history, sociology, psychology, and other fields (...). Also, young people should be included, people who took part in the conflict, citizens who are interested in this topic, etc. All crimes should be clarified and we, the Union of Romany in Serbia, we want to give our contribution to that.

Statement: Bojko Stanković, Dunav, Union of Romany in Serbia, Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

So, I believe that the commission, first of all, should be made up of experts, professionals in different fields and also, I think that this commission cannot do it all. I think that there should be more commissions and this one should be a higher commission and they should all work together in order to find the facts.

Statement: Sava Smailović, Timok Roma Centre from Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

RECOM should also deal with victims of the NATO bombardment and investigate whether non-conventional ammunition was used during the operation.

It is my personal belief that the killing of (...) innocent civilians during the NATO intervention in Serbia should be investigated. There is the case of the bombing of the convoy of refugees, then the case of the train, and some other cases that should be investigated and considered as war crimes because they were committed during the war. Also,

the use of cassette bombs which are banned by the international humanitarian law constitutes a war crime.

Statement: Srećko Čeperjanović, Municipal Committee of the Democratic Party in Zaječar, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

IV Consultation Process on the RECOM Initiative Report

July – Decembre 2009

1. Introduction

It has been 15 years since the end of the wars in Croatia and Bosnia and Herzegovina and almost 11 years since the end of the war in Kosovo; very few war crimes perpetrators have been brought to justice; thousands of victims still live in poverty with no hope that their life can get any better, there is very little empathy and solidarity for the victims from other ethnic groups, there is no significant societal dialogue about the past and our own responsibility. Using European integration as an excuse, political elites advocate looking to the future and forgetting the past while the families of at least 16,000 missing persons are still trying to find the secret gravesites containing the remains of their loved ones.

While searching for a solution beneficial for all victims as well as future generations, participants at the Fourth Regional Forum on Transitional Justice formed in October 2008, in Priština, Kosovo, a Coalition for the establishment of a Regional Commission for investigating and disclosing the facts about war crimes and other serious violations of human rights called RECOM. Today, the Coalition for RECOM consists of 695 non-governmental organizations, victims' associations, associations of victims' families, and individuals. This Coalition is tasked with conducting a debate on the Initiative

to create RECOM, connect various civil society groups and organizations in an effort to build an atmosphere of empathy, solidarity, and respect for all victims, win over citizens and governments to support the creation of RECOM, compile a RECOM model, organize a *One Million Signatures for RECOM* campaign and submit the initiative to create RECOM on June 1st 2011 to national parliaments of the post-Yugoslav states.

Since May 2006, when the Initiative for the creation of RECOM was first launched in Montenegro at a gathering with victims' associations and associations of the families of the missing from all post-Yugoslav states, there have been 79 debates organized at the regional, national, and local community level including five regional forums on transitional justice. These debates, or consultations, were attended by 3,471 individual from various victims' associations and associations of the families of the missing, human rights organizations, youth organizations, women's groups, associations of journalists, veterans' associations, academic communities, legal community, local self-government and other groups and organizations. In the period from May to December 2009 there have been 43 debates attended by 1,706 individuals. It is assessed that a total of 5,500 participants will take part in the RECOM related debates who will give their contribution through

suggestions and recommendations to the creation of the RECOM model as a response to an overwhelming societal need to establish the facts about the victims and a critical investigation of our own responsibility for the events of the past.

2. Credibility and legitimacy of the Initiative for the Creation of RECOM

The Initiative for RECOM is not an alternative to war crimes trials conducted before the International Criminal Tribunal for the Former Yugoslavia (ICTY) and national war crimes trial chamber in the Balkans, but it represents a response to the limitations of the approach to the truth about the conflict past which is directed at the perpetrator. War crimes trials failed to inspire a significant public debate on war crimes within or among the countries in the region, nor were they accepted as a mechanism of transitional justice that can give a comprehensive explanation of what happened and why the war crimes happened.

The RECOM initiative is a local response, “from the bottom up” to a growing societal need to deal with the past. Its legitimacy originates from a very strong feeling of ownership within various organizations of civil societies in all of the former Yugoslavia states which have found a common interest in establishing the facts about war crimes, victims, and other serious human rights violations. Victims and their families are entitled to that kind of truth. That truth is also an indispensable kind of protection against attempts of future misuse of victims for political purposes, which may have a potential to push the entire region into a new conflict. The Initiative for RECOM is a regional effort which makes it the only appropriate and efficient response to the heritage of the conflicts waged on the territory of the former Yugoslavia which were trans-national by nature. This is a first regional, post-conflict initiative for establishing the truth which has ever been established and it offers a model for dealing with the heritage of mass crimes across the entire planet. The legitimacy of the Initiative for RECOM is also strengthened by 1 million signatures which will be collected by the Coalition for RECOM during a six-week campaign in April and May 2011.

3. Support for the regional approach

- The legitimacy of the initiative resides in its regional character, one million signatures and the fact that it is a bottom-up initiative by us for us.
- Facts established nationally will be hard to accept in the whole region.
- The regional approach enables us to move away from interpretations that cement the existing political solutions with which people are dissatisfied.
- It is key that facts enter documents, programs and textbooks and education of children. Only in that way can we prevent revisionist interpretations.
- The regional approach is not only necessary it is unavoidable. It opens the path to addressing the crimes and dealing with one's own responsibility.
- RECOM is crucial so that Albanian victims are spoken of in Serbia, and Serbian victims in Kosovo.
- The regional commission will establish the facts about the past on the basis of the events that happened which will be useful for the whole region.
- RECOM's greatest value is to allow young people and future generations to learn about all what happened through the stories of people from the whole area of former Yugoslavia.
- For the war generation someone else's war victims are not victims. Support for RECOM can only be given by the post-war generation.
- Veterans from Kikinda support RECOM and want to help in establishing the facts about the past.

This whole initiative is legitimised by this regional dimension, the regional character of the initiative; the regional debate and one million signatures pro-

vide both the legitimacy and the credibility.

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, National Consultation with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

The third segment which vests RECOM with legitimacy is that the initiative comes from below, it is ours for us and it seems to me that this focus is what distinguishes it and why it can be argued that it might succeed.

Statement: Nataša Govedarica, Civil Initiatives, Belgrade, Serbia, National Consultation with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

I would like to welcome you all here and to congratulate you on this initiative. You have done a good job just by starting it. I am a family member of a missing person. Families of missing persons meet every day (...) those of us who are in Kosovo (...) but most of them are abroad and they cannot know how often we meet here.

Statement: Fatime Melenica, victim's family member, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

When we are talking about establishing the facts on a national level, I think it will be very difficult to make sure they are accepted in the entire region, and that is a very important part of this whole idea. It is crucial to talk about the wars and to establish the facts in a manner which will be authentic in the countries concerned so that from that point on it can become a foundation for building mutual trust or reconciliation among the nations of the former Yugoslavia.

Statement: Vesna Teršelić, Documenta, Croatia, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

Regarding this famous and permanent problem of the regional approach, I think that we should all be brave enough and wise enough in this process (...). We need to make sure that the results of our work don't have any resemblance with existing interpretations which are simply being used as an enforcement of the political solution. First, that would disqualify us and secondly it would drive away a large number of people because the truth is that the majority of people are dissatisfied with the existing political solutions (...); many are dissatisfied.

Statement: Fra Mijo Džolan, the Franciscan Institute for the Culture of Peace, Split, Croatia, National consultation with religious communities on the Initiative for RECOM, Zagreb, Croatia, October 16th 2009.

If our primary task is to deal with the crimes com-

mitted directly or indirectly, it is all the same to me because we are talking about responsibility in general, then let's keep it our primary task. The only problem is that I may not be encouraged by the people I trust from Belgrade, Zagreb, Priština, or Podgorica, and this whole enterprise may turn out to look like treason and you may hear things like "if they are talking about their crimes, then we should talk about ours", right... The regional approach is not only needed, it is indispensable.

Statement: Zdravko Grebo, law professor, Faculty of Law, Sarajevo, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

I had an opportunity to analyse history books from Republika Srpska, from BiH Federation, from Croatia, and from Serbia and I was not at all surprised to find out that each interpreted the disintegration of the former Yugoslavia differently. And that's a problem that stands in the way to the process of establishing the truth. For that reason I strongly believe that such a regional approach is the only way to find the truth.

Statement: Lidija Lešić, history and philosophy professor from Poreč, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

We support the regional approach because we believe that the regional approach will produce some effect, where the participants will mandate the commission to interpret the history as it happened, based on events which took place and which will not permit that any sides be taken to suit the interests of a particular society and will instead bring benefit to everybody in the region.

Statement: Ylber Mahxuni, Youth Step, Vučitrn/Vushtrri, Kosovo, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

The target group you should be focusing on are young people. The generations that participated in the war (...) are really blinded (...); they have their pain and their victims. They cannot worry about victims from other ethnic groups. They just want to find their peace but within their own national environment. They will even go as far as to protect the identity of those who caused the death of others or genocide on other sides. You should strongly focus on the consciousness of the young people (...) because a young person can equally understand other nations' victims as their own (...) simply because they value every human life the same.

Statement: Rade Mrđen, Party of the Democratic Progress, Young People Council, Banja Luka, BiH, National consultation with young people on the Initiative for RECOM, Banja Luka, Bosnia and Herzegovina, October 17th 2009.

For me this is an unacceptable model... That we have national commissions and national commissions have representatives. We have had this already. Montenegro had a Commission for Missing Persons. That commission has its representatives at the regional level. However, they generally do not participate and thus the voice of Montenegro is not heard, particularly in relation to the families of missing persons. So, this should be something that is at the regional level.

Statement: Radan Nikolić, Association of war veterans of the 1990s, Montenegro, National consultation with civil society, Podgorica, Montenegro, May 18th 2009.

4. RECOM objectives

4.1. Reconciliation

- **Reconciliation as a social process is essential in Bosnia and Herzegovina.**
- **RECOM offers healing and closure of the pain, and it is a necessary step toward reconciliation.**
- **Among the common people, there is the capacity for reconciliation.**
- **To establish trust and reconciliation it is necessary to condemn all crimes that were committed by members of one's community.**
- **Through the process of reconciliation, the victim must forgive and the aggressor must admit his guilt and make reparation for his evil and violence.**
- **RECOM's goal can be reconciliation, but it is a process that requires dialogue, an open space for reflection and different point of view.**
- **RECOM has great potential for rapprochement, reconciliation and expanding fields of common interest.**
- **Mothers from Srebrenica are insulted by the word reconciliation.**

I take into consideration the fact that reconciliation is a private and individual thing and that

we cannot force people to forgive or reconcile with someone, but I simply think that reconciliation as a societal process is very badly needed in Bosnia and Herzegovina.

Statement: Nedžad Horozović, Center for Non-Violent Action, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

The role of the commission is discussed amidst silence, whether or not it should be associated with reconciliation and that simply depends on the perception, how and in what way. This is obvious and it seems to me that some aversion has been created, unnecessary I'd say, to what is, after all, good for everybody. The activity of this commission can offer what we, in therapeutic parlance call the healing of wounds or closing the pain and this produces a therapeutic effect and may be, I could say, an indispensable step on a road which could be long and complicated but will eventually lead to reconciliation.

Statement: Lulzim Arapi, Association for Psycho-Social Support to Children, Đakovica/Gjakovë, Kosovo, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

I am convinced that among ordinary people there is the capacity to understand these ideas you are presenting her and, generally speaking, there is a huge capacity amongst the ordinary people to reconcile. It just has to be revealed and put under the spotlight.

Statement: Ratko Gajica, member of the Croatian Parliament, Croatia, Consultation with the local community, Knin, Croatia, August 4th 2009.

Dr. Ruzmir Jusufović and his wife (...) stayed in Šamac under the Serb authority for the duration of the war and I know for a fact that they had some hard times, just like Dr. Hasan Izetbegović. He went to Sarajevo only after the end of the war. I am ready to speak about injustices inflicted upon them. But, until we are all able to condemn the crimes (...) committed by members of our own ethnic groups, our own people, we will not be able to reconcile. For as long as we consider them heroes instead of criminals, we will not be able to reconcile and trust each other again.

Statement: Lazar Blagojević, Veterans' Organization of Republika Srpska, Šamac Chapter, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Forgiveness is primarily the attitude of victims not seeking revenge but trying to find peace in their souls. On the other hand, forgiveness helps curb evil

and revenge and helps normalize relations. Christ's suffering and his wounds become a symbol the victim identifies with and the power of mercy helps the victims overcome their obsession with violence and suffering, thus becoming a messenger carrying God's invitation to dialogue and establishment of trust (...) and forgiveness. And then, naturally, the reconciliation process can only start from those who have been hurt. Victims draw their strength from the way they experience God's love and mercy which help them find their inner strength to regain confidence in people and subdue emotions caused by war violence. Or, as some theology scholars like to say, in order to have reconciliation, victims have to be able to forgive those who transgressed against them.

Statement: Monsignor Marin Srakić, Archbishop of Đakovo – Osijek County, Consultation with the local community, Osijek, Croatia, October 17th 2009.

It is not easy to find the area of common interest among sides to a conflict and so I say, surely there are the victims and the interest to shed light on the crimes and various perpetrators who violated the human rights of those victims, well, that common interest has a great potential to bring people closer together; it even has a diplomatic value because it is cross-border by nature and I believe that in spite of the fact which is, how shall I put it, sad and looks like a legal problem, It nevertheless has the potential to bring people closer together and broaden this field of common interest.

Statement: Lazar Stojanović, film director, Belgrade Serbia, National Consultation with Non-Governmental Organisations, Priština, Kosovo, December 19th 2009.

I will say first of all, on behalf the Movement of the Mothers of Srebrenica and Žepa Enclaves Association that we salute all commissions, not only this one, but every commission in Bosnia and Herzegovina or elsewhere because it is always better to do something than to do nothing. We understand that dialogue is needed, but I must tell you that at this moment I am offended by the word "reconciliation". I intimately know whether I can forgive somebody, whether I will be able to forget, but on behalf of thousands of mothers I cannot decide (...) whether they will be able to forgive or forget. So, I don't want this commission to mention the word "reconciliation".

Statement: Munira Šubašić, Movement of the Mothers of Srebrenica and Žepa Enclaves Association, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

4.2. Establishing the facts about war crimes and the causes of war

- The Commission should deal with facts about where, under what circumstances and how every victim on a name-by-name basis was killed. Looking for the causes of the war send us back to ethnic groups.
- Individual memories and public testimony are crucial for creating a new political identity in the Balkan societies.
- The only possible task of a regional commission is to collect facts. By no means should it embark on the legal qualification of war crimes.
- RECOM should be engaged in data collection and documentation, not the interpretation of facts.
- Facts must be determined first, and the context is the second step.
- Before we have a dialogue on reconciliation, the facts must be established about who started the war, why was there a war, and what was its goal.
- Facts are not enough. It is necessary to show war crimes in context, and that does not suit the authorities in the region.
- There can be no determination of truth and responsibility, no reconciliation, until we can see the causes and consequences.
- If the fact-finding is reduced to the statements of victims, we will have only the immediate perpetrators, we will not get the leaders, initiators of the policy, and state officials that organized and conducted the war.
- The facts about war crimes are not enough without an analysis of the causes and context, but in the case of the former Yugoslavia it would mean a return to the distant past [fourteenth century].
- Although the verdicts of the Hague Tri-

bunal have set out the cause and nature of the wars in former Yugoslavia, the Commission will not be able to deal with the causes.

I think that this commission should deal with facts explaining where, under what circumstances, and how each victim suffered individually. If we start interpreting the facts or searching for reasons why things happened, I think we will be doomed to end up in our ethnic trenches.

Statement: Nedžad Horozović, Center for Non-Violent Action, Sarajevo, BiH, National consultation with non-governmental organizations on the Initiative for RECOM, Sarajevo, Bosnia and Herzegovina, November 21st 2009.

I think that insisting on precise facts and individual memories, which are very painful for us to listen to, is very important. When mother Mejra talked (...) it is very important to hear things like that, it is difficult, but it is more authentic than hearing some theories explaining the causes, the consequences (...) thousands or millions – it is no longer important. I think that recording public hearings can be the most important thing in creating a new base for developing new policies identifying the societies in the Balkans.

Statement: Milena Dragičević-Šešić, Faculty of Drama Arts, Belgrade, Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

I suggest we focus on the events and documents and not put unattainable goals before ourselves (...) because we may be easily trapped.

Statement: Hajrija Mujović-Zornić, Institute of Social Sciences, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009.

It is still unclear whether this commission will have a mandate to establish the context of the conflict. I think the commission should first establish the facts and then try to determine the context. However, this issue still remains unanswered because we are not sure who should be the people determining the context – honest historians, honest intellectuals etc... All I know is that context must be determined for the sake of future generations. They must know what happened.

Statement: Dragoljub Vuković, journalist from Podgorica, Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

If we want to find out the truth and if this regional commission is a truth commission, we must know that the truth is not just the facts. So, the

facts without a context don't mean anything, context is what gives them meaning and explains the chain of events leading to a certain event and tell us that both a victim of genocide in Srebrenica and a victim of NATO bombing are victims. That's the whole point. So, we cannot establish the truth and responsibility, we cannot achieve reconciliation in the region without understanding the causes and the consequences.

Statement: Biljana Kovačević-Vučo, Lawyers Committee for Human Rights, Belgrade, Serbia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

Perpetrators – who are they? If we play down the whole event to a story told by a victim, if we only listen to victims telling us about their suffering, in the end we will only conclude that the ordinary people were victimized and that the war crimes perpetrators are only those who committed the crimes directly. We will not learn about the leaders, instigators of politics and ideologies, state officials, who planned and organized the whole thing. We will not get where we want to be.

Statement: Željko Špelić, Croatian Officers' Assembly of Pakrac and Lipik, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

I really think that we need a sentence stating who started the war and when. I think that without it, without explaining why the armoured vehicle entered Pakrac and why a neighbour (...) took a rifle on March 1st and attacked the police station (...), we will not be able to say "that's it and we are now ready to move on" ... I am a Catholic and I am ready to forgive if a hand is offered to me (...) and I don't like it when people say that Belgrade started it. We can say whatever we want if there are facts behind it confirming what exactly happened.

Statement: Dubravka Špančić from Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

I am a terrible pessimist when it comes to that because we know where money and power come from and these people (politicians) they don't like the truth. In Montenegro, three or four years ago (...) a documentary was made (...) about the attack on Dubrovnik. The film was full of facts (...) but the political dimension of the entire story was ostensibly missing. The film showed bearded, drunk men, attacking the world's cultural heritage driven by some cosmic energy etc. I am exaggerating it, of course, but I want to say that the context must be given.

Statement: Brano Mandić, Vijesti, Montenegro, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

The next big problem (...) is whether this commission should only deal with facts or should it analyse causes, too. If we only present the facts (...) that is an easier process regardless of whether the truth is being told by a victim or a perpetrator (...) but we cannot grasp the meaning of these facts without analysing these events (...). However, if we choose to explore the cause or the context, I'm afraid we will go as far as into the past as the 14th century. Also, I don't really see any societal groups which would like our history to be factually connected.

Statement: Senad Pećanin, Dani, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

5. Mandate

5.1. Temporal jurisdiction

- **RECOM should not examine the distant past. The Inclusion of events before 1989 would relativize the crimes. The report should show crimes by the municipalities where they occurred.**
- **RECOM should not cover events that happened in the distant past.**
- **RECOM should look at the period of preparation for war.**
- **For Croatia, it is important to begin research from 1990 since the Territorial Defence Forces were disarmed in 1990 and demonstrations (meetings) of hate the word hate in the media occurred in 1990.**
- **RECOM should cover the time that preceded the outbreak of armed conflict in 1991.**
- **We cannot return to the 18th and 19th centuries, but look only at the last 20 years.**

I think the time period RECOM should be investigating is 1991-2001 because the commission should also deal with the events in Slovenia and Macedonia – I mentioned the year 2001 because of the

events in Macedonia. Also, I think that we should make the reports on the municipal level, where the crimes happened.

Statement: Dragana Nikolić, Civic Initiative Committee, Niš, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

It would be wrong to go into the very distant past, into the 1800s and so on. That would mean relativization of responsibility (...) for what (...) happened a few years ago in this region. For me, that is unacceptable and I would like to suggest (...) not to go so deep into the past, or we will go as far as the Illyrians (...) without (...) establishing the responsibility of those who committed such gruesome acts in our country.

Statement: Salih Rasavac, Corridor, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

In Srebrenica, for example, three years before the war broke out some people had made roads through the woods. Why did they make roads through the woods? They said they needed them for exporting timber. But they were just preparing for the war. They also drove away arms and ammunition belonging to the territorial defence in Srebrenica. My husband was an intellectual, he knew what it meant. He asked Savo Aleksić, Chief-of-Staff of the Srebrenica Municipality and the Chief-of-Staff of the Internal Affairs Secretariat (SUP): "Savo, what are they doing?" and he replied: "Too old, I guess. They want to bring in the new ones." However, the town was left without any means to defend itself. That meant they were preparing for the war. And we, RECOM, will have to start with these facts to be able to know why it all happened. Somebody planned these things in advance.

Statement: Kada Hotić, Association Mothers of the Srebrenica and Zepa enclaves, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

For that reason it is very important for Croatia to investigate the period from 1990. Why from 1990? Well, not only because the Parliament adopted the Declaration on the Homeland War, not only because the Law stipulates that the war happened in the period between 1990 and 1996, but since the Territorial Defence was disarmed in 1990 which is extremely important because that makes the entire republic of Croatia a victim. If you deprive someone of the means of defence, then that person automatically becomes a victim with respect to the force acting against that person or that entity. On the other hand, political rallies and hate speech along

with the changes in the media became more frequent in 1990. Everything that happened afterwards, was just an aggravation of the situation announced by such behaviour.

Statement: Ljiljana Canjuga, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

In Kosovo the period between March 11th 1981 (when a student in the student canteen in Pristina threw a tray and shouted down with Tito when Tito's relay arrived at the center of Pristina and Kosovo was due to obtain the status of a republic) ... and June 9th 1999, when the Kumanovo agreement was signed, should be the period covered by RECOM.

Statement: Teki Bokši, Kosovo lawyer, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th-30th 2009.

5.2. Types of Violations

- The Commission should deal with murder, persecution, rape, torture in detention camps.
- RECOM should deal with the fate of missing persons and victims of sexual and psychological violence.
- RECOM should address the fate of the detained and disappeared in Vukovar and the search for perpetrators of such serious crimes.

- In Croatia no one is talking about crimes that were committed in Osijek, and many victims have no right to compensation.
- RECOM should investigate the expulsion of Albanians and the destruction of their facilities in Kikinda during the NATO bombing.
- RECOM should deal with violations of human rights in Sandzak in the 1990s.
- RECOM should investigate the crimes that were committed by Serbian forces against Albanians in the Presevo valley, during the conflict with the Liberation Army of Presevo, Bujanovac and Medvedja.
- The commission's mandate should include the forced mobilization of refugees and citizens of Serbia.
- Albanians carry the burden of violence in 2004.

We talked here about war crimes and other serious human rights violations. But, what are really these other serious human rights violations... First of all killings, then persecution, rape crimes, and finally torture in detention camps.

Statement: Amir Kulaglic from Srebrenica, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.



Local consultation with civil society on the Initiative for RECOM Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

Among others RECOM should definitely endeavour to make a list of the missing. However, we should not forget the victims of violence, from physical to sexual violence.

Statement: Rexhep Lushta, Islamic Community in Mitrovica/Mitrovicë, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

We have our people from Pakrac who were taken from Kostajnica to Manjača, Bijeljina, people from Vukovar imprisoned in Sremska Mitrovica, I never heard that any of the people involved (...) had been processed (...) I know that the commission will answer these questions and that really makes me happy.

Statement: Dubravka Špančić from Pakrac, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

No one ever mentions war crimes committed in Osijek as if we had forgotten it ourselves. We don't even know any longer if it really happened or we are just unwilling to admit it to ourselves. I don't know (...) in this country no one has ever asked the questions "Where are those families? What happened to these children? Did they attend school? Do they have jobs today? Or have they enough food at all?" No one cared about it. There are 33 houses on my street and they have all been demolished - each and every one. And they were all compensated except for me. I was the only one not eligible for financial compensation. Why? They told me I did not qualify for their assistance program.

Statement: Marija Lovrić, victim, Croatia, Consultation with the local community, Osijek, Croatia, October 17th 2009.

We will be really glad if this commission, if RECOM, is able to shed light on the fate of at least one imprisoned or missing person from Vukovar or from our area and bring to justice at least one war crime perpetrator, of course with sufficient evidence of his guilt. The people of Vukovar would really like to see that happen.

Statement: Željko Pinjuh, Deputy Mayor of the City of Vukovar, Consultation with the local community, Osijek, Croatia, October 17th 2009.

At the beginning of the bombardment of the former Yugoslavia in 1999, many businesses of the Albanians from Kikinda were demolished or burned down; our Albanian neighbours were driven away from their homes. Someone had to issue orders to these people who destroyed so many buildings. I think we need to investigate who instigated these events, which turned all these people into a raging mob that went on a destruction spree against the

Albanians and their property.

Statement: Nenad Talijanov, Kikinda Forum, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

We should not (...) connect the events from 2004 with the war events. What happened in 2004 is our own fault and we are the only ones to blame for that. We should be held responsible for everything that happened, for the churches, the houses, and everything that happened in that period and we should bear the responsibility for all of it. We should learn a lesson from the war about what we mustn't do to other communities.

Statement: Musa Mustafa, Koha Ditore, Kosovo, Local consultation with civil society on the Initiative for RECOM, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

What was going on in Sandžak in the 1990s can also be categorized as war crimes. These were not direct war crimes but you all know that citizens of Sandžak of Muslim nationality were tortured by the police, not by the paramilitaries, although they did it too, that is a fact. The police took people in for questioning and so on. That is not a war crime as such, but that should also be punished.

Statement: Dragana Nikolić, Civic Initiative Committee, Niš, Serbia, Consultation with the local community on the Initiative for RECOM, Zaječar, Serbia, December 22nd 2009.

I don't know how much the Preševo Valley is going to be included in the process and it is important that it is because many crimes were committed there. Many people went missing and we don't know where they are. So, the Preševo Valley, Preševo-Bujanovac, and Medveđa should be included. The war in this region went on for a year, maybe it wasn't a war, call it whatever you want, but we call that period a war because many people were killed or went missing so that for us it was a war. I would like to know if the commission intends to cover these areas.

Statement: Nexharije Islami Plana, Dona, Mitrovica/Mitrovicë, Kosovo, Local consultation with civil society on the Initiative for RECOM, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

(I propose) to include yet another war crime, namely the forcible mobilisation of refugees in Serbia; and we've kept a very accurate record of this as much as we were able to (...) all the men who were forcibly mobilised ought to be victims. We also recommend checking whether these states are willing to say how many young men were mobilised forcibly.

Statement: Staša Zajević, Women in Black, Belgrade, Serbia, National Consultation with Women's Groups, Podgorica, Montenegro, October 23rd 2009.

5.3. Powers of RECOM

- **RECOM should have a mandate to examine the role of individuals and institutions.**
- **RECOM should be independent of political influence and have the power to subpoena witnesses.**
- **Opinion is divided on the issue of amnesty for perpetrators of war crimes: some are against and some believe that RECOM may make recommendations to the judicial authorities, but not the amnesty itself.**

What is this commission going to deal with, individuals or institutions? I think that it is more important for the commission to deal with institutions because that will lead to individuals who committed all those war crimes.

Statement: Zekerijah Hadžić, Association of College Students from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

Do you know that some crimes were created by the media? Do you remember what the media said about Kosovo before the war? It was all orchestrated through the media and we can safely say that many war crimes perpetrators were manipulated by the media.

Statement: Dževdet Hadžiselimović, Protagora Associations, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

I think that the mandate should not be limited to only the actions of individuals but also institutions. Individuals are the perpetrators and those are just chess pieces in the whole system. REKOM may in due time, after the presentation of the facts, initiate the question of the role of institutions. History would be empty if only individuals that committed crimes are, if one cannot see clearly the inspiration behind their acts - of course, the role of the church and education, all aspects of our society. There is an empty place in the social system which had a role in the war, in the incitement of hatred and war.

Statement: Nevena Kostić, Žene za mir, Leskovac, Srbija, National consultation with women's organizations, Belgrade, Serbia, October 9th 2009.

My colleague (...) mentioned a very important thesis (...) in addition to investigating the role of the media during the 1990s, it is also important to establish their role for the period before the 1990s when the orchestration of the events that followed

actually began.

Statement: Željko Hodonj, HINA, Croatia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

We can form a commission here now and then invite a witness to testify and he replies 'I don't want to' (...). It is really necessary that the commission is independent (...) from all possible political influences, and on the other hand, it is necessary that the commission has at its disposal instruments to make witnesses comply with invitations to appear. When the commission deems it necessary that a person should testify, the commission can automatically issue a warrant for that person to be brought before the commission to testify, and that warrant cannot be blocked by another authority within that state.

Statement: Đorđe Radanović, Center for Youth Affirmation, Šekovići, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

Not a single war crime perpetrator may be pardoned.

Statement: Marko Grabovac, Search Organization of Republika Srpska tasked with the recovery of missing and imprisoned veterans and civilians of Republika Srpska – Search Organization of the Municipality of Brod tasked with the recovery of missing persons from Brod, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

As for the question of amnesty (...) I am strongly against it (...). The commission should be able to give amnesty recommendations, at the same time not being allowed to make decisions (...). Now, that brings up the issue of the commission's mandate and I think that is a question for the judiciary (...) and I think that amnesty can even be a recommendation is a serious legal issue, maybe even an ethical issue.

Statement: Saša Radovanović, Institute for Serbian Culture, Serbia, Consultation with the local community, Kruševac, Serbia, September 7th 2009.

However, I think that RECOM should not be allowed to grant amnesty or pardon. I really think it shouldn't be in its mandate.

Statement: Šefika Muratagić, Association Key to the Future, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

I don't think that war crimes perpetrators should be granted amnesty and I would not recommend their sentences to be commuted.

Statement: Nexharija Islami-Pllana, Dona, Mitrovica/Mitrovicë, Kosovo, Local consultation with civil society, Mitrovica/Mitrovicë, Kosovo, October 29th 2009.

6. RECOM's specific activities

- RECOM should list all the victims, by name and surname, and detail how they died.
- Resolving the fate of missing.
- The commission should make a list of the victims and perpetrators.
- List Albanian political prisoners during communism and armed conflict.
- List inmates, prisoners, camps and other facilities for unlawful imprisonment by a unique methodology.
- The Commission should make an anthology of the texts by journalists who prepared the materialization of the ideas that led to crimes.
- List casualties during the NATO bombing, as well as determining the causes that led to the bombing.

What I think is really important and the reason I cherish this Coalition so much is its assumed capacity to record each and every victim by name. That is extremely important. We have numerous records of military actions, TV shows, recorded statements of various war-mongers, newspaper clips and so on. Everything has been recorded except for the victims. It is my desire and I will spare no effort to try to provide space for the victims to speak publicly, although I am aware that some people will try to interpret that in a way that best suits their interests in order to create their own truth.

Statement: Miroslav Varga, homeland defender from Osijek, Consultation with the local community, Osijek, Croatia, October 17th 2009.

I think that 14 years after the end of the war waged on the territory of Bosnia and Herzegovina, the time has finally come ... for all victims to be listed by their first and last names. I think that should be the main role of RECOM. If we can't have the exact facts about perpetrators, we can at least make a list of all people who lost their lives and how.

Statement: Lazar Blagojević, Veterans' Organization of Republika Srpska, Šamac Chapter, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

What we want is to find all the missing so that we can give them a proper burial. Also, we want the perpetrators to be identified and punished (...). We all want to show the world why it all happened and who initiated it.

Statement: Alija Dautović, Vlasenica 92-95 Association of Victims' Families, Tuzla, BiH, Consultation with the local community on the Initiative for RECOM, Vlasenica, Bosnia and Herzegovina, November 14th 2009.

We would like to support this initiative on behalf of the families of the missing and God willing, together, and with our governments, we will be able to find our missing family members (...) my biggest satisfaction in life would be to find my father, to know where his grave is. I did not come here for lunch or for money, I came to offer my support to the families of the missing and all those who were unable to come here today.

Statement: Naser Kadriu, victim's family member, Kosovo, Local consultation with victims' associations, Mitrovica/Mitrovicë, Kosovo, September 5th 2009.

I need the person that committed the crime to tell me where the bodies are so that we can have some peace finally. I just want them to give me the bones, to give me my child. All families whose loved ones are missing would be satisfied if they could only find out the truth about them and give them a proper burial.

Statement: Milorad Zimović, Association for tracing missing and killed Bosniaks of District Brčko, Brčko, BiH, Consultation with the local community on the Initiative for RECOM, Brčko, Bosnia and Herzegovina, December 5th 2009.

I agree (...) that this commission should name perpetrators of war crimes because ... It is good to have a list of perpetrators of those war crimes if we are going to have a list of victims, regardless of what nation they come from.

Statement: Samir Paljić, Local community Kula Grad in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009.

One of the victims that can give direct evidence for any trial or against the State which carried out the criminal acts not covered by international conventions are political prisoners. (...) My opinion is that the first point was that we as a commission or anyone formed a committee should deal with political prisoners.

Statement: Liridon Jetishi, student Faculty of Political Science and Law, Prishtina/Prishtinë Kosovo, National consultation with students, Prishtina/Prishtinë, Kosovo, April 15th 2009.

I was imprisoned at the Bučje detention camp but

before that camp there was a detention camp in Grdevica (...) and no one knew about it, nobody from the government knew about it, only the criminals who locked us up there (...) – a secret detention camp that nobody except the party members knew about. The “great Serbs” as I would call them or the “non-Serbs” (...) we should mark it properly.

Statement: Veljko Mandić, Association of Anti-fascist fighters and Anti-fascists, Croatia, Consultation with the local community on the Initiative for RECOM, Pakrac, Croatia, September 22nd 2009.

All three sides in Bosnia and Herzegovina have their associations of detention camp prisoners, and I think it would be a good idea for all three sided to write a definition of a detention camp or a collection centre and why they thought the place where they were held was a detention camp. That definition should be further used to assess the places of detention organized by their own entities. So, not only where I was held prisoner, but also the detention locations that my own people set up for the members of other ethnic communities. The next natural step would be to mark all these locations the way the second world war camps were marked, such as Jasenovac, Auschwitz, etc (...) I denounce each and every war crime regardless of who committed it, and I will be very glad if the victims from the Lora camp can come on the day the Stajićevo camp memorial is posted. I can guarantee that if they decide to build a memorial in Split, at the Lora camp location, they will have my full support.

Statement: Zoran Šangut, Association of lawyers, Vukovar '91, Vukovar, Croatia, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

I support this initiative because regardless of how many different chapters are dealing with this problem, it is never enough because the crime is universal. RECOM should publish a selection of the most indicative texts by journalists who supported the war and helped implement the idea to commit war crimes.

Statement: Ibrahim Bušatlija, the Council of the Congress of Bosniak Intellectuals, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

Is the mandate of RECOM going to include both asking questions and searching for answers, or in other words, is it going to tackle the issue victims and causes of the NATO led bombing of the former Yugoslavia? I think that the example of the bombing of the RTS building is a very good example; we can see both a cause and consequences to under-

stand the guilt on both our and their side.

Statement: Velimir Lipovan, lawyer, Serbia, Consultation with the local community, Kikinda, Serbia, October 17th 2009.

7. Public testimony

- **Public testimony of victims will help us to find out what happened to others.**
- **The stories of all victims must be heard. It is respect and not equalizing.**
- **The priority is to hear the testimony from Knin in Croatia in Knin, and the testimony from Vukovar in Serbia.**
- **RECOM's greatest value is to allow young people and future generations to learn about all what happened through the stories of people from the whole area of former Yugoslavia.**
- **Public testimony of victims helps us to feel the pain of others and build solidarity among the victims.**

All of us here, especially the people from Prijedor, know what happened in Prijedor (...). Last time I said that many things, and you should believe me, were unknown to me until I started coming to these gatherings and listening to victims. I listen to Sudbin, this young boy sitting next to me, talk about the things that happened to him. I can't even count the number of times I watched that CD. And to tell you honestly, his testimony and everything he said, unfortunately, everything he survived, gives me hope that we can find the truth about everything that happened.

Statement: Zdravka Karlica, Republic Organization of the Families of Imprisoned and Killed Veterans and Missing Civilians of Republika Srpska, Prijedor Chamber, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

I don't want to get in the middle of what happened in Kalinovic, what happened in Konjic, what happened in Mostar, because I don't know these stories. I want to receive them with respect and not with judgment; I don't want to evaluate whose story is more horrific because all stories are different. That is the only way. That does not mean that we are making all stories equal because we know what the main issues are – Srebrenica, the

beginning of the war, Kapija, Merkale Market in Sarajevo, and all other places where mass crimes happened.

Statement: Teufika Ibrahimfendić (Vive Association of Women, Tuzla, BiH, National consultation with women's groups on the Initiative RECOM, Tuzla, BiH, November 11th 2009.

These consultations will certainly encourage people to speak up. By listening to other victims, we will encourage them to deal with their feelings and understand that other people also feel the pain because of things that happened during the war and we will also try to develop a feeling of solidarity among us.

Statement: Vehid Šehić, Tuzla Citizens' Forum, BiH, Consultation with the local community, Doboj, BiH, October 3rd 2009.

Let's say [that] the testimony they hear from Knin, depending on the year in question, is heard in Belgrade and Banja Luka, and is heard in Zagreb. That the testimony from Stolac, and Prozor is heard in Zagreb, and the testimony from Vukovar is heard in Belgrade, Nis, etc.

Statement: Mario Mažić, Initiative for human rights in Croatia, National consultation with youth, Banja Luka, BiH, October 17th 2009.

I want my child one day (...) when he goes to the internet and when he wishes to know the details about what happened in the area where his parents lived, to find out about that which is closest to the truth, and learn something which is closest to the truth (...) and I think that this is the greatest value of this project. (Vesna Sladojević, RTS, Serbia, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.)

8. Composition and election of members REKOM

- **Number of commissioners should be between 20 and 25. The number of commissioners from each state should be in accordance with the number of victims.**

There should not be too many or too few commissioners. I personally think that it is ideal to have between 20 and 25 members of the commission. But we cannot have the same number of members from Montenegro, Serbia, Kosovo, Bosnia and Herzegovina, or Croatia, but the number must depend on the number of victims from each of these former

republics. For example, Montenegro and Bosnia and Herzegovina cannot have the same number because compared to BiH, Montenegro only had a small number of victims.

Statement: Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Cazin, BiH, October 10th 2009.

We have to develop a member nomination strategy to be ready when the time comes. It should be done by our respective parliaments or the president. It will be easier to influence it if the president does it (...). It depends of course on who the president is. I think it is very important to have a unified opinion on this for the entire region so that the suggestion goes through all parliaments in the region. This is much better.

Statement: Rada Borić, Center for Women's Studies, Zagreb, Croatia, National consultation with women's groups, women politicians, artists, and journalists on the establishment of RECOM, Belgrade, Serbia, October 9th 2009.

That person must be able to admit that members of his or her ethnic group also committed crimes so that they can listen to the other side talking about crimes without an emotional reaction like "Wait, you, too, committed crimes! So, I want the facts first so that I can look Pero in the eyes and that Pero can look me in the eyes, so that I can listen to him talking about his suffering and that Pero can hear me out when I talk about mine. It is only then that we can actually talk about RECOM. There's nothing before that. And it is only then that we can talk about our individual cases. We should talk about whether we support RECOM, who do we want to delegate, and not what my personal problems are.

Statement: Mirsad Dizdār, Association of Former Detention Camp Prisoners of BiH, Jajce, BiH, National consultation with former detention camp prisoners on the Initiative for RECOM, Sarajevo, BiH, December 10th 2009.

I have a fear that RECOM will fall apart the way the former Yugoslavia disintegrated. I've had this fear from the beginning, when I began to think about all this. Perhaps foreigners should have a role in RECOM only to make sure it does not fall apart.

Statement: Dušan Visnjic, Sabac Youth Office, Serbia, consultation with local communities, Sabac, November 13th 2009.

But what you said about who appoints the commission... Who will propose them? Who will these people be? What about their ethical integrity? It seems to me that that will not be able to prevent a valid body of facts for future historians and theorists that will provide an opportunity to truly finish, to find the right words to describe what happened in these

territories and to find more adequate terms than these legal ones that we now have.

Statement: Milena Dragicevic Šešić, Faculty of Dramatic Arts, Belgrade, Serbia, national consultation with women's organizations, Belgrade, Serbia, October 9th 2009.

9. Documentation

RECOM will have difficulties obtaining information and documents in the possession of state agencies.

That commission's mandate must not be too long and it is expected that all state organs dealing with issues like this within our national states must be fully cooperative. We want them to open their archives and make them readily available to members of the commission and we want to be able to treat each and every fact in accordance with the standards established by the commission.

Statement: Veljko Vičević, UDVDR PGZ, Croatia, Local consultation with homeland defenders, Donja Stubica, Croatia, October 28th 2009.

10. RECOM headquarters

- **The headquarters of the central office of RECOM should be rotated.**
- **RECOM should have offices in local communities, especially in those where there are ethnic communities that live apart from each other, as well as communities that are burdened by conflict.**
- **Brcko is a good place to seat RECOM.**

If RECOM is going to have a central office, then it is crucial that the office move from place to place periodically.

Statement: Furtuna Sheremeti, Youth Initiative for Human Rights, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

I come from a nationally divided community and I attend a school known as two schools under one roof. That is why I support the local concept, a local RECOM. That is a super idea because (...) if we can solve [division] at the local level, it will be easily spread to a state level.

Statement: Avdo Zec, Gornji Vakuf/Uskoplje Youth Center, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

Just a brief suggestion concerning the head office of RECOM, for the regional committee as you call it. I think that Brčko is self-indicated because it is nowhere and everywhere. That is, some attempts at political pressure by this or that authority will be quite possible everywhere. Due to the circumstances, it will be most unlikely to have a political pressure group in this lovely town and it is also well positioned, geographically speaking. As a seat, yes. Test the enthusiasm of potential commission members.

Statement: Zoran Živković, Millennium, Belgrade, Serbia, National Consultation with Non-Governmental Organisations, Belgrade, Serbia, December 17th 2009.

11. Relationship with the courts

- **RECOM may encourage trials, the speed and quality processing.**
- **RECOM will investigate crimes that have not yet been prosecuted.**
- **RECOM should have direct cooperation with judicial authorities.**
- **The prosecution should commit to follow the law and use the documentation that the future commission will gather during its lifetime.**

I expect RECOM to be able to exert an additional pressure and be educational, raise awareness in our society, especially in the judiciary. (...) because I think that the idea alone that facts are going to be registered anew may be helpful for our judiciaries to be more efficient and have better results in processing war crimes.

Statement: Biserka Momčinović, Center for Civic Initiative, Poreč, Croatia, Consultation with the local community, Pula, Croatia, July 1st 2009.

Most of these crimes that were committed in the Zvornik municipality ... are being tried through court processes. They are ongoing, but for most of these crimes no one has answered (...). The Commission would mean that there should be the closest cooperation with the prosecutors to submit as soon as possible, so to say, data, facts about war crimes (Mevludin Lupić, Association of Families of Captured and Missing Persons municipality of Zvornik, Bosnia and Herzegovina, consultation with local

communities, Zvornik, Bosnia-Herzegovina, July 18th 2007.)

I am telling you this because all prosecutorial offices should have a legal mandatory duty to monitor the work of the commission. This commission can be very important from the point of view of penal law and penal policies.

Statement: Slavko Kecman, Associations for Peace, Baranja, Croatia, Consultation with the local community, Osijek, Croatia, October 17th 2009.

12. Obstacles

- States in the region that do not recognize the facts as established by the ICTY will have difficulty accepting the initiative for the formation of RECOM.
- There is doubt that Kosovo and Serbia will establish cooperation in the direction of establishing the facts, regardless of who will be a RECOM commissioner.
- One of the problems for the establishment of RECOM may be that some countries in the region do not recognize Kosovo.
- The biggest obstacle to clarifying the past

is that politicians and public opinion believe that “their” convicted war criminals are seen as heroes.

- Memorials to victims and perpetrators, such as have been raised in BiH, deepen the gap between nations.
- The monuments to victims in Kosovo memorialize violence. All the victims were with guns. It would be better to show what happened in the past, not to encourage young people against a nation.
- Perhaps it is premature to form a government commission to do this job.

So, it is indisputable that the ICTY established the facts about all sides in the conflict, but politicians do not recognize them and that's why I think it is going to be difficult to convince the governments to accept this project.

Statement: Damir Šimić, TV BH1, BiH, Regional consultation with journalists, Novi Sad, Serbia, September 26th 2009.

I am sceptical that Kosovo and Serbia will ever be able to cooperate because the evidence we need is mainly located in Serbia. I don't know how much we can really cooperate with them or how much they can help us find the facts that we are interested in. For that reason, I really don't know how

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National consultation with young people Sarajevo, Bosnia and Herzegovina, September 19th 2009

efficient all this can be and how much you really believe that this project can yield any significant results, regardless of who the members of the commission are.

Statement: Venera Ramaj, Integra, Kosovo, National consultation with young people, Priština/Prishtinë, Kosovo, September 30th 2009.

RECOM as a (...) regional commission which should be established by an international agreement, (...) how can we overcome the fact that Slovenia already is, (and Croatia will soon be), a member of the European Union and the problem that Kosovo is not internationally recognized and that is where human rights abuses should be investigated?

Statement: Damir Salkić, Youth Initiative for Human Rights in Bosnia and Herzegovina, Sarajevo office, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

And in the end, the convicted war criminals, I am thinking of those indicted by the ICTY, returned victoriously to their countries and it was not only the result of political manipulation, but because that's how the public feels about them.

Statement: Zdravko Grebo, law professor, Faculty of Law, Sarajevo, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

In a small town near Sarajevo, a convicted war criminal was welcomed home at a football stadium with flags and music. Another was received in the Presidential Palace of Bosnia and Herzegovina. The third was flown home by a government plane. Therefore, I am not quite sure if the existing state structures are willing to give any significant contribution to the fact-finding process.

Statement: Josip Muselimović, lawyer, Mostar, BiH, National Consultation with Intellectuals, Sarajevo, BiH, November 7th 2009.

I know that when I go to (...) eastern Bosnia (...) this is where (...) they did it, the list of what was done and the list of who did it. I agree that a memorial should be raised. A memorial is a memorial and it should be clear why it was built and how we should treat it. However, the way we do it now (...), we just make the already existing division deeper.

Statement: Salih Rasavac, Corridor, BiH, National consultation with young people, Sarajevo, BiH, September 19th 2009.

In Kosovo, violence can be seen in all the monuments. They are built with weapons in hand, are set (...) in public places where children see them every day and they may be affected by them in their development. They feed them the idea that one nation will always be bad until our death. Is there a concrete plan for a memorial, even on a national level, that will not incite a person, but will only show what happened in the past?

Statement: Kora Krasniqi, Integra, Pristina / Kosovo Prishtinë, national consultations with young people, Pristina / Prishtina, Kosovo, September 30th 2009.

We are witnessing situations where the government refuses to include people who have their own integrity and opinion in affairs that are less important than this one ... I can't imagine these governments setting up mechanisms, forming commissions full of free-thinking people, courageous intellectuals, willing and eager to investigate and process war crimes... I can't help thinking it is too premature for the governments to create such commissions. Of course, formally they can do it, but we'll end up having a commission which will not do the job properly.

Statement: Stanko Marić, Association of the Lawyers of Montenegro, National consultation with intellectuals on the Initiative for RECOM, Podgorica, Montenegro, December 17th 2009.

V The Consultation Process on the Initiative and the Creation of RECOM

January 2010 – February 2011

An overview of thoughts, suggestions and recommendations

80. Consultation with the local community on the Initiative for RECOM

Kanjiža, Serbia
January 16th 2010

The consultation with the local community in Kanjiža was organized by the Center for the Support of Women and the Kikinda Club from Kikinda (Serbia), both members of the Coalition for RECOM. Twenty-eight representatives of local self-government, veterans' associations, members of local chapters of various political parties, members of student assemblies, Women's Forum, NGO activists, and local media journalists from Kanjiža, Novi Kneževac, and Kikinda attended the gathering. The President of the Municipal Assembly of Novi Kneževac and deputy president of the Municipal Assembly Novi Kneževac as well as the advisor to the president of the Kanjiža Municipality attended the consultations on the RECOM Initiative.

Speakers were Dragan Popović (Humanitarian Law Centre, Serbia) and Ivan Novosel (Legalis, Croatia). The discussion was moderated by Marija Srđić, (Center for the Support of Women, Serbia). The JP Information Centre, Novi Kneževac, and Panda Radio, Kanjiža reported on the event.

Opinions, suggestions, and recommendations of the participants

Society must become more mature in order to create the conditions for RECOM to function.

I think that society must become more mature so that a commission like this one can make such conclusions (...).

Statement: Zoltan Balint, Kanjiški Krug, artistic organization, Kanjiža, Serbia, Consultation with the local community on the Initiative for RECOM, Kanjiža, Serbia, January 16th 2010.

It is necessary that we win over a significant number of people who want to hear the truth.

We need to work on this (...) in our own midst, to try to get a clear picture about the number of people who really want to hear the truth about what happened in our recent past (...). Without support from a significant number of people it will be very difficult to obtain a societal justification for this kind of activity (...).

Statement: Zoltan Balint, Kanjiški Krug, artistic organization, Kanjiža, Serbia, Consultation with the local community on the Initiative for RECOM, Kanjiža, Serbia, January 16th 2010.

Although young people should not be burdened with these things, everybody should be aware of the facts.

I think that we should not burden the generation of our children with this topic, but everybody should be aware of the facts, everybody needs to know what happened so that it does not happen again.

Statement: Slavko Golić, Center for the Rural Development of Novi Kneževac, Serbia, Consultation with the local community on the Initiative for RECOM, Kanjiža, Serbia, January 16th 2010.

Conducting all possible exhumations and establishing the identity of the victims is imperative.

There is no point in creating any commission until all bodies are exhumed and their identity established.

Statement: Verica Bata, Alliance of Veterans' Associations of the People's Liberation War (NOR), Kanjiža, Serbia, Consultation with the local community on the Initiative for RECOM, Kanjiža, Serbia, January 16th 2010.

RECOM must ensure that members of the commission are independent from the government and different interest groups.

Comparing our situation to that of the other countries that have already completed this process, how probable is it (...) that future members of the commission can really be independent from the government and various interest groups?

Statement: Dragana Dukić, Youth Group of the League of the Social Democrats of Vojvodina, Serbia, Consultation with the local community on the Initiative for RECOM, Kanjiža, Serbia, January 16th 2010.

RECOM commissioners should be elected in accordance with the ultimate goal of the commission.

What the ultimate goal of the commission is going to be is not without significance. And I think that future members of the commission should be elec-

ted in accordance with that goal. If the goal is only to establish the truth, we need members with that kind of expertise (...).

Statement: Zoltan Balint, Kanjiški Krug, artistic organization, Kanjiža, Serbia, Consultation with the local community on the Initiative for RECOM, Kanjiža, Serbia, January 16th 2010.

RECOM as a way to combat violence is an excellent idea if it is able to recruit the right people.

I think that combating violence is a comprehensive, humane, and an overall fantastic activity but only if we are able to recruit all those dynamic, smart, educated, and active people to stop this evil from happening to us again.

Statement: Verica Bata, Alliance of Veterans' Associations of the People's Liberation War (NOR), Kanjiža, Serbia, Consultation with the local community on the Initiative for RECOM, Kanjiža, Serbia, January 16th 2010.

RECOM has great potential to prevent war and violence from happening again.

I see a big potential here, in this regional commission, and I would be very happy to see that the commission is able to have a strong influence on our societies and yield significant results. These results can only mark the beginning of a new era in which the coming generation of children will only learn about the war from their history textbooks or movies.

Statement: Milica Šećerov, Municipal Committee of the Goran Movement, Novi Kneževac, Serbia, Consultation with the local community on the Initiative for RECOM, Kanjiža, Serbia, January 16th 2010.

In order to unburden ourselves from the legacy of the past, it is necessary to consider those who committed war crimes and those who ordered the war crimes to be committed as criminals, regardless of their name.

If you ask me, it is necessary to solve that not because some of them are going to be punished and some will evade justice, but primarily because we need to consider them criminals, those who committed war crimes and those who ordered these crimes. It does not matter what their names are but we need to do this in order to be able to secure a peaceful life for all of us in the region. It is important that we can talk to each other about it without suspecting that this person's cousin or a predecessor did something to my family. It is important to know who did what because the war that is behind us scared both the people and the society in the region (...). Generally

speaking, I believe that we should unburden ourselves from as many of these things as we possibly can and start a new chapter of our lives.

Statement: Nandor Ujhelji, president of the Municipal Assembly of Novi Kneževac, Serbia, Consultation with the local community on the Initiative for RECOM, Kanjiža, Serbia, January 16th 2010.

The Initiative for RECOM should have taken a top-down approach instead of the bottom-up approach.

It was wrong to start if from the bottom. Maybe we should have gone the other way around, start from the top and gradually go down.

Statement: Magdalena Kovač, Women's Forum of the Association of the Hungarians in Vojvodina, Novi Kneževac, Serbia, Consultation with the local community on the Initiative for RECOM, Kanjiža, Serbia, January 16th 2010.

81. Consultation with the local community on the RECOM Initiative

Pejë/Peć, Kosovo
January 28th 2010

Consultation with the local community in Pejë/Peć, Kosovo were organized by Syri and Vizionit organization (Kosovo) in cooperation with the Humanitarian Law Center (HLC Kosovo). Thirty-seven participants, including victims' family members, associations of the families of the missing, veterans and war invalids, and representatives of non-governmental organizations attended the event. Veton Mujaj spoke during the Why RECOM session, while Nora Ahmetaj (human rights activist, Kosovo) and Bekim Blakaj (Humanitarian Law Centre, Kosovo) informed the participants about the course of the consultation process to date and positive experiences of other truth commissions around the world. Besarta Vasija (HLC, Kosovo) moderated the discussion. At the end of the debate, 34 individuals and representatives of various organizations joined the Coalition for RECOM.

Opinions, suggestions, and recommendations of the participants:

RECOM should clarify the case of each victim.

Fortunately or unfortunately, I don't really know

how to say that, we are dealing with a state that does not really understand what dialogue is. I would like to commend and congratulate all of you who started this initiative and I wish you the best of luck and success in the future, but I would also like to ask you to undertake concrete steps because you have the support of our association of families. Please do whatever you think you can to shed light on the fate of the missing, all missing persons on the territory of the former Yugoslavia and especially those in Kosovo.

Statement: Emine Bytyqi from the Raushiq/Raušić village, Kosovo, Consultation with the local community on the Initiative for RECOM, Pejë/Peć, Kosovo, January 28th 2010.

War crimes perpetrators should not be forgiven their crimes.

I support the initiative you started as well as all of you contributing to it. I understand you expect us to give you specific answers now... Can we forgive war crime perpetrators? No! Why forgive war crimes when other crimes are not forgiven? You should understand that those who committed war crimes in Auschwitz are still wanted for the crimes they committed. Criminals should be punished for their crimes because if they are not, they will commit the same crimes again in the future.

Statement: Tahir Rraci, former political prisoner in the Dubrava prison in Kosovo, Consultation with the local community on the Initiative for RECOM, Pejë/Peć, Kosovo, January 28th 2010.

We can hardly wait to see some of the war crimes perpetrators sentenced and the idea that they should ask us to forgive them, the criminals who are still walking around as free men, is something I, as a victim, cannot even say out loud.

Statement: Emine Bytyqi from the Raushiq/Raušić village, Kosovo, Consultation with the local community on the Initiative for RECOM, Pejë/Peć, Kosovo, January 28th 2010.

Forgiveness should be conditional on the ability of war crime perpetrators to give information about war crimes and other perpetrators.

If a war crime perpetrator can offer information, let's say about the crime that took place in my village and tell us where the missing persons are, then we may consider forgiving that person.

Statement: Emine Bytyqi from the Raushiq/Raušić village, Kosovo, Consultation with the local community on the Initiative for RECOM, Pejë/Peć, Kosovo, January 28th 2010.

It is too early to debate on the structure and the composition of the commission.

I think that you will have our support but it is too early to debate about its structure and composition. If the decision to form this commission is ratified by our respective parliaments, then we will discuss the possible ways the commission can be organized.

Statement: Tahir Rraci, former political prisoner in the Dubrava prison in Kosovo, Consultation with the local community on the Initiative for RECOM, Pejë/Peć, Kosovo, January 28th 2010.

RECOM is a waste of time.

I wish you could succeed! I wish you could help us! God bless all those working for these people! But I think you dragged us here for nothing. I wish you the best of luck!

Statement: Isa Gashi, head of the community of the Pavljan/Pavlan village, Kosovo, Consultation with the local community on the Initiative for RECOM, Pejë/Peć, Kosovo, January 28th 2010.

RECOM should include the state to work alongside family members of the missing.

Yes, I think family members of the missing should be involved, too, but, it should primarily be the job of government institutions to deal with this, in a form of a government delegation...

Statement: Emine Bytyqi from the Raushiq/Raušić village, Kosovo, Consultation with the local community on the Initiative for RECOM, Pejë/Peć, Kosovo, January 28th 2010.

I don't trust this government which has been unable for the past 10, 11 years to do anything. If there are no victims' family members in this commission, I don't really think we can do anything.

Statement: Isa Gashi, head of the community of the Pavljan/Pavlan village, Kosovo, Consultation with the local community on the Initiative for RECOM, Pejë/Peć, Kosovo, January 28th 2010.

The first step should be taken by the Republic of Serbia: Serbia should publicly admit its crimes and apologize.

Should we apologize to Serbia? I think that Serbia should apologize to us first and admit the crimes and then it is up to our honour and conscience to see what we are going to do next, but it is clear... We are the second step.

Statement: Tahir Rraci, former political prisoner in the Dubrava prison in Kosovo, Consultation with the local community on the Initiative for RECOM, Pejë/Peć, Kosovo, January 28th 2010.

A three year mandate is too short for the work of the commission.

I think that this commission will not be able to

finish the job at hand in three years, maybe not even in 11 years. Look at what they are doing with Šešelj. Excuse me, but they have been trying him for years and they can't finish the trial, the Hague Tribunal can't finish the job, and you think you can do it in three years. The entire world proved he is a criminal, and the Hague Tribunal can't sentence him, yet you think you can do it in three years. That's really not going to happen.

Statement: Junuz Gutic from the Raušić/Raushiq village, Kosovo, Consultation with the local community on the Initiative for RECOM, Pejë/Peć, Kosovo, January 28th 2010.

The commission should define the time period which will be the subject of its investigation.

I really think you should deal with the crimes committed in the period between 1990 and 1999. Anything that happened afterwards should be tackled by the government, the police, courts, etc. simply because those crimes happened on their watch.

Statement: Isa Gashi, head of the community of the Pavljan/Pavlan village, Kosovo, Consultation with the local community on the Initiative for RECOM, Pejë/Peć, Kosovo, January 28th 2010.

You said that historians and psychiatrists would be members of the commission. If historians start analysing events starting in the 1980s, they are not historians but persons who experienced the same things you and I did. But, they can also start from 1912 and the suffering of the Albanians or from 1945 and how many people went to prison in Pejë/Peć and never got out, how many were executed without a due trial, and all the other torture we experienced... I remember all these events, 1945, 1947, 1956, 1963, I remember it all. If you want to start from the year 1991, then do so, but I think that if we don't start from the beginning we won't be able to do anything.

Statement: Isa Gashi, head of the community of the Pavljan/Pavlan village, Kosovo, Consultation with the local community on the Initiative for RECOM, Pejë/Peć, Kosovo, January 28th 2010.

The commission should first start working and then get additional tasks.

We will have a commission which will be formed, but we also want to put so much on its plate that it won't be able to do it (...). Not even the government can solve all these problems. We should help form this commission as soon as possible and start dealing with the fate of the missing first of all (...) and if this commission can do that within the time frame set for it, then we can give it additional tasks. But it

should start working first of all.

Statement: Tahir Rraci, former political prisoner in the Dubrava prison in Kosovo, Consultation with the local community on the Initiative for RECOM, Pejë/Peć, Kosovo, January 28th 2010.

82. Consultations with the local community on the RECOM Initiative

Višegrad, BiH
January 29th 2010

The debate was organized by non-governmental organization Luna (BiH) together with the BH Journalists Association (BiH). Forty-two participants, including representatives of victims' associations, former detention camp inmates, non-governmental organizations, secretary and president of the Čajniče Municipal Assembly, president of the Foča Municipality, internally displaced persons, and an EUFOR liaison and observation team (LOT) attended the event.

The gathering was opened by Svetlana Vuković (Luna, BiH) and Sonja Radošević (member of the Coordination Council of the Coalition for RECOM, Montenegro). Dženana Karup-Druško (BH Journalists, BiH) and Dragan Popović (Humanitarian Law Center, Serbia) talked about the course of the consultation process to date and positive experiences of other truth commissions all over the world. The discussion was moderated by Dženana Karup-Druško. Internet portal Bošnjaci.net and *Novosti* gave media coverage to the consultation.

Opinions, suggestions, and recommendations of the participants:

The RECOM Initiative is unnecessary because there are institutions tasked with dealing with the victims.

Please hear me out... this mission of yours is way out of line and I don't like it one bit.

Statement: Dražen Perendija, president of the Veterans' Assembly of the Town of Višegrad, president of the Regional Committee of the Veterans' Association of Old Herzegovina, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

I believe we don't need you. Don't try using the predicament of the victims; don't make these people tell us here what happened because there are other

institutions and organs in place which will handle that appropriately.

Statement: Srđan Vuković, president of the Čajniče Municipal Assembly, BiH, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

The commission should include representatives of the military and the police.

I believe that we should not talk about the victims here. There were victims on all sides. Also, I don't agree with the statement we heard here that members of the military and the police should not be included in the bodies we are about to elect or give credibility to.

Statement: Srđan Vuković, president of the Čajniče Municipal Assembly, BiH, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

The commission should be financed by the governments in the region.

I believe that it is unnecessary to finance such initiatives and activities because we have our state institutions which are doing their job properly.

Statement: Srđan Vuković, president of the Čajniče Municipal Assembly, BiH, Consultations with the local community on the Initiative for RECOM, Višegrad, BiH, January 29th 2010.

The Coalition for RECOM must protect the victims.

We support the activity of the Coalition for RECOM but I think there are certain things that must be included in its programme: first of all the protection of victims by offering them support - so that they are prepared, empowered in their intention to testify. And they should be monitored (...) because we don't want them to be used for political purposes. As Mrs. Sonja said, above all, victims have to be protected.

Statement: Esma Drkenda, SEKA Association of Women, Goražde, BiH, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

RECOM should answer those questions the state is unable to answer.

RECOM should be able to answer (...) all these questions which are unlikely to be answered by the state institutions.

Statement: Mirsad Crljenković, SVJETLOST Association, Goražde, BiH, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

RECOM should put pressure on the govern-

ments in the region to establish the truth about the past events.

I think that RECOM is praiseworthy, that we should all do our best to support its work so that we can finally find the truth and that we should continue exerting pressure on our governments to do that.

Statement: Nail Kajević, Association of the families of persons kidnapped in Štrpce, Prijepolje, Serbia, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

The most important thing we should discuss here is the truth. Only truth can lead us to reconciliation and agreement and only truth can help us attain our objectives.

Statement: Veljko Lasica, refugee from Goražde, Višegrad, BiH, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

RECOM should establish the facts and help find the remains of the missing.

I believe that we need RECOM for a number of reasons. First, RECOM can help us establish the facts so that we can pay our respects to all victims regardless of their nationality, so that we can find the remains of the missing and give them a proper burial.

Statement: Lutvo Šukalo, president of the Foča, BiH, Municipal Assembly, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

Once we establish who was a victim and who committed war crimes in our own midst, we can talk about the reconciliation among the nations and our future together.

We need an independent commission which will be able to find out and say how many people lost their lives. That's one thing. If we are able to establish that, and then go further and identify those responsible for committing war crimes, and when we are able to clean our own backyard first (...) and I have already said that no one had the right to kill anybody in my name (...) only then will we be able to talk about reconciliation and a joint future.

Statement: Lutvo Šukalo, president of the Foča, BiH, Municipal Assembly, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

We should eliminate fear so that people can start talking.

We should try to eliminate fear so that people can talk openly, so that people are no longer afraid

that something may happen to them if they talk. In my opinion that is the main obstacle. I would like to support RECOM as a multiethnic commission which can certainly enable the victims to speak publicly, without fear of doing so.

Statement: Lutvo Šukalo, president of the Foča, BiH, Municipal Assembly, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

RECOM should establish the facts relating to how the war began and the facts relating to the victims of war crimes. RECOM should not tackle the causes of the war and identification of perpetrators.

What the Commission should not deal with is how the war began.

Statement: Lutvo Šukalo, president of the Foča, BiH, Municipal Assembly, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

I think that it is one thing to participate in a war and another thing entirely to commit a war crime. And I think that somebody else should investigate it, not RECOM. I don't think that we should be pointing fingers and insinuating who did what in this war. Somebody else should do that.

Statement: Ljubiša Simović, Association of the forcefully displaced and internally displaced, Municipality of Foča, BiH, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

This Commission should tackle the issue of victims and the issue of fact-finding.

Statement: Sonja Radošević, member of the Coordination Council of the Coalition for RECOM, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

When it comes to establishing the causes of the war, I think that's something we should not even think of doing. I agree that the most urgent issue for those representing associations of the missing is to help the families find the remains of their loved ones so that they can bury them properly.

Statement: Dragica Kulić, Head of the General Administration Department in the Foča Municipality, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

RECOM should establish the causes of the war the break-up of the former Yugoslavia.

The causes of the war are very important. In my opinion, if it had not been for these causes, the break-up would not have happened so fast and these crimes that we committed against each other would

not have happened. We used to live together, we built that Yugoslavia together and yet it fell apart like a house of cards and we experienced the horrors none of our predecessors experienced. So, there are causes. But why did it all happen? Who were these people that came out on the streets with their ideas, with their swords, and their uniforms to spread fear, to threaten people and cause them to feel insecure and lost. We don't need these people, not in our commissions, not in our meetings. We need to stay away from them. They are not wanted here.

Statement: Veljko Lasica, refugee from Goražde, Višegrad, BiH, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

Our priority is to establish the facts while we still have witnesses to testify about the events of the war.

Each association has their own truth from their own perspective and I think that given the right foundation, something positive may come out of that.

Statement: Dragica Kulić, Head of the General Administration Department in the Foča Municipality, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

So, there can't be more than one truth in Bosnia and Herzegovina. Let's simply establish the facts, let's establish the number of people who lost their lives. Let's find witnesses and start investigating what happened. That's the only rule we should follow. If we wait, say, 30 or 40 years, there won't be anything left to establish.

Statement: Radomir Jagodić, Association of the refugees and internally displaced, Rudo, BiH, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

When it comes to the Commission itself, I support the Commission and we should really try to find out as many facts as we possibly can, but in the last 17 years a lot of elderly people died which means the witnesses are disappearing. It doesn't matter what side we are talking about, Serbian or Muslim, these witnesses are gone forever. We can only hope that they maybe gave a statement to somebody before they died.

Statement: Dževad Koldžić, Association of the families of persons kidnapped in Sjeverin, Serbia, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

Can RECOM do what prosecutorial offices have been unable to do so far?

Is RECOM really capable of doing the things prosecutors have been unable to do so far?

Statement: Radomir Jagodić, Association of the refugees and internally displaced, Rudo, BiH, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

I would like to ask if this Commission, if it is formed, will have any influence with the offices of war crimes prosecutors.

Statement: Ljubiša Simović, Association of the forcefully displaced and internally displaced, Municipality of Foča, BiH, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

It is necessary to individualize the responsibility for war crimes.

We should all work together to individualize the responsibility for war crimes so that we can remove the collective blame for the things that happened from the entire nations. We don't want to say 'people belonging to this nation did it'. No, because that's not true. Individuals committed war crimes.

Statement: Ekrem Hadžić, president of the Association for the protection of the rights of the forcefully displaced and internally displaced, Priboj municipality, Serbia, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

RECOM should be ethnically neutral.

We should mobilize all healthy and sound forces in our societies and try to accomplish as much as we can for the sake of future generations. I think that RECOM is one such step. We'll see. It has to be neutral. It must not be biased towards the Serbs, or the Croats, or the Muslims. It should be independent, multiethnic, and neutral.

Statement: Esma Drkenda, SEKA Association of Women, Goražde, BiH, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

RECOM's investigation must include crimes committed against members of perpetrators' own ethnic community.

RECOM should by all means, of course if it is formed, start with the war crimes committed against members of perpetrators from one's own community. And there are many cases of such crimes. These crimes are the same as other crimes. A crime is a crime.

Statement: Darinka Gavran, Secretary of the Čajniče, BiH, Municipal Assembly, Consultation with the local community on the RECOM Initiative, Višegrad, BiH, January 29th 2010.

83. Regional Consultation on the Initiative for RECOM with Former Detention Camp Inmates and Political Prisoners

Dubrovnik, Croatia
February 19, 2010

A regional consultation on the Initiative for RECOM with associations of former detention camp inmates, individual former detention camp inmates, and political prisoners was organized on February 19, 2010 in Dubrovnik, Croatia by Documenta – Center for Dealing with the Past (Croatia) on behalf of the Coalition for the Establishment of a Regional Commission Tasked with Establishing and Publicly Declaring the Facts about War Crimes and other Serious Human Rights Violations in the former Yugoslavia (Coalition for RECOM).

At the beginning of the gathering former detention camp inmates were addressed by Vesna Teršelić, Director of Documenta, Zdenko Bulić, President of the Croatian Society of Former Serbian-Montenegrin Detention Camp Inmates, and Đorđe Gunjević, former inmate at the Pakrac, Croatia detention camps during the Homeland War in Croatia (detention camps Bučje and Pakračka Poljana) on behalf of the Association of Law Professionals - Vukovar 1991. Zoran Šangut, former inmate at three detention camps, presented the Initiative for RECOM in his speech on the “Why RECOM” subject. Vesna Teršelić and Nataša Kandić from the Humanitarian Law Center (Serbia) spoke about the up-to-date progress of the consultation process and the beneficial experiences of other truth commissions from around the world. The event was reported on by Croatian Radio-Television (HRT), Radio Television of Serbia (RTS), Television of Montenegro (RTCG), TV Vijesti from Podgorica, Montenegro, Montenegro News Agency (MNA), H-Alter (Zagreb), and Novi List (Rijeka).

Suggestions and Opinions of Participants

The initiative is good but the conclusion of the international agreement and the statute should be prepared very carefully to reflect mutual respect.

The initiative is good, but it should be discussed at length so that we don't make a mistake concerning the international agreement, the adoption of the statute, and so on. It should all be carefully analysed and nobody should be hurt in the process. We have to live next to each other, we have to demonstrate mutual respect and go on living our lives.

Statement: Đorđe Gunjević, Pakrac, Croatia, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

I would like to salute this initiative, and I believe it is very important and useful. I think the Initiative will be consolidated and adjusted to the new reality and the needs of society to help maintain a continuous and stable peace in the region.

Statement: Hydajet, Hyseni, Association of Political Prisoners, Priština/ Prishtinë, Kosovo, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

We must first create a climate of acceptance in all post-Yugoslav states that crimes were committed by all sides in the conflict.

We must first create an understanding in our communities and societies, in our countries, that crimes were committed by all sides in the conflict. We must responsibly deal with the fact that all nations are responsible for war crimes and that's the truth we can't deny.

Statement: Đorđe Gunjević, Pakrac, Croatia, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

For our future life together and for the sake of our future, we must process war crimes perpetrators and mark mass graves and detention camps. Non-governmental organizations will force our governments to do that.

(...) it would be very nice if all mass murders, or rather all mass graves and all detention camps, were marked, and if all war crimes perpetrators were processed. I think I can see that RECOM understands how important that is for the future of the people in the region and for our future life together. I also hope that non-governmental institutions will be strong enough to force our governments to make it happen as soon as possible.

Statement: Zoran Šangut, Association of Law Professionals - Vukovar 1991, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

Perpetrators should be brought to justice and only victims should testify before the commission.

(...) and I would like to emphasize that RECOM must make sure that perpetrators are brought to justice instead of sitting in front of us giving their testimonies, because if that's the case, then we didn't really do anything. Perpetrators should be deposed by the courts and we, the victims should testify. Our testimonies should be documented and these documents should then be used by courts to process war crimes prosecutors.

Statement: Mario Lučić, president of the Croatian Society of Serbian-Montenegrin Detention Camps of the Dubrovnik-Neretva County, Dubrovnik, Croatia, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

RECOM is an opportunity to impartially establish the facts and help people understand that all sides in the conflict committed war crimes.

(...) please, let's make sure that we take this chance offered by RECOM and when we are attending gatherings like this one, let's show respect for each other and understanding the suffering of each and every one of us individually. Let's give our contribution to the process of establishing the facts about what happened in the past and where it happened, let's find out the fate of all of our missing.

Statement: Amir Kulagić, victim from Srebrenica, BiH, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

(...) I want RECOM to establish the right facts and I don't want us to reproach each other - exaggerate the other side's crime at the same time lessening our own wrongdoings. We should agree that crimes were committed by all sides in the conflict, and apply the same set of criteria to evaluate them. For that reason I believe that RECOM must have a future and that it must help all those who suffered to at least get some emotional satisfaction for their pain. However, they can only be satisfied when facts are established, verified, and recognized.

Statement: Anđelko Kvesić, Croatian Association of Former Detention Camp Inmates in the Mid-Bosnia Canton, Busovača, BiH, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

The responsibility of journalists should be investigated.

In this whole story we discussed the role of military commanders and politicians, but we have forgotten about the journalists. I don't want to be too harsh, but let me just say that they have made quite a mess, they turned people against each other especially in Slavonia, where I come from.

Statement: Petar Gojun, Croatian Society of Serbian Detention Camps of the Split-Dalmatia County, Split, Croatia, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

Victims must be reassured that they would have no consequence for testifying.

What you are saying about public testimonies, well, let me tell you I am a bit sceptical, because if you want someone to testify publicly about the facts that can lead to an indictment on war crimes charges, you must first of all reassure these persons that they would encounter no consequences for doing that.

Statement: Mirko Zelenika, Croatian Association of Former Detention Camp Inmates, BiH, Mostar, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

In case governments don't accept the initiative, we must search for alternate solutions.

We have to ask ourselves what the alternative to RECOM is. We will conduct a consultation process, we will try to collect a million signatures, we will compose the mandate and submit it to the parliaments in the region and then we face the question – what if the parliaments don't accept the proposal to create RECOM. What is the alternative to RECOM?

Statement: Amir Kulagić, victim from Srebrenica, BiH, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

The commission must initiate the recognition of former detention camp inmates as victims who are entitled to reparations.

When it comes to victims, the law in Bosnia and Herzegovina does not recognize former detention camp inmates as civilian victims of the war. One of the recommendations of the commission, if it's formed, must be to grant former detention camp inmates the status of victims, who are also entitled to adequate reparations, both financial compensation and non-financial reparations.

Statement: Amir Kulagić, victim from Srebrenica, BiH, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

The process should be first organized within each state and later it should spread across the region. It's a longer but a more successful road. However, these two approaches do not exclude each other.

(...) from the very beginning we have a regional approach to organizing the work of the commission, but I think it is a little bit pretentious. Maybe it should be done locally at first – on the state level. Each state should do a project on disclosing the truth, on justice, on reconciliation, and so on, because sometimes problems can be much bigger internally than we anticipated. After that, the regional approach should be tested. And in the end, these two approaches don't exclude each other necessarily.

Statement: Hydajet, Hyseni, Association of Political Prisoners, Priština/ Prishtinë , Kosovo, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

(...) positive examples should be reaffirmed in each country so that we can see that the seed of human goodness was alive the whole time, and after that, we can face the facts and integrate everything at the regional level. I am sure that's a longer way, but I think it would be more successful. I don't think that we can ensure that this regional commission becomes a super-institution, so to speak, as a super-state, because the civil society has no capacity to do it. If the commission intends to do it with the institutions, the institutions would find their own way again to prevent from becoming functional. At the second phase, the regional commission would, in my opinion, function according to a rotation principle and it should have adequate representation from the very beginning in all segments of operation. I don't believe that members of the commission should be chosen only if approved by other countries because that will make it impossible to have a consensus on this issue. I think we should leave it up to each country to take care of its membership. Also, in order to be successful, this initiative should not interfere with judicial matters – local or international courts.

Statement: Hydajet, Hyseni, Association of Political Prisoners, Priština/ Prishtinë , Kosovo, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

But, I would like to explain what I believe was

misinterpreted when I mentioned the need for national commissions. I did not have ethnic commissions in mind; that would be counterproductive and anything but logical. When I say 'national,' in my discourse I always mean comprehensive, in terms of the entire state, I mean inclusive for all citizens of Kosovo, or any other state.

Statement: Hydajet, Hyseni, Association of Political Prisoners, Priština/ Prishtinë , Kosovo, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

The commission and state institutions must be in an equal-partnership relationship, their relations must be professional and that will guarantee that states submit information they own.

So I think that the commission and state institutions must nurture an equal-partnership relationship which will be professional and at the same time guarantee that states submit whatever information is requested by RECOM.

Statement: Ivan Grujić, Ministry of Family Affairs, Homeland Veterans, and Inter-generational Support, Department for the Detained and Missing, Zagreb, Croatia, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

Testimonies are what matters the most. History should be left to historians.

It is a very sensitive matter to create what you call a curriculum mortae to leave in our archives. I know RECOM keeps insisting on it, but we'd better leave history to historians.

Statement: Mirko Kovačić, Mothers of Vukovar Association, Vukovar, Croatia, Regional Consultation with Former Detention Camp Inmates and Political Prisoners on the Initiative for RECOM, Dubrovnik, Croatia, February 19, 2010.

84. Consultation with civil society on the RECOM Initiative

**Prizren, Kosovo
February 24, 2010**

Local consultations with civil society organizations were organized by the non-governmental organization Fisnikët and the gathering was attended by 41 participants and 11 observers from Prizren, Mališevo/Malishevë, Vučitrn/Vushtrri, Kruševa/Krushevë, Orahovac/Rrahovec, Dragas/Drageash, and Uroševac/Ferizaj. The following media repor-

ted from the session: the *RTV Deutsche Welle*, *RTV Kosova*, *RTV Prizren*, *RTV Besa*, and *RTV Opinion TV* outlets; *Koha Ditore* and *Kosova Sot* daily newspapers, and Radio ROA. The introductory speech was given by Nora Ahmetaj (Center for Research, Documentation, and Publishing, Priština/Prishtinë, Kosovo) who spoke in the session titled 'Information on the course of the consultation process in the post-Yugoslav states and comparison with experiences of other societies in the process of establishing the facts from the past', while Besarta Vasijsa (Humanitarian Law Center, Kosovo, Priština/Prishtinë, Kosovo) moderated the discussion. At the end of the consultation 23 participants joined the Coalition for RECOM.

Opinions, Suggestions, and Recommendations of the Participants

The word 'conflict' should be replaced with the word 'war' wherever possible.

The word 'conflict' should be replaced with the word 'war' because we all know that in reality it was war, both in Kosovo and on the territory of other states that came into being after the break-up of the former Yugoslavia. I think we should use the word 'war' on every occasion.

Statement: Hamit Ademaj, president of the Association of the families of fallen Kosovo Liberation Army Veterans, Kosovo, Local consultation with civil society on the RECOM Initiative, Prizren, Kosovo, February 24, 2010.

RECOM must investigate the period starting as early as 1974.

...the commission must find a way to investigate human rights violations that happened long before those of the 1990s, because we should deal with the year 1980 and also 1974. [ethnic]Albanians have been continuously abused and their human rights have been violated.

Statement: Ejup Kabashi, president of the Association of War Veterans, Local consultation with civil society on the RECOM Initiative, Prizren, Kosovo, February 24, 2010.

The commission should investigate events from as early as 1987/1989.

With respect to the circumstances in Kosovo, I think that the year when Kosovo's autonomy was abolished is the most appropriate start of the period of time that needs to be investigated. So, I would start from the year 1987 or 1989.

Statement: Vildane Minci, Swiss Caritas, Prizren, Kosovo. Local consultation with civil society on the RECOM Initiative, Prizren, Kosovo, February 24, 2010.

RECOM's headquarters should be outside of the former Yugoslavia.

I think that RECOM's main office should be in a place from where it would be easier to exert pressure on parliaments, a place where the influence of international politics is the most intense.

Statement: Ejup Kabashi, president of the Association of war veterans, Local consultation with civil society on the RECOM Initiative, Prizren, Kosovo, February 24, 2010.

RECOM's main office should be in Slovenia.

I think that RECOM's main office should be in Slovenia.

Statement: Nazim Bahtiri, Youth Step, Vučitrn/Vushtrri, Local consultation with civil society on the RECOM Initiative, Prizren, Kosovo, February 24, 2010.

RECOM's main office should be somewhere in Europe.

...I think that RECOM's main office should be somewhere in Europe, maybe in Brussels.

Statement: Qerim Bajrami, Selam, Priština/Prishtinë, Kosovo, Local consultation with civil society on the RECOM Initiative, Prizren, Kosovo, February 24, 2010.

Members of the commission should be individuals from the RECOM Initiative.

Who should we elect as members of the Commission? ...I think that it would be good if members of the Commission are the same individuals included in the whole Initiative for RECOM process. Those individuals are the worthiest representatives of the entire process.

Statement: Haqif Ilazi, Association of Political Prisoners, Prizren, Kosovo. Local consultation with civil society on the RECOM Initiative, Prizren, Kosovo, February 24, 2010.

RECOM should be mandated to investigate the participation of state institutions in war crimes.

I think that I have seen somewhere in the document that RECOM's mandate, in addition to all other important assignments, will also allow investigation into the participation of representatives of state institution in war crimes. I think that is of key importance.

Statement: Qerim Bajrami, Selam, Priština/Prishtinë, Kosovo.

Local consultation with civil society on the RECOM Initiative, Prizren, Kosovo, February 24, 2010.

The commission should have a number of different sub-commissions.

The Commission should have separate sub-commissions, such as one for victims, one for political prisoners, one for missing persons, one for sexual abuse during the war and a special sub-commission for the financial compensation of victims of war crimes.

Statement: Azem Pula, Association of Invalids of War, Prizren, Kosovo, Local consultation with civil society on the RECOM Initiative, Prizren, Kosovo, February 24, 2010.

RECOM should be mandated to collect information from war crimes perpetrators.

...I don't think it is unacceptable to conduct interviews with war crimes perpetrators for the purpose of obtaining information about (other) war crimes.

Statement: Ejup Kabashi, president of the Association of war veterans, Local consultation with civil society on the RECOM Initiative, Prizren, Kosovo, February 24, 2010.

War crimes perpetrators must be given an opportunity to testify and repent for their wrongdoings.

When it comes to war crimes perpetrators – whether they should testify or not - I think they ought to be given an opportunity to testify but only if they have previously repented for their wrongdoings.

Statement: Bylbyl Duraku, Association of Political Prisoners, Prizren, Kosovo, Local consultation with civil society on the RECOM Initiative, Prizren, Kosovo, February 24, 2010.

War crimes perpetrators who have demonstrated repentance for their misdeeds should not testify.

I respectfully disagree with my colleague – I think that war crime perpetrators who demonstrated repentance should not testify – I think they should be tried.

Statement: Azem Pula, Association of Invalids of War, Prizren, Kosovo, Local consultation with civil society on the RECOM Initiative, Prizren, Kosovo, February 24, 2010.

Those who provide information concerning war crimes victims and war crimes perpetrators should be rewarded.

...I think that the Commission needs to find a way to reward those who provide information concerning

war crimes victims and war crimes perpetrators. If not, everybody will keep their information to themselves.

Statement: Azem Pula, Association of Invalids of War, Prizren, Kosovo, Local consultation with civil society on the RECOM Initiative, Prizren, Kosovo, February 24, 2010.

85. National Consultation with Legal Professionals on the Initiative for RECOM

**Zagreb, Croatia
February 26, 2010**

The National Consultation with Legal Professionals was organized by the Center for Peace Studies and Documenta (Zagreb) and was held in the Dubrovnik Hotel in Zagreb. There were 50 participants, mostly judges, lawyers, and representatives of the State Attorney's Office of the Republic of Croatia, and they discussed the Initiative for the Creation of RECOM (Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia in the period from 1991-2001). In addition, participants also discussed the course of the consultation process and the experiences of others in establishing the facts about the past. Keynote speakers were Tea Gorjanc-Prelević (Action for Human Rights, Podgorica, Montenegro), and Gordan Bosanac (Center for Peace Studies, Zagreb, Croatia).

The gathering was opened by Vesna Teršelič (Documenta – Center for Dealing with the Past) and Jasmina Dolmagić (County of Zagreb State Attorney's Office of the Republic of Croatia). HRT (Croatian TV) and Novi List, from Rijeka, reported from the Consultation.

Opinions, Suggestions, and Recommendations of the Participants

It is especially important to encourage witnesses and war crimes victims to take part in war crimes trials.

(...) when it comes to the Initiative for establishing and publicly declaring the facts about war crimes committed the past, I must say that, after I had

carefully studied the documentation and understood the goals of RECOM, let me tell you that now I can clearly see the reasons for the creation of RECOM. I think it is in any event a good initiative, especially in the part dealing with encouraging witnesses and victims to come forward and testify in war crimes trials.

Statement: Jasmina Dolmagić, State Attorney's Office of the Republic of Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

Organizing files on certain cases can help state attorney's offices and courts, as well as official missing person commissions in locating mass graves.

Organizing files on certain cases can help state attorney's offices, courts, and government missing person commissions in locating mass graves and solving the fate of the missing.

Statement: Jasmina Dolmagić, State Attorney's Office of the Republic of Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

Such an initiative is significant in terms of changing the public opinion on the issue of war crimes.

(...) this Initiative is extremely important not only in terms of stimulating the judiciary to fulfil its legal obligations, but also in terms influencing a change in the public opinion on this issue, and that is exactly where I expect the Initiative to give its full contribution.

Statement: Ivo Grga, lawyer, Split, Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

RECOM's findings are valuable as guidelines in the evidence collection process.

Findings of RECOM are welcome, but only as guidelines and directions based on which the judiciary will collect evidence.

Statement: Jasmina Dolmagić, State Attorney's Office of the Republic of Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

Alleged perpetrators should be identified by name and then information should be submitted to state attorney's offices for processing.

(...) I don't see any reason why we would not iden-

tify alleged perpetrators by name, i.e. why witnesses and victims would not be allowed to say anything they know. Once they do, such reports should be submitted to competent state attorney's offices for processing.

Statement: Lidija Horvat, lawyer, Zagreb, Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

Having victims meet perpetrators of war crimes would be additional suffering for them.

(...) should they be allowed to respond to accusations publicly made against them – well, as much as I believe it is necessary in court proceedings, I think that during these public testimonies arranging for the victims to meet with war crimes perpetrators would just cause additional suffering for the victims. I firmly believe that at this stage that is not necessary and we definitely don't want to upset the victims without a good reason, I mean, I know they have to do it in court.

Statement: Lidija Horvat, lawyer, Zagreb, Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

Victims must be responsible for their statements.

(...) and the question remains what level of evidence should be required. I think that witnesses and victims must be informed ahead of time about possible consequences in the case of perjury, offence, defamation, and so on. They must be aware of the fact that in such cases they can suffer legal consequence.

Statement: Lidija Horvat, lawyer, Zagreb, Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

It is important to name perpetrators while at the same time making it very clear that no criminal responsibility has been established.

(...) with respect to the suggestion to name perpetrators (...) if the reports become public, I am afraid that individuals named as possible war crimes perpetrators, whether in the end they are established indeed to be perpetrators of war crimes, will become victims of a public lynch. So, maybe a solution would be to introduce a note explaining that no criminal responsibility has been established.

Statement: Ivana Radačić, Center for Peace Studies, Zagreb, Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

It is important to include civil society associations in the RECOM process.

(...)It is important to include civil society associations or those that have any contacts with citizens and the public so to engage them in various aspects of the work of the Commission. There is a lot of space for that.

Statement: Ivo Grga, lawyer, Split, Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

It is not necessary to motivate victims and witnesses to talk because those who want to proscribe perpetrators have already done so and have reported that individual to the Office of the State Attorney, and those who don't know who the perpetrators are or who don't want to report them, they will not be willing to speak.

(...) for most of us if not for all of us this is a new initiative and of course it is a positive one because it is moving in the direction of a final and just inclusion of the facts that have been painful for us all these years, plus all of the war consequences in the region and the victims that are so obvious on both sides (...) We will definitely learn new things based on the testimonies of the people who are willing to talk about their suffering during the Homeland War. However, there is no need to additionally motivate people to talk because those who want to proscribe those who committed crimes against them have already informed the Office of the State Attorney about their knowledge. On the other hand, those who don't know who the perpetrator is or those who don't want to report the perpetrators will probably refuse to testify.

Statement: Snežana Mrkoci, judge with the County Court of Sisak, Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

Audio and video recordings of public testimonies of victims and witnesses may be used in a court proceeding as legitimate evidence because they are important and truthful.

What I am afraid of is - and it may not happen and may never become an issue - that if we make video or audio recordings of the testimonies of victims and witnesses, and later on there is a criminal trial with respect to that particular case, such video or audio recordings may be misused. In other words, the defence council may find the wording of the testimony of that particular witness slightly different than in the recording and may try to have that recording

dismissed as unacceptable evidence, although it would be very difficult because those witnesses or victims volunteered to have their testimonies recorded, disclosing their full identity and image. So, this is just a theoretical possibility which I hope will not happen.

Statement: Snežana Mrkoci, judge with the County Court of Sisak, Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

RECOM has a much broader human-legal perspective than judiciary mechanisms.

I definitely don't see RECOM as a judicial initiative because RECOM has a much broader human-legal perspective than judiciary mechanisms (...)

Statement: Ljubica Matijević-Vrsaljko, lawyer, Zagreb, Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

RECOM should have a list of lawyers who would be willing to act as victims' legal representatives.

So, maybe RECOM should have a list of lawyers who would be willing to act as victims' legal representatives, accompany them to a legal institution to file a criminal complaint or whatever other legal issues they need to attend to (...)

Statement: Ljubica Matijević-Vrsaljko, lawyer, Zagreb, Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

It is necessary to have a mechanism in place for determining if a person claiming to be a victim is indeed a victim.

(...) once a person is registered in RECOM's report, is there going to be a mechanism in place to help us determine if that person is indeed a victim who really experienced everything they say they did? We must be careful because in the absence of such a mechanism we may be in a situation to automatically believe if someone claims that their parents were killed, or that they were tortured in a detention camp, or something equally as traumatising. So, do you think that there is going to be such a mechanism in place?

Statement: Snežana Mrkoci, judge with the County Court of Sisak, Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

It is necessary to establish the causes of war crimes rather than the causes of the war itself.

I did not speak in favour of establishing the causes of the war itself but in favour of establishing the causes

of war crimes in this war. That is the most important issue here.

Statement: Slobodan Budak, lawyer, Zagreb, Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

I think we have too quickly gone over the idea to create a list of possible perpetrators because they may be understood as execution rosters.

I simply think it is too dangerous and I believe we should be very careful because of a possible legal conflict (...) The undisputable fact is that it can only be established in a court of law if a person is indeed a perpetrator of a criminal act. Making a list of possible perpetrators seems like making an execution roster (...) If you are listing to a person who is testifying about certain events, if they are presenting their stories without being asked any questions, it may happen that the person mentions a name. That should be carefully considered and I don't think that RECOM's final report contain a list of perpetrators with names mentioned in testimonies of victims or witnesses. The final report may contain a list of victims but definitely not a list of possible perpetrators. If a victim or a witness knows the name of a perpetrator, that person should file a report so that a criminal complaint against that person is filed. And, a colleague of mine just explained, that victim should be aided by a legal representative in the process of filing a criminal complaint.

Statement: Verica Orešić - Cvitan, Ministry of Justice of the Republic of Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

Testifying is a good way of liberating individuals from traumas.

(...) many people still suffer from traumas from the war events and they should be offered every opportunity to get over these traumas. That can be best achieved if they can face these specific situations through the fact-establishing process. That should definitely be the first step in their healing process.

Statement: Siniša Štimac, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

No nationality should be hiding behind a war crime. A crime is just a crime.

Our task here is to try to raise social awareness about war crimes and tell people that not a single

crime may remain unpunished. No nationality should be hiding behind a war crime. A crime is just a crime. It is a horrible act that hurt somebody or made a normal human and family situation become everything but normal. And as a society in the year 2010 we must not accept it.

Statement: Višnja Dreški – Lasan, lawyer, Zagreb, Croatia, National Consultation with Legal Professionals on the Initiative for RECOM, Zagreb, Croatia, February 26, 2010.

86. Local Consultation with Young People on the Initiative for RECOM

**Daruvar, Croatia
February 27, 2010**

A Local Consultation with Young People on the Initiative for RECOM was organized by *Delfin* - the Center for Civil Society Development from Pakrac (Croatia) and Documenta from Zagreb (Croatia). The Initiative supports the Creation of a Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia in the period from 1991-2001 (RECOM). The Consultation was attended by over 40 participants. Key note speakers were Mirjana Bilopavlović (Delfin), Eugen Jakovčić (Documenta), Darija Marić (Documenta), Cvijeta Senta (Center for Peace Studies, Zagreb), Marko Veličković (Center for the Development of Civil Resources, Niš, Serbia), Ivan Novosel (Legalis, Zagreb).

Additionally, the Consultation had radio and TV coverage: NET TV (Independent TV, Kutina), HRT (Croatian Radio TV), and Radio Daruvar all reported on the gathering in their informational news programs and in the *Županijska Panorama* show.

Opinions, Suggestions, and Recommendations of the Participants

It is important to reach a consensus.

(...) I like very much this initiative and the idea to find the truth in which both sides would agree on. So ok, let's confront the public with some names, and as you said, these people are neither Croats

nor Serbs, they are simply war crimes perpetrators. But what is important to establish is the facts in order to narrow the space for manipulation and lies. This house needs to be built from the foundation, and this means there can be no denial of war crimes to start with.

Statement: Emina Ogrizek, Daruvar, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

It is important to educate people and to instil in them the sense of mutual respect and acceptance of differences.

I don't want to go blind and forget everything that happened, but when it comes to young people, I think a lot more can be achieved through informal forms of education and by coaching young people to accept each other's differences and to have respect for each other. My friends are the kind of people that don't show hatred.

Statement: Jelena Kolesarić, SOS, Virovitica, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

It is necessary to influence the hard-line Croat nationals.

We have two neighbours who are not very easy-going people, so to speak. They are, let's just say, true Croats. We should especially pay attention to the hard-liners, try to win them over. They should be approached carefully and with special attention.

Statement: Karolina Melnjak, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

There are those who are entrenched in their beliefs, and we need to instigate a change in their way of thinking. We need to try to change their opinions and to pay special attention to veterans, because many of them were barely 18 years old when they went to war.

Statement: Karolina Melnjak, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

We need to be very careful in selecting RECOM members. We should really try to mobilize true experts.

And, we should also be very careful who we choose as RECOM members. We need to find good lawyers, sociologists, experts in their fields, and make sure that various interest groups don't have too

much influence.

Statement: Karolina Melnjak, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

It is important that in addition to the headquarters, the commission also has local offices in various locations throughout the region.

Simply because of organizational reasons, RECOM should probably have local chapters, local offices, in every member state, in the capital, or elsewhere. It does not really matter where the head office is because in the end our main goal is to establish the facts, and it does not matter where the office work takes place. So, yes, I personally don't mind the centralistic approach.

Statement: Una Kociper, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

I personally favour the de-centralistic approach. There should be a roof institution, but the whole structure must be de-centralized since it is the foundation of a democratic system. I can't really support a centralistic approach.

Statement: Karolina Melnjak, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

It is not necessary to have a head office.

(...) I think that today's communication technologies are so advanced that we can share data and compile our reports together without sharing an office, without really having a head office.

Statement: Tatjana Petrović, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

Religious and ethnic background of the members of the Commission should not be of any importance.

(...) is the religious, ethnic background of the members of the Commission really important? It should not be because those participating in the work of such a commission are supposed to be interested in truth and in the facts, but on the other hand, it may not be a bad idea to include several representatives of all major religious and ethnic groups from the region, just to make sure we have included all different perspectives.

Statement: Lucija Zore, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

The Commission should be made up of experts, even from out of the region if necessary.

(...) I think that the Commission should be made up of experts, foreigners if necessary, which may even be a good idea in terms of increased objectivity.

Statement: Mirna Bulatović, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

The role of the media should be investigated.

The Commission should focus on many various things – from the acts of individuals, institutions, and so on, to the role of the media in the time before and during the armed conflict... But, if you ask me, the Commission should primarily deal with the role of individuals.

Statement: Una Kociper, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

(...) I think that we should by all means tackle the issue of the media because they are responsible for the creation of a general picture of society. It is important for their past role as well as for their practices today, i.e. for the lack of responsibility for the dissemination of information by the media, including the official, state-run media outlets.

Statement: Mirna Bartulović, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

We should discuss the events of the distant past because they are being manipulated with.

We should probably start analysing the issue of the Second World War, Jasenovac, Bleiberg, and so on, because of frequent manipulation for daily political purposes. That period is still quite unclear and the well known discourse from the 1990s has its origins in these events. The question now is whether we want to discuss that period in order to be able to understand the other part, the conflicts of the 1990s. My concern is whether this Commission can do it in three years. I think it is impossible.

Statement: Lucija Zore, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

It is possible to institutionalize the process in which the end result will find a place in history text books.

(...) I think that the key issue is that the Commis-

sion is established and that the whole process is in a way institutionalized. We need to have a final document, a final report which is going to be a relevant document and which will be incorporated in history books.

Statement: Una Kociper, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

It is important to make a record of the events from the past so that such things would not happen again.

This initiative is great and it really is important to make a historic record of the facts, of the truth, so that such things would not happen again, because that is the only way to secure growth and development.

Statement: Tatjana Petrović, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

Establishing the facts eliminates manipulations for political purposes.

(...) I think that it is important to establish the facts because once they are on paper, they cannot be manipulated with.

Statement: Lucija Zore, Zagreb, Croatia, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

It is important to connect people from various regions because they have suffered in similar ways. That can help them understand that they are not alone and that they share the fate of many other people.

Regardless of whether we make a commission or not (...) I think that in the end it is important to connect people, to help them understand that they share the fate of many other people.

Statement: Emina Ogrizek, Daruvar, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

The best way is to visit smaller communities and get in touch with people, open communication lines.

I must say that these consultations changed my opinion on this topic. As a young person, I was convinced that there was not much left to say since most of us from my generation did not really have any traumatic experiences from the war. But, after

attending several of consultation sessions, I realized how important it really was to talk about these things. Now I hope that in the future more and more people will be able to attend consultations and I am sure this is the best way to do it – go to smaller communities and offer people to have an opportunity to communicate.

Statement: Vlatka Kiš, Local Consultation with Young People on the Initiative for RECOM, Daruvar, Croatia, February 27, 2010.

87. Consultation with the Local Community on the Initiative for RECOM

Zenica, BiH
March 6, 2010

A consultation with the local community on the Initiative for RECOM was organized by the BH Journalists Association and the Association of Former Detention Camp Inmates of the Zenica – Doboj Canton. The gathering was attended by 41 participants, mostly representatives of associations of victims, former detention camp inmates, members of non-governmental organizations, journalists, and representatives of the town of Zenica institutions (the Social Work Center and the Mental Health Center). Introductory speeches were made by Amir Kulagić, member of the Coordination Committee of the Coalition for RECOM from Srebrenica, BiH, and Nataša Kandić, from the Humanitarian Law Center in Serbia, who informed the participants of the up-to-date course of the consultation process. The discussion was moderated by Borka Rudić, Secretary General of the BH Journalists Association (BiH).

Opinions, Suggestions, and Recommendations of the Participants

The terrible experiences of victims must be documented and told, as a reminder to future generations.

Victims of torture, persecution, and rape, as well as the families who lost their loved ones – they can never forget what they went through, and they live with their pain, their secrets, pain, and their losses every day. Their experience must be thoroughly investigated, and all the facts must be established, documented, and interpreted in an impartial, truthful,

and honest manner. Their terrible experiences must be told and documented as a painful reminder for new generations to avoid such suffering.

Statement: Amir Kulagić, member of the Coordination of the Coalition for RECOM, Srebrenica, BiH, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

For former detention camp inmates the most significant issue remains having their status regulated by law. RECOM can help the voice of the former detention camp inmates be heard.

I would like to send a message from this gathering – that no one is allowed to speak on my behalf because I am the one who suffered. I can give a mandate or an authorization to someone to represent me. So, it is a message for those preparing for elections: you can't speak on my behalf and on behalf of those I represent – former detention camp inmates; you can't speak about me or us, whether there is a thousand, two, five, or ten thousand of us.

Statement: Zahid Krenić, president of the Association of Returning Refugees of the Municipality of Doboj, BiH, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

One of RECOM's assignments, how I understood it and how I think it should work, is that we have our representative who will speak on our behalf. In this situation we are in an under-privileged position, we are under everyone's foot and we are not recognized as victims by the law or in the society, while all other victims have something somewhere. Many people discuss our situation, they talk about us, I don't remember if it was the Pošteno TV show, or another inappropriate TV show, produced on our account. And we are nowhere, that's the rule.

Statement: Nazif Bajrić, representative of former detention camp inmates, Visoko, BiH, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

Former detention camp inmates are destitute; we are as poor as church mice in each and every community. As my colleague just said – there is no law. It's as simple as that – we can't even register all former detention camp inmates. Apart from this, Maglaj was under siege for nine months so that even our fellow-citizens from Maglaj do not recognize us as victims saying: "We were prisoners too; we have spent nine months under siege." However, I think it is not quite true. We are destitute, we receive no compensation for our suffering, we receive no compensation for lost property and destroyed houses. We are at the bottom of the barrel.

Statement: Ramiz Mačković, president of the Association of Former Detention Camp Inmates, Maglaj, BiH, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

The most important thing would be – and everybody agrees – at least those who were in detention camps – to include former detention camp inmates in some law, so that we have a legal status, so that we are like everybody else.

Statement: Bekir Menzilović, president of the Association of Former Detention Camp Inmates, Kakanj, BiH, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

We should exert pressure on our governments to acknowledge the existence and suffering of these people in the law, to dedicate them at least one article recognizing the fact that they remained alive but that they suffered a lot of pain, distress, and misfortune in the period 1992-1995. They need it to feel like other citizens of this country. Those people should be given space and this commission should definitely focus on cooperation with executive and judicial branches of our governments to make sure this population is given some structure and granted some rights. It is not only a financial issue – those people need to be offered moral support.

Statement: Tahir Mandžuka, president of the Association of the Families of Šehids and Killed Veterans, Kakanj, BiH, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

RECOM should include women who are victims of rape in house-detention situations as well as men who still refuse to talk about it.

The question I would like to ask representatives of RECOM is: Is RECOM only going to be dealing with those victims who have been registered in various detention camps or is it going to analyse the situation of victims who have suffered torture and trauma but they were not registered in detention camps? When I say this I have in mind a number of women who suffered the war trauma of rape in house-detention situations, regardless of whether they were taken away or abused in such detention locations. It would be very useful for them if the Coalition of RECOM included them in their program, along with the men who suffered the same kind of humiliation but still refuse to speak publicly about it or who have not been registered yet.

Statement: Sabiha Husić, Director of the non-governmental organization Medica, Zenica, BiH, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

RECOM must be independent from any kind of influence and all important decisions in RECOM should be made by victims.

RECOM must be strictly, clearly, and precisely defined and it must be fully independent from any kind of personal influence. It should be run primarily by people who have gone through all those forms of suffering because they are the ones who can testify most truthfully about those forms of abuse.

Statement: Sead Drljo, president of the Society of Social Workers, Zenica, BiH, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

Our past is a black book which must be read out loud by RECOM so that the whole world can read it and learn the truth.

I see all of us as a living black book which wanders throughout the region of the former Yugoslavia. The people who are going to be here must find the strength to read that black book to the whole world. If the book is not read, there can be no truth in this region! I would like to ask RECOM and all the people who are going to be in RECOM, to mobilize all available potential and make sure the book is read all over the region and world because that book is the truth. And the stories of those who represent us – that's a farce! Thanks to the way they do things, we are still victims even today!

Statement: Nazif Bajrić, Association of Former Detention Camp Inmates, Visoko BiH, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

Only RECOM can make the voice of victims and witnesses heard.

What the ICTY does not have, and what state-organized trials don't have, are these testimonies of victims and witnesses. These testimonies are going to be organized all over the region because deposing victims and witnesses is the essence of the work of all truth commissions.

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

Victims who lost their lives while standing in line for bread or milk or being in the wrong place at the wrong time make those crimes particularly gruesome.

When I look at wars and war-related events everywhere in the world throughout history, many of those who were never captured and who never

participated in the fighting, who were never on the front lines but who were killed while waiting in line for bread or milk, or who were simply in the wrong place at the wrong time, like those who were standing in front of the Bosanka department store at the time the grenade was fired there, were never registered as victims. However, I think that those victims are very important and RECOM should by all means take care of them although they may be politically unimportant victims, so to speak. But, in addition to the obvious, those victims are important because they are civilian victims of the war and, as a matter of fact, they add to the political dimension of the crime.

Statement: Duška Andrić-Ružičić, Association of Women INFO-TEKA, Zenica, BiH, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

Former detention camp prisoners understand each other perfectly well regardless of their religion and nationality. Problems occur when politics get in the middle.

What can be concluded from the contacts with former detention camp inmates is that, regardless of whether they are from Republika Srpska, Bosnia and Herzegovina, or Croatia, they understand each other perfectly well. Bosniaks understand Catholics and Eastern Orthodox prisoners and the other way round. There's no question about it. Problems occur when politicians come in the middle. If RECOM is able to exclude politics from this whole process, its success is guaranteed.

Statement: Samir Pojskić, Cantonal Association of Former Detention Camp Inmates of the Zenica-Doboj Canton, BiH, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

Former detention camp inmates expect to be recognized as victims. For them it is the main possible moral and human satisfaction.

I need to hear: Yes, Sir, you were a victim of torture and crime. That is what every former detention camp inmate expects to hear.

Statement: Samir Pojskić, Cantonal Association of Former Detention Camp Inmates of the Zenica-Doboj Canton, BiH, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

International standards should be applied in defining different categories of victims such as civilian victims or sexual abuse victims, as well as different categories of detention locations such as camps or collection centres.

In its final report RECOM should make a legend of the different concepts, such as the concept of a victim or a detention location. The safest way is to apply internationally recognized standards and definitions. But before that, a precise definition of these important categories must be established. It must be clear what is a victim, what is a civilian victim, what is a sexual abuse victim, what is a forceful detention victim, and so on. And again, international standards and definitions can help in the process.

Statement: Amir Kulagić, member of the Coordination of the Coalition for RECOM, Srebrenica, BiH, Consultation with the Local Community on the Initiative for RECOM, Zenica, BiH, March 6, 2010.

88. Sixth Regional Forum on Transitional Justice

Novi Sad, Serbia
March 20, 2010

Working Group: The Mandate of RECOM

Suggestions, Opinions, and Recommendations of Participants:

RECOM should not try to establish the causes of the armed conflict.

I must say that for me personally option one looks much more acceptable – to focus on establishing the facts only – especially because of the time limitation of RECOM's mandate (...) If we try to explore the causes thoroughly, regardless of whether we start from December 1, 1918 or May 1945, or 1943, we must apply an in-depth interpretation of that period in history. And I'm not sure that it is possible ... to reach a consensus on the interpretation.

Statement: Tihomir Ponoš, Novi List, Croatia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The wars of the 1990s were ignited by the events of the 1980s.

We need to consider the 1980s, because that was the time when the mechanisms of this war were created. So, it was not 1918 or 1945... For me, the very important is year 1987, maybe even earlier, and that is an important time for the entire region of the former Yugoslavia.

Statement: Nela Pamuković, Rosa Center for Women War Vic-

tims, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The time period RECOM will be mandated to investigate should include the time the Federal National Republic of Yugoslavia was formed.

(...) I think that, when it comes to a time-frame for RECOM's mandate of investigation, it should start from either November 20, 1943 when the Democratic Republic of Yugoslavia was formed or November 29, 1943 when the Federal National Republic of Yugoslavia (FNRJ) was created.

Statement: Slavko Kecman, Bilje Peace Association, Croatia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The time mandate of RECOM's investigation should include World War II.

I think that the mandate of RECOM should cover the period starting from the Second World War. I say this because I had an opportunity to read the Resolution of the European Union concerning punishment of crimes from the communist era.

Statement: Ruzhdi Jashari, Association of War Veterans and Disabled Members of the Military, Štimlje/Shtime, Kosovo, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The goal of RECOM is not to establish historical facts but to establish the facts concerning war crimes.

(...) Is the goal of RECOM to establish historical facts or the facts concerning war crimes? I think it's the latter one. There is not enough ambition to deal with establishing historical facts and I think that this should be done by a better qualified group of people, historians and other professionals, and that this commission should primarily establish the facts which relevant to war crimes.

Statement: Ibro Bulić, Office of the Prosecutor of BiH, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should establish the facts from the period of 1991- 2001.

(...) The introductory part can explain everything without any problems. Everything that happened before 1991 can be listed in the introduction, but it is hard to imagine a commission tasked with establishing the facts about the Brioni Plenum, student demonstrations in 1981, or the MASPOK in 1971.

That is a huge job. I think it would basically prevent the commission from completing its originally intended job if we mandate it with establishing the causes of the conflict. I believe the commission should focus on establishing the facts about war crimes and serious human rights violations in the period from 1991 until 2001.

Statement: Dragan Popović, Youth Initiative for Human Rights, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

It is important to establish the causes of the armed conflict. The commission should explore the period starting as early as 1980.

I think it is very important to establish the causes, so that future generations don't make the same mistakes. Now, the question remains what period needs to be investigated. Maybe we should not go so far back into history, as suggested here. Maybe we should form a team of experts to decide on the period to be explored. I think we should start as early as 1980.

Statement: Sonja Radošević, freelance journalist, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should not investigate the very distant past.

(...) Since you have established here that the commission needs to investigate the events preceding the armed conflict in the former Yugoslavia, I would like to know if you have considered the risk of overwhelming the commission, to the point that it may not be able to complete its original assignment of establishing the facts about war crimes. Also, it may dilute the efforts of RECOM to deal with the victims, because a lot of people from the commission will be tasked with investigating the distant past.

Statement: Zvonko Ninkov, Linet, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

Going too far into the past means entering a labyrinth where we can lose our way and lose ourselves. We need witnesses from that period, we need something specific and we don't have that.

Statement: Narcis Mišanović, Veterans' Organization, Sarajevo, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should not deal with the context beca-

use it is impossible to investigate it properly and it is also impossible to achieve a consensus on the period that needs to be investigated.

If you say 'context' and you start exploring that context, it means you have handed down your judgment already. What kind of a conclusion can you make if your starting point is a judgment? Nobody is going to believe you if you hand down a judgment that no one knows anything about – I mean, we are not experts on the matter and there are no witnesses to talk about this. We can't even agree on the date of when to begin – from the Battle of Kosovo or 1918, 1941, or maybe 1941?

Statement: Miodub Vitorović, Office of the War Crimes Prosecutor of the Republic of Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

(...) I think we should start from 1987 because that's when the important things happened that led us into the conflict of the 1990s. That's when the conditions were created for the first bullet to be fired and for us to start the war.

Statement: Ekrem Hadžić, Association for the Protection of Rights of Forcefully Relocated and Displaced Residents of Priboj, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

People in the former Yugoslavia cannot agree on the basic facts. Therefore, it is necessary to secure a consensus about what happened during the conflict in the former Yugoslavia.

(...) The problem with that dilemma – whether to establish the causes or the facts – we can't even agree on the basic facts concerning the conflict. There is a lot of denial in the post-Yugoslav countries where numbers of victims are being challenged, victims as such are being denied, and, of course, war crimes are being denied. Therefore, it is important to reach a consensus on the basic facts first.

Statement: Marijana Toma, Impunity Watch, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

There are many crimes we know nothing about. RECOM needs to deal with the facts because it is simply not equipped for dealing with other issues.

(...) I think that the facts are extremely important for us. I also think that we have no capacity to do more, and if anyone can offer me an argument to convince me otherwise, I would appreciate it very

much. The fact is that there are many horrible crimes we know nothing about.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

(...) Let's suppose for a moment that the governments in the region really accept this initiative and that the main issue to determine is whether the commission will be establishing the facts or the causes of the conflict. Can you imagine our countries reaching a consensus on the causes of the war? I can't ... because the governments we have today are not true democratic governments capable of assuming political responsibility for the misdeeds of their predecessors. These are transitional governments. If we are able to win them over to agree on the facts, I think that's going to be quite a victory because this region has never known any important facts. Never! Back in 1991 people still had the interpretations from 1941 on their mind.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

Should RECOM automatically accept descriptions of the context of the armed conflict from the judgments handed down by the ICTY?

We can hear people all over the region say 'no, we don't accept the facts established by the ICTY'. But that's the political level, and on the state level I don't think it is possible that any state will say that. So, what happens then with the narrative part of each judgment, the introduction? Do we automatically accept it, put it on a list of reliable sources to be used by the commission in compiling their own description of the context?

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

Facts are inseparable from the causes, and they lead towards an explanation of the causes.

(...) I think that there is a misunderstanding between those who are in favour of establishing the facts and those who are in favour of establishing the causes of the conflict. I think the facts and the causes are inseparable. In reality, facts are never standing for themselves. The facts require an explanation, they create a story and they lead to a story that ultimately leads to an explanation that can provoke another story or explain the causes.

Statement: Vlasta Jalušić, Peace Institute, Slovenia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

nal Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

Historians can give interpretations of the context different from those contained in judgments handed down by the ICTY.

The context described in ICTY judgments does not really mean much for future research and for historians. They can use it in their work, but they don't have to. They can give completely new and different interpretations.

Statement: Tihomir Ponoš, Novi List, Croatia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The causes should be investigated from the period starting in 1981.

A serious situation in Kosovo began much earlier than in 1998 or in 1999, so I would start with 1981. You know that there were demonstrations in Kosovo where the people expressed their dissatisfaction. Those demonstrations were brutally suppressed, and some people were even killed.

Statement: Hysni Berisha, Shpresimi, Kosovo, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should answer why the crimes happened.

I think that those who are the target group of this whole project are going to ask: why were those people in Srebrenica killed, why were those people in Vukovar killed? Who is going to answer their questions? They will receive answers from the governments through the textbooks they are having published. The problem is that all the textbooks in the region will teach a different history of the region. So, a logical solution is to ask: why did it happen?

Statement: Sonja Radošević, freelance journalist, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The causes must be established so that conflicts will not happen in the future.

(...) We must decide to investigate the causes so that such war crimes don't happen in the future. Then, we'll have to establish the facts about new crimes.

Statement: Mirjana Bilopavlić, Delfin, Croatia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

Many war crimes are still being treated as a

public secret that nobody talks about. To what extent is RECOM going to be dealing with such public secrets?

(...) there are still many secrets concerning the mass executions of Serbs in Croatia that nobody is talking about. I am asking myself – when we talk about commissions, are we going to tackle those issues that are still a well kept secret, the issues people are still afraid to talk about? They will talk about those events in a small circle of friends and family, but once they are asked to say these things publicly, they will refuse to talk about them because they don't want to jeopardize their own and their children's safety, or because they are afraid that they may be judged by their community (...) I simply want to know how much the commission will be able to address these issues.

Statement: Mirjana Bilopavlić, Delfin, Croatia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

We need to explain the causes of the crimes because if we don't, it can be concluded that everybody was in the same position in the conflict, and we know that they weren't.

I think that we still need to focus on the victims and on the facts. However, in that context, we need to explain the situation that preceded the conflict and why it all happened in the first place. If we don't do that, we will all remain the same. And I think we are not the same. I truly believe that in this conflict we were not in the same situation.

Statement: Veljko Vičević, Working Group for the Promotion of the Dialogue with Homeland Defenders, Croatia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

Establishing the facts means establishing all of the circumstances related to a specific crime.

Maybe we don't understand each other's definition of facts. The way I understand facts – it is not to say '7,000 people were killed in Srebrenica' and that's it. We don't need a commission for that kind of thing. Facts are something else. We need to establish a specific event and establish all the facts relevant for that event. That includes Srebrenica and the reason why those people were killed. So, we must establish the fact that those people were killed because of their religious orientation. There's no doubt about it. When we talk about establishing the facts that means establishing all the facts relevant to that event, such as who issued the order for

the execution. RECOM's job will be to establish that fact, too, because that is a fact that is very important for the crime committed in Srebrenica.

Statement: Dragan Popović, Youth Initiative for Human Rights, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

Instead of 'forceful displacement,' we need to say 'persecution,' in the form of a crime against humanity.

(...) We have omitted persecution as a crime against humanity. In this past war persecutions were the most frequent form of war crime and there's no point leaving it out. Persecution should not be confused with forceful displacement and the same applies in all three major languages – Bosnia, Croatian, and Serbian.

Statement: Ibro Bulić, Office of the Prosecutor of BiH, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM must establish the facts about war crimes and serious violations of the Geneva Convention – not human rights.

(...) At this place here we should say that the commission will be tasked with establishing the facts about war crimes and violations of the Geneva Convention instead of 'violations of human rights.' If we are going to tackle the issue of war crimes, it is an enormous field and RECOM will not have enough time to deal with all of that.

Statement: Ibro Bulić, Office of the Prosecutor of BiH, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The authorities of RECOM will have to be regulated by an international agreement, and all states signing the agreement will have to make the necessary adjustments in their respective legislatures to comply with the agreement.

I think that the most natural way is to ensure that the authorities of RECOM are regulated by an international agreement between RECOM member states. That agreement will be legally superior to the individual judiciaries of member states, and the member states will have to adjust their respective legislatures to comply with this international agreement.

Statement: Ibro Bulić, Office of the Prosecutor of BiH, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

In order to make the activity of the commission sustainable, I fully agree with Mr. Bulić with respect to ensuring that the work of the commission is regulated by an international document, convention, protocol, or international agreement which would be adopted by each of the national parliaments. Once the document is verified by the parliament, it automatically acquires the power of domestic regulation, of national regulation, and it would be published in each of the member state's official gazettes and become a legally binding document for all structures in the state.

Statement: Teki Bokshi, member of the Kosovo Bar Association, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

Large scale confiscation and property destruction should not be included in the mandate because it will be an additional burden for RECOM, but forced mobilization should definitely be included in the mandate.

(...) I am not sure if we should include large scale confiscation and destruction of property into RECOM's mandate. It is going to impose a lot of additional obligations for RECOM members. I can't help but thinking that the mandate is too short and that the commission already has a lot to investigate – four wars across a large territory. But, I agree that the forced mobilization of refugees should be included in the mandate. I don't think that it would be too demanding.

Statement: Dragan Popović, Youth Initiative for Human Rights, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

Large scale confiscation and property destruction is included because a lot of people lost their entire properties.

I would like to say that some people became victims of war from losing their entire property. We can't deny it. In the end, there are those who only lost their tenants' rights. Simply – their property was not destroyed but they lost their tenants' rights.

Statement: Zvonko Ninkov, Linet, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should not give legal qualifications.

We have the International Criminal Tribunal for the Former Yugoslavia, we have national courts, and it is their job to give legal qualifications for

criminal acts (...) I think that a large number of the participants in the debate also stated their opinion that they did not want the commission to give legal qualifications.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should deal with human rights violations because 1, 500 kidnappings, disappearances, and executions of Serbs and loyal Albanians that occurred after June 1999 are not treated as war crimes since they occurred after the end of the armed conflict.

(...) When we said RECOM is going to be a commission tasked with establishing war crimes and human rights violations, a number of participants, and not only the Serbs from Kosovo but also many human rights activists, said they thought the commission should deal with kidnappings, disappearances, and executions of Serbs and loyal Albanians from June 1999 until the beginning of 2000. The reason for this request is the fact that many killings and kidnappings happened in that period, approximately 1,500 cases, and they could not be treated as war crimes incidents but as serious human rights violations, which should not be ignored by the commission. Those were not war crimes because they happened after the end of the armed conflict.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The mandate should be extended to crimes which cannot be considered war crimes – those thefts and killings which are not considered war crimes.

The armed conflicts in the former Yugoslavia turned into a pillaging war (...) the new proposal excludes looting as a war crime, and I know that many crimes were committed exactly because of looting (...) Also, we should make an extension here to killings which are not considered war crimes.

Statement: Miodub Vitorović, Office of the War Crimes Prosecutor, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should be authorized to issue orders because without the authority to do so, the commission is going to be just another discretionary organ with no real potential to do anything.

Nataša talked about whether the orders of the commission would be taken into consideration if the commission was authorized to issue orders, would state organs act as required if the commission was authorized to issue orders (...) we are facing that problem even today when certain state organs do not respect the orders issued by the office of the prosecutor. But, we still live and work, and it does not have to be a reason for us to give up from making requests as a commission. Without the ability to make requests or orders, this commission is only going to be an optional organ unable to do anything important.

Statement: Teki Bokshi, member of the Kosovo Bar Association, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should not be authorized to issue legally binding orders/requests.

With respect to legally binding orders/requests, I will just say that I prefer Option 2 because of a practical example from Macedonia, where I come from, where there was an attempt to change the Criminal Procedure Code and to give authorizations to the office of the prosecutor to issue legally binding orders/requests. That was not accepted, so we can't possibly expect RECOM to be granted such authorizations.

Statement: Nataša Stamenkovik, MOZAM, Macedonia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The illegal relocation of bodies can be classified as a crime of forced disappearance.

(...) The illegal relocation of bodily remains can be classified as a criminal act of forced disappearance.

Statement: Zvonko Ninkov, Linet, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The list of human rights violations is too short.

I am not trying to extend the list of human rights violations enumerated in the document, but I think that the list is too short. For example, many human rights violations were committed in Kosovo, such as the right to attend school, the right to access information of public importance, the right to work, and other forms of violations and pressures which were not a direct cause of what we had in Kosovo in 1999, but which indirectly contributed to that.

Statement: Nehari Sharri, ZFD Forum, Kosovo, Sixth Regional

Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM needs to investigate the causes of the armed conflict.

Some people here said that what happened is what matters, but I think that it is also important to know why it happened, when, and how. That belongs in the same package of facts (...) If that remains unanswered, we are going to leave to future generations something that is unexplained.

Statement: Nehari Sharri, ZFD Forum, Kosovo, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM needs to tackle the issue of the “deleted” population in Slovenia.

(...) Since I care very much about including Slovenia in this process, since it was one of former Yugoslav republics and since there are people there who were victims and who committed crimes (...) There are also in Slovenia victims of a special sort of human rights violation which may not even have a name as a crime, at least not yet, but I think they should be included in this context and that they should be given a name, maybe even during the mandate of the commission. I am talking about those who were deleted from the list of residents of Slovenia - between 20,000 and 28,000 people – who were victims of an administrative crime.

Statement: Vlasta Jalušić, Peace Institute, Slovenia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

(...) They were not deleted by a mere administrative mistake, but the decision to delete these people from the register of legal residents had an ethnic component to it, because those were the people who were permanent residents and not citizens of Slovenia. Most of them were citizens of one of the other former Yugoslav states. At the same time, the decision to remove them from the register did not affect any other permanent residents – British, French, and so on. The decision to delete these people from the register of permanent residents put their families in danger and ruined their existence. Some were deported to their native countries and not only that, they lost their rights in Slovenia, and some of them did not have citizenship in the countries of their birth and they lost all their privileges, social and health insurance, and so on.

Statement: Jovana Mihajlović-Trbovc, Peace Institute, Slovenia, Sixth Regional Forum on Transitional Justice – Working Group:

The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

I would like to go back to the name of the commission – the regional commission for establishing the facts about war crimes and other serious human rights violations on the territory of the former Yugoslavia, from – as it is stated point 1, the beginning of the period of investigation is – January 1, 1991. This means that the serious human rights violations of all those people deleted from the register of permanent residents in Slovenia will not be included in the mandate, because Slovenia was not part of the former Yugoslavia after 1991.

Statement: Tihomir Ponoš, Novi List, Croatia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should not deal with the issue of “deleted” residents of Slovenia.

In my opinion, the problem of the “deleted” residents in Slovenia is an administrative problem. It is not a problem of the Constitution of the Republic of Slovenia, and it cannot be in RECOM’s mandated to solve problems like this.

unidentified participant of the Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The list of crimes should be copied from the Rome Statute.

(...) I think that the list of crimes should be specified in the same way the Rome Statute stipulates it. In the law of Bosnia and Herzegovina, they just copied the Rome Statute and all the crimes are listed there. It is less of a mistake than withholding from future RECOM agents and commission members, who are going to be conducting field investigations, a clear list.

Statement: Ibro Bulić, Office of the Prosecutor of BiH, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should deal with crimes that took place during the war, crimes that took place as a consequence of the war, and crimes that took place in a war context.

(...) I support the proposal made by my colleague that the preamble of the founding document of RECOM (...) should contain a clause mandating RECOM to deal with crimes that took place during the war, crimes that were a consequence of the war, and crimes that took place in a war context.

Statement: Jovana Mihajlović-Trbovc, Peace Institute, Slovenia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

In the mandate of RECOM we should list precisely defined forms of human rights violations, but we should also keep a provision that the scope of the commission's work would not be limited to those listed violations.

(...) I think that the commission in Peru listed all forms of serious human rights violations and in the end, they had a clause stating that the scope of commission's work would not be limited to those listed forms of human rights violations.

Statement: Sonja Radošević, freelance journalist, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The problem of detention camps should be mentioned in the mandate of RECOM.

(...) For me personally, it is a frightening thing to leave out the problem of detention camps, former detention camp inmates, and the torture that went on in those camps. I think it should definitely be included in the mandate.

Statement: Sonja Radošević, freelance journalist, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

If we decide that RECOM will not give legal qualifications, does this only refer to the findings of RECOM's own investigations or does this automatically mean that RECOM will not be able to take over legal qualifications from those judgments handed down by the ICTY?

(...) Among other things, it says here that the commission will not give any legal qualifications of the stated human rights violations and that instead, it will only present the facts about the events in which the crimes were committed. I understand that some states have a problem accepting legal qualifications contained in the judgments handed down by the ICTY. So, when we say – no legal qualifications – does it mean that the commission will not be giving its legal qualifications concerning its own findings or that it will not be allowed to use the ones given by the ICTY, such as for example the qualification that a crime of genocide was committed in Srebrenica? I think we need to clarify this.

Statement: Sonja Radošević, freelance journalist, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

Hiding evidence of war crimes, such as the bodies of those listed as missing, should be pronounced a special form of human rights violation.

When it comes to the missing bodies (...) I'm a member of a family that lost 48 members in Suva Reka/Suharekë which have not been found yet. We found some bodies, but some are still unaccounted for. I think that hiding the bodies of the killed should be pronounced a special form of human rights violation (...) This should be a separate point, this kind of crime.

Statement: Hysni Berisha, Shpresimi, Kosovo, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The mandate of RECOM should be defined widely because in the end politicians will be deciding on the mandate of the commission and they will probably impose many restrictions.

(...) We can mandate RECOM with all kinds of tasks and assignments, but in the end, the parliaments or governments in the region will be deciding on its precise mandate. They will probably reduce it significantly, imposing all kinds of restrictions. So, we should go as wide as we want and allow them the space to pare it down.

Statement: Veljko Vičević, Working Group for the Promotion of the Dialogue with Homeland Defenders, Croatia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

We must not just use the facts, void of legal qualifications from court judgments, because it means the revision of court proceedings.

We must not extract the facts from judgments of the ICTY or domestic courts without referring to the accompanying legal qualifications. It would otherwise mean that RECOM is revising court proceedings.

Statement: Dževad Bektašević, Association of Families Victims of War, Vlasenica 1992-1995, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

(...) If RECOM decides to use the facts from the judgments of the ICTY without legal qualifications, it would mean that RECOM is changing those judgments, and that's not what it is authorized to do because the judgments handed down by the ICTY are final and legally binding.

Statement: Nataša Stamenkovik, MOZAM, Macedonia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

If RECOM does not give legal qualifications, then there's no revision.

(...) I think the only case we can talk about a revision of a court proceeding is if RECOM says that whatever happened in Srebrenica was not a genocide. But, if RECOM does not give any legal qualifications, then there is no revision.

Statement: Dragan Popović, Youth Initiative for Human Rights, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should collect the facts and this should be done on a standardized form. It should definitely be up to the courts to give legal qualifications.

(...) We, RECOM, we should only collect the facts, and the courts should be giving the legal qualifications. So, our basic job is to collect the facts, as our colleague from Zagreb said, and we should do this on a standardized form so that an average person can do it.

Statement: Slavko Kecman, Bilje Peace Association, Croatia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM's Final Report must contain those legal qualifications contained in the judgments handed down by the ICTY.

We (RECOM) may collect facts, but the fact is that the International Criminal Tribunal for the Former Yugoslavia qualified the crime in Srebrenica as genocide, isn't that right? So, we absolutely do not make any judgments and we just collect the facts, which we will submit to the office of the prosecutor for further processing. But, I am talking about judgments that have been handed down by the ICTY and other courts. I think that these judgments must be contained in RECOM's final report.

Statement: Sonja Radošević, freelance journalist, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

When RECOM starts conducting field investigations in order to, for example, find out who commanded the Drina Corps at the time that the Srebrenica Protected Zone was taken over, it will be clear that there is no need to do this because the ICTY has already established that it was general Krstić who was sentenced for this with a legally binding court decision.

Statement: Ibro Bulić, Office of the Prosecutor of BiH, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

Judgments issued by the ICTY are useful for locating direct war crimes perpetrators.

(...) Facts need to be individualized so that they clearly refer to a person responsible for a certain crime. The ICTY judgments can simply be something we lean on while going deeper, looking for evidence which incriminates direct perpetrators and locates them.

Statement: Ibro Bulić, Office of the Prosecutor of BiH, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should monitor war crimes trials and issue press releases with respect to these trials.

This entire thing is closely related to the judgment of the Supreme Court of Croatia, which reduced the sentence of general Norac from seven to six years and confirmed an acquittal for general Ademi. I think that RECOM, in any case, must monitor war crimes trials in the future. I did not see it here, but I think that RECOM should issue press releases to publicly state its opinion on trial-related events.

Statement: Dragan Pjevač, Association of the Families of the Killed and Missing from Krajina, Croatia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The mandate of the commission should not include the option to motion for the acquittal or premature sentence mitigation for individuals who provide useful information, but it should include an option to propose a pardon for some of the war crimes perpetrators.

I don't think RECOM should be able to propose the conditional acquittal of indicted individuals, and I don't think that RECOM should be allowed to motion for premature sentence mitigation (...) but I agree that RECOM should be able to propose for amnesty and pardon a war crime perpetrator if that individual provides useful information, expresses repentance, and apologizes to the victims profusely.

Statement: Mevludin Lupić, Association of the Families of Imprisoned and Missing Individuals from the territory of the Zvornik municipality, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

The commission will not be allowed to interfere with the work of the judiciary.

(...) No one is going to allow to the commission to interfere with the work of the judiciary. We can

be accepted as an auxiliary body, so to speak, but to influence the work of the judiciary, to enter the essence of their work and their merits, no, that's not going to happen.

Unidentified participant of the Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

This proposed mandate of RECOM implies that the commission will seriously interfere with the criminal law process.

(...) I would delete all of this, everything that's offered here with respect to criminal processing. Why? Because I think that it looks like the commission will be allowed to seriously interfere with the criminal law process. The idea to allow the commission to motion for premature sentence mitigation and the conditional acquittal of indicted individuals, that is really going into the very essence of the criminal law process(...) I don't see a point for that because in any event RECOM cannot free anyone, cannot reduce anyone's sentence, cannot make the office of the prosecutor do anything they don't want to do (...) it will just create confusion, that people will expect from RECOM that the commission can help release them from prison, have their sentences reduced, and so on if they offer something in return. The fact is that RECOM cannot promise them that their prison sentence is going to be reduced. The only thing RECOM can do is to submit a proposal to the court. That's why I say there's no point in putting this in the mandate. I would also delete criminal complaints, because in that case RECOM will have to have an individual for writing criminal complaints. I think that the best way is for RECOM is to submit the entire documentation to the office of the war crimes prosecutor for further processing.

Statement: Dragan Popović, Youth Initiative for Human Rights, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

Each member state should be requested by the international agreement to open their state archives.

The international agreement or contract that member states will sign should require each member state to open their state archives. That is how I understand a legally binding order. So, all member states will be required to make their state archives open and available to the commission, so that they may use it freely. Without that, I don't think we can do much in the three-year mandate.

Statement: Unidentified participant of the Sixth Regional Forum on Transitional Justice – Working Group: The Mandate of RECOM, Novi Sad, Serbia, March 20, 2010.

Working Group: *The Goals of RECOM*

Suggestions, Opinions, and Recommendations of Participants:

The goal of RECOM is to compile a list of all victims and all crimes and to bring all perpetrators to justice.

(...) the ultimate goal is to compile a list of all victims and all crimes and to bring all perpetrators to justice. So that would mean understanding the truth, dealing with the truth, and the prosecution all those responsible for war crimes.

Statement: Draško Bjelica, Faculty of Philosophy of the University of Niš, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

The court-established truth and the documented truth must be integrated. The commission cannot deal with establishing a historical truth.

What kind of truth is possible to establish? Don't make a mistake here thinking that amateurs like us can establish a historical truth. In order to establish the historical truth it is necessary to open state archives. And the golden rule that applies here is that a time distance must be achieved in order to start establishing this historical truth. The science of history defines it as a 50-year period. Also, it is necessary to integrate the court-established truth and the documented truth, because truth commissions are not judicial bodies, they are not courts, and they cannot hand down judgments. However, they can form opinions.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

A political truth is not a truth, it is an opinion. The goal of the commission is to establish a documented truth, because it has legal foundations.

(...) we should be very careful to avoid establishing a political truth because it is not a truth, it is an opinion - and every person can have one (...) I think that we should attempt to establish a documented

truth, the kind of truth that has proper legal foundations, although the commission is not a court.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

Reconciliation and repentance are particularly important for the young people from the region.

(...) reconciliation between all generations, repentance from all generations who caused the conflict and carried out injustices and crimes -this is particularly important for the young people from the region. I have told a friend of mine from Kosovo and Metohija that I did not want my child to hate his child tomorrow. We need to overcome this so that they can live in peace and live like normal people all across Europe and all across the world.

Statement: Milosav Stojković, Center for the Protection of Victims' Family Members in Kosovo and Metohija, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

Compensation and reparations for victims' family members must be provided.

(...) one of the more significant points, if not the most significant one, is the need to provide compensation and reparations for the families of the victims, who have lost their loved ones, their bread winners, and their basic income. They need to be helped.

Statement: Milosav Stojković, Center for the Protection of Victims' Family Members in Kosovo and Metohija, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

Conducting exhumations must be one of the priorities of RECOM.

Governmental commissions keep excusing themselves in front of us, the parents and families of the missing persons, for not ordering more exhumations, saying that institutes conducting DNA analyses are overwhelmed and that they cannot provide enough body freezers while waiting for exhumations to proceed. No one accepts such excuses, of course, and we keep insisting that body freezers be bought if they don't have enough of them. If these three states cannot do it, we should ask the European Union, the United Nations (...) for that reason I ask you to include this in RECOM's plan of action.

Statement: Dragan Medić, Association of Parents and Families of Persons Arrested, Imprisoned, or Missing in the Federal Republic of Yugoslavia in 1991 and 1992, Serbia, Sixth Regional Forum

on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

The basic goals of RECOM have been determined already: truth, justice, and reconciliation.

I think that the basic goals of RECOM have already been established. In short, they are truth, justice, and reconciliation.

Statement: Persa Vučić, Women in Black, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

It is crucial to use the archives of the ICTY in analysing the events of the past.

(...) without the archives of the ICTY, without the trials conducted before the Tribunal, it is virtually impossible to work, and the Association of Former Detention Camp Inmates of Bosnia and Herzegovina uses their archive as much as possible if it wants to investigate war crimes committed on the territory of Bosnia and Herzegovina.

Statement: Murat Tahirović, Association of Former Detention Camp Inmates of Bosnia and Herzegovina, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

We can easily lose ground in the process of determining the goals of the commission.

If RECOM intends to establish the facts – that's something courts do; if RECOM intends to investigate causes – that's a job for properly staffed scientific institutions. I'm afraid that if RECOM's goals are defined too widely – dealing with the truth, establishing the facts, establishing responsibility, establishing causes – I think we are not going to be able to do it.

Statement: Salih Rasavac, Corridor, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM must focus on victims. It is way too pretentious to talk about reconciliation.

When we talk about the truth, I believe that RECOM should focus on victims. We have had many different kinds of truths and manipulations so far, and that's why it is important to put those who have suffered the most as the focus of our attention.

Statement: Borka Rudić, BH Journalists, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

Victims need to be indemnified.

(...) in addition to establishing the truth and the causes of the conflict, it is necessary to indemnify the victims (...) for everything they have suffered. It still remains to decide what form of reparation is the most suitable one.

Statement: Bojan Gavrilović, Belgrade Center for Human Rights, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

All victims must be treated in the same manner.

(...) if you do not treat all victims in the same manner, and if all of the four or five different nations that suffered during the war in the region are not treated in the same manner, RECOM will not be able to function.

Statement: Smilja Mitrović, Coalition of Associations of the Families of the Missing of Republika Srpska, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM must deal with the court-established and documented truth.

(...) it would probably be more efficient if we stopped at the court-established and documented truth, as political and historical truth will come in the end as a result of our efforts to establish and document war crimes. However, if we deal with all of this, along with the political and historical truth at the same time, it will be very time-consuming.

Statement: Nora Ahmetaj, human rights activist, Kosovo, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

Apologizing should be one of RECOM goals.

It is important to mention that one of the goals of RECOM is to apologize to victims, since representatives of civil society asked for it to be included in RECOM's mandate.

Statement: Nora Ahmetaj, human rights activist, Kosovo, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

“Breaking the vicious circle of violence” is a stage we have overcome.

(...) the war in Kosovo ended ten years ago and I think that point 3 “Breaking the vicious circle of violence” is a stage we have already overcome.

Statement: Nora Ahmetaj, human rights activist, Kosovo, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

We should compile a list of victims and a list of war crimes perpetrators.

(...) we should make a list of victims containing the exact names of each victim and at the same time, we should make a list of war crimes perpetrators. That should be task number one, and task number two should be to make the survivors face each other and punish the perpetrators by taking the radiant auras away from these “heroes,” which they present themselves as to their own people.

Statement: Zaim Elezi, Better Perspectives, Kosovo, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

The goal of RECOM is to turn bloody memories into forgiveness and compassion for the victims.

RECOM must use the media to stress the truth by telling the victims' truth. That should help reduce pressure and turn bloody memories into forgiveness and empathy for the victims. That's what RECOM should be doing. That's its main goal.

Statement: Nataša Gavrilović, Belgrade Center for Human Rights, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

(...) Victims' statements should contribute to the reconciliation process because they have a power of argument that can be recognized by ordinary people. Victims' testimonies will help people understand that other nations suffered too, and at the same time victims will emphasize the senselessness of all of those wars.

Statement: Bojan Gavrilović, Belgrade Center for Human Rights, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

It is necessary to create an atmosphere of compassion and solidarity with victims from other ethnic communities.

(...) at this level (...) of the consultation process I would say that the prevailing interpretation of reconciliation as one of the goals of RECOM is the understanding that it is necessary to create an atmosphere of compassion and solidarity with victims from other ethnic communities. Also, participants from our consultations believe it is very important to stop perceiving victims from other ethnic communities as enemies.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, Sixth Regional Forum on Transitional Justice – Working Group:

The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should not pass judgments.

(...) the legal truth can only be established by courts of law, international or domestic courts (...) If you ask me if RECOM should be passing judgments, I will answer with another question: can RECOM be a court of law? In my personal opinion – no.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

We can't write history, but it is our obligation to leave documents behind.

(...) history is not written by the generation that created the event. History is written with a historical distance. We can't write history, but we can leave documents so that those who decide to write the history of the events of the 1990s can have plenty of documents on all victims and so on. That's why we need to leave documents behind. If the documents are gone, the event is gone, and if the event is gone, there is no responsibility, no guilt - like nothing has ever happened.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

Removing permanent residents without Slovenian citizenship from the list of residents of Slovenia is a crime.

It happened that in Slovenia, after it declared independence from the former Yugoslavia, permanent residents who did not become Slovenian citizens were removed from the list of permanent residents of Slovenia.

Statement: Nisveta Lovec, Civil Initiative of "Removed" Activists – CIIA, Slovenia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should be dealing with both the facts and the causes.

Is RECOM going to be dealing with the facts or the causes? I think it should deal with both.

Statement: Kada Hotić, Movement of Mothers of Srebrenica and Žepa Enclaves, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM will not have the responsibility to deal

with political and historical contexts.

When I say that our attention should be focused on these tasks, without taking on the political and the historical context of the events, I mean that it is too demanding to do so. We need a time distance, as somebody has already pointed out. A whole period of time should lapse before all the archives are opened and before things fall into place. Now, we are simply not equipped for a job like that.

Statement: Milosav Stojković, Center for the Protection of Victims' Family Members in Kosovo and Metohija, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

RECOM should not attempt to establish the causes of war.

(...) establishing the causes of the recent conflict is a truly demanding issue. It is very difficult to establish who is responsible for what, who started the war, and so on, and even if that is established (...) the document may be in contradiction with other findings. Another potentially important thing is that this task may consume too much energy and RECOM will still fail to establish the causes, which would be degrading for the whole project.

Statement: Bojan Gavrilović, Belgrade Human Rights Center, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010).

The basic goal of RECOM is to identify methods for finding the truth that are acceptable for all victims.

I think that the basic goal of RECOM is to find ways and methods for finding the truth, which will be acceptable for all victims. And also, RECOM should establish the practice of calling a crime a crime, and giving each victim a name.

Statement: Anđelko Kvesić, Croatian Association of Former Detention Camp Inmates in the Central Bosnia Canton, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010).

If reconciliation between nations is an overly ambitious goal, then the goal should be stated in terms of climate, sense, and tolerance.

(...) when I first joined this initiative, I was touched by the fact that some people were against including the goal of reconciliation. I asked them why and I could not understand because my reason for joining the initiative was to help achieve reconciliation, to help people learn to co-exist, to create a climate

of tolerance which will enable us to live, like in a normal world.

Statement: Šefika Muratagić, Key to the Future, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010).

I think we should attempt to establish a documentary truth.

I think we should attempt to establish a documentary truth, which can be achieved by collecting documents on everything that happened. That's the only way we can subsequently establish the causes and the facts. So, once the documents are collected and sorted out, they will clearly tell us what the cause is and what the consequence is, and then we will also know who the victims are.

Unidentified participant, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

Victims should be the ones determining the priorities of the commission.

(...) we need to determine our priorities, what we want to establish first and foremost, and what aspects of truth we want to focus on. I prefer to call it 'aspects of truth' rather than the truth. In this case, I think it is important that we have agreed that victims and their best interest are by far the most important part of the work of the commission, and I think they should be the ones determining the priorities of the commission.

Statement: Lidija Zeković, Post-pessimists of Montenegro Youth Center, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

I am afraid that old wounds will be reopened and that institutions will not be able to help alleviate the pain and heal the wounds.

I am afraid that my country and civil society in my country don't have the capacity to respond to the needs of war victims in our midst. I am afraid that we may make a step which will open an old wound, and that our institutions and the people around us are not going to be able to heal it, to alleviate the pain. I am sure that the institutions are not going to be ready to handle it. That is a huge concern of mine.

Statement: Lidija Zeković, Post-pessimists of Montenegro Youth Center, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

The documentation process should be public.

(...) we need to document the truth, but that should be a public process rather than a process happening on the margins of the main investigation process. A public process is something that can help us deal with what happened and move on. I strongly emphasize the healing powers of the public hearing process.

Statement: Ajša Hadžibegović, 35mm, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

Governments in the region will have a hard time accepting a commission tasked with establishing the causes of the conflict, because that would ultimately result in disclosing institutional responsibility.

(...) I am in favour of the idea of mandating the commission to investigate the causes of the armed conflicts, but (...) being familiar with the current situation in the region, I am a little skeptical with respect to the readiness of our governments in the region to accept a commission like that simply because (...) that would mandate RECOM to investigate institutional responsibility for the events of the 1990s.

Statement: Sandra Orlović, Humanitarian Law Center, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

Public hearings should be held on as many occasions as possible and they should be aired by all available media.

We should organize as many public hearings as possible, and we should bring as many witnesses as we can and do it as often as we can. That is a sure way towards reconciliation. Of course, we need to secure media coverage for the hearings.

Statement: Ljubiša Filipović, Crveni Božur Associations of the Families of the Killed and Missing in Kosovo and Metohija, Montenegro, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

It is important to hear the subjective, narrative truth, which can be discovered through the process of public hearings and the recording of memories people have.

There are different ways to approach the issue of discovering the truth. In addition to the factual truth, we should very seriously consider the subjective truth.

tive, narrative truth which can be found in the personal testimonies and memories of the victims.

Statement: Svetlana Vicković, Luna Responsible Democracy Center, BiH, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

Reconciliation can be achieved through telling the truth and providing the facts about war crimes.

I think that reconciliation can be achieved by telling the truth and discovering the facts about a committed war crime. Facts are what we need to know about the victims of the war and about the missing.

Statement: Marija Stojanović, Luč, Croatia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

The goals of RECOM will define themselves if RECOM is formed.

(...) I think that the goals of RECOM will define themselves once RECOM is established. Once the work is underway, things will fall into place naturally.

Statement: Nail Kajević, Association of the Families of Kidnapped Individuals in Štrpci/Shtërpçë, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

The Coalition for RECOM should have both short-term and long-term goals.

(...) sustainable reconciliation, reconciliation coming from within, which is not imposed from the outside, is a very important goal. It should probably be considered a long-term goal and I am thinking in terms of dividing RECOM's goals into short-term goals and long-term goals.

Statement: Filip Pavlović, Fraktal, Serbia, Sixth Regional Forum on Transitional Justice – Working Group: The Goals of RECOM, Novi Sad, Serbia, March 20, 2010.

89. Regional consultation with artists on the Initiative for RECOM

**Bosniak Institute, Sarajevo, Bosnia and Herzegovina
April 7, 2010**

A regional consultation with artists on the Initiative for RECOM was organized by the artistic

leadership of the MESS festival in Sarajevo, BiH. The gathering was attended by 26 participants – directors, actors, writers, critics, etc. The event was opened by Nataša Kandić (Humanitarian Law Center, Serbia) and introductory speeches were given by Dino Mustafić (MESS Festival director, who tackled the “Artists and the Initiative for RECOM” topic), Svetlana Slapšak (literature theorist, Ljubljana, Slovenia, gave a speech about “Artists and the Construction of Memory), Jasmina Husanović (culture theorist, Faculty of Philosophy, Tuzla, BiH), and Branimir Stojanović (psychoanalyst from Belgrade, Serbia, who talked “Art and War Traumas”).

Opinions, Suggestions, and Recommendations of the Participants

Reconciliation is not possible without prior establishment of facts.

I think that Nataša mentioned a crucial thing in her introductory speech – political oligarchies in the region continue to generate antagonism so that ethnic communities in the region keep being isolated from each other without an open and sincere intention to initiate a dialogue. I kindly ask our guests from outside of Bosnia and Herzegovina that this issue is particularly delicate here. In Bosnia and Herzegovina we still have a school system in one entity – in BH Federation, which is characterised by segregation and which is essentially a classic apartheid system. Same grade students are learning from three different history textbooks in which the number of victims ranges from several dozen to several thousands... That, of course, frustrates the public all over again and puts us even further away from the ultimate goal of the Initiative for RECOM – starting a process that will lead to reconciliation. However, reconciliation is not possible without properly established facts, and their interpretations.

Statement: Dino Mustafić, MESS Festival Director, BiH, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

The Initiative for RECOM can help us nourish a culture of remembering the past while at the same time looking in to the future.

I think we are getting further and further away from the culture of sensibility for victims and compassion for others. In case this Initiative does not obtain a broader support from intellectuals, and if

we continue saying "I can't do anything by myself, everything around me is so primitive, these are all savage people" etc. so, if we remain in some sort of internal emigration, so to speak, and give up such initiatives, we are going to end up in a state that resembles a broken bone which was not properly fixed, as Suada (Kapić) figuratively said yesterday. Something will always be amiss and I am afraid that 15 years after the end of the war, many things have already fallen into a wrong place. I think that the state we are currently in is a continuation of the war, or whatever you want to call it, a form of a civil war of memories. Therefore I'm convinced that through an initiative like this we will be able to develop or nourish a culture of remembrance in which we will be able to de-monumentalize history and turn it towards the future. And the first part of the consultation yesterday was dedicated to the topic of future (Memory Module). I am convinced that only through this type of initiative we can achieve what the culture of remembrance implies: intellectual balance, respect for the facts, fight against historical revisionism and relativization of facts, critical reflexion, the ability to discern differences, being open for different people and different concepts, and in the end, of course, rejecting all forms of simplifications in which people and events may be portrayed in black and white only. This kind of initiative, as understood by Weber, can, on the one hand, give a scientific contribution to the ethics of belief, because it will present unquestionable facts, and on the other side it will open up a space for political activity, or if you want public activity, which contributes to the ethics of responsibility.

Statement: Dino Mustafić, MESS Festival Director, BiH, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

RECOM can set us free from the burden of history. This is definitely our last chance to create a perspective for the future for generations coming after us.

I think that the artistic community must leave the cocoon of autism of sorts, ignorance, or if you want, indifference with respect to the political processes and political life in our communities. Yesterday we mentioned the word "engagement", and although Svetlana (Slapšak) says it has a socialistic connotation, the engagement of artists in this sense, and when it comes to this initiative, is something I understand as a role of an observer who will monitor these things in an analytic, balanced, and

serious manner, but who will at the same time try to mobilize for this process those colleagues of theirs who keep either avoiding or dismantling this kind of engagement with aesthetic objections. It is important that they understand the significance of such artistic engagement. I think that the Initiative for RECOM has the capacity to ultimately set us free from the heavy burden of history which was produced here in the Balkans and to bring us a unique sense of freedom because its starting position will be clearly capable of decontaminating all those ideological sediments that have invaded all forms of social existence. I personally never had a dilemma about this Initiative. Even in 2006 when the Initiative was mentioned for the first time, it was pretty clear to me that only a broad regional context of the Initiative could yield positive results and for us in Bosnia and Herzegovina still trying to preserve the substrate of multi-ethnicity, this Initiative may very well be our last chance to open a perspective of future for generations coming after us.

Statement: Dino Mustafić, MESS Festival Director, BiH, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

RECOM should be used as a foundation for building monumental structures to last for centuries.

I was informed about the Initiative for RECOM but I had no idea how far the consultation process has advanced and how it will be conducted. Our project, the project we have been working on for 15 years, the interpretation of the period behind us, as Nataša and Dino said, will be under the "umbrella" of the Initiative for RECOM process and it will be our contribution to the interpretation of that period. It sounds like a "dream" project to me. We always expected other people, groups and individuals to give their contributions to this idea and it seems to me as if finally all those people and their ideas have found a context and that's what Nataša listed as Initiative for RECOM's goals. So, for me, this is a moment of happiness! Really! Regardless of what happens next, this process now officially exists. This process is like building monumental structures to last for centuries: one generation of people starts it – builders, financiers, kings, and others continue after them until it's done. I believe that it's going to be easier if we think that it will not be finished soon, but that the important thing is that it is underway now.

Statement: Suada Kapić, film director, Fama International Productions, Sarajevo, BiH, Regional consultation with artists on

the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

The Initiative for RECOM is a perfect initiative. Information collected by RECOM can be used by sociologists, anthropologists, psychologists, and they will create a joint experience puzzle.

We have an interesting experience from the period when we wanted to conduct a public opinion poll with 5,000 residents of Sarajevo in 1996. And what did we have to deal with? First of all, we had to figure out the best methodology to do it. There were 11 municipalities in Sarajevo and each had had a different war experience. You must be wondering how? One had to deal with occupation, another didn't, one had water and the other didn't, one was occupied by paramilitary forces and another wasn't. Some say we never saw Yugoslav National Army units. So, we made a questionnaire with 32 general questions and we wanted to create a joint experience puzzle, or a mosaic of joint experiences. That proved to be very important and very true. And what have we learned? That is probably going to be interested for RECOM, too – people are very sceptic. They questioned our motives wondering why we were doing that at that exact point of time.

At the time where such a thing (Initiative for RECOM) exists, which is really perfect, we, and everybody else, together we will come up with the best methods which will help us use those very important data in various fields, from sociologists, anthropologists, psychologists and so on...

I think that Nataša's initiative, and of course the initiative of the people around her, in view of what I just said, is absolutely flawless and I think that artists, researches, intellectuals should fully support this initiative because it cannot lead to a significant disagreement if a proper methodology is employed in affirming one's own statement. Whether it will be done through public opinion polls, video statements, or in some other way is quite irrelevant. And, one day, in 30 years or sooner, it will all be stored in an official archives and future generations will be able to use it. During the process itself, you can conduct test to see how you are doing and every day you will be more and more successful... In the end, I just want to say that this initiative is perfect!

Statement: Suada Kapić, film director, Fama International Productions, Sarajevo, BiH, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

Not all dead persons are the same because some

dead persons have never been found.

It is natural that we support the Initiative for RECOM. If it is essentially oriented to the artistic community, I think that maybe there is one problem. If we start begin with the ideology of reconciliation in mind, which is inherent to RECOM's activity, let's start from the Christian universalism that you mentioned, that all dead persons are the same and that this initiative is not an invitation to artists to get involved. In my opinion, it is not in an artist's job description to deal with abstract universalism, which I believe is produced by the ideology of reconciliation, i.e. the enforcement of an atmosphere that reproduces permanently and continuously conflicting sides. What does it mean to call upon the people in Bosnia and Herzegovina to reconcile under existing conditions? If they reconcile under, in fact, the ideology of reconciliation does not require the truth! The ideology of reconciliation in reality seeks a perpetuation of identities which have been produced through the armed conflict and which are fixed as permanent identities. In other words, the ideology of reconciliation insists on upholding the war outcome as a final outcome. Or, how do you explain the Christian universalism according to which all dead persons are the same? Not all the dead are the same! It can't be true simply because there are many dead persons who have not been found yet.

Statement: Branimir Stojanović, psychoanalyst, Belgrade, Serbia, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

The ideology of reconciliation that produces the outcome of the war without questioning the facts is unappealing to artists.

We say YES to the facts, but under what conditions? Because the entire process of the ideology of reconciliation and mechanisms instrumental in reconstructing the facts in a way already produce a situation that is engraved in the very outcome of the war and in a way takes part in the reproduction of what the outcome of the war is without properly questioning the facts. That is the main reason so few artists and intellectuals opted to join this initiative, because truth is not universal, for example in a way that all the dead are equal. That is not interesting for the art. Art is dealing with the singularity of every death which can never be the same as any other death; or with the identity of a person killed in a genocide which still remains unknown.

I want to point to the fact that the very essence of what RECOM believes to be its normal ideological framework, the ideology of reconciliation, I think that's really something that repels artists rather than attract them to join the initiative.

Statement: Branimir Stojanović, psychoanalyst, Belgrade, Serbia, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

RECOM is not a political, but human story, even a religious story. RECOM must encourage victims because they will dictate the rhythm of the commission. RECOM must not allow any witnesses to die without giving their statement because that would mean that graves would be sealed forever.

I think that in BiH the main problem remains how to de-Nazify the entity called Republika Srpska: I will repeat: how to de-Nazify the entity called Republika Srpska because that is a genocide-based entity. So, that is our main problem and once it is out of the way, we will be able to talk about a continuation of a sincere, human, and ethic approach called RECOM. RECOM is not a political story; it is a human story and humane story. For those who are believers, those who are religious, RECOM is also a religious story. This is a story that has nothing to do with politics, but I want to believe that in Republika Srpska we will finally be able to find people who will be able to say that this is a Nazi project which will have to disappear for the sake of a better future because it was based on the things that are in contradiction with the issues of morality, humanity, and every other principle that make the human kind what it is today.

I know I just said something harsh, but I deeply believe it's true. When it comes to RECOM as a project, it is indispensable and those who are obstructing it today just give confirmation to my thesis that they are only serving low-level interests of every-day politics in order to cement the outcome of the war. Well, that can't be so! RECOM must steer away from politics and politics must steer away RECOM. The same rules should apply to the entire region, and these debates should be used to identify individuals and organizations ready to go the whole nine yards not only in discovering the truth about war crimes but also in reaching out to the victims. We are talking very little about the place and the role of the victims. Victims should dictate the rhythm of RECOM, not the other way round.

I think that RECOM needs to work on encouraging

the victims to testify and that RECOM must approach directly police and security structures in all states of the former Yugoslavia so that victims and witnesses are protected. They are the most important elements of the whole project and as the time goes by, I am afraid that a lot of witnesses will biologically disappear. If we don't do that as soon as possible, we will end up in the same situation as the commission that was formed 45 or 50 years after the Second World War when all mass graves had already been cemented. We must not allow that to happen and RECOM must finish its job while we still have living witnesses.

So, I appeal to humanity, justice, and human kindness. I only perceive RECOM as a humane story!

Statement: Blažo Stevović, Alternative Club, Trebinje, BiH, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

The facts that have been established in court make a distinction between the victims.

You confuse two things – when I say all dead victims are the say with a legal qualification of a criminal act determining if someone is a victim of a genocide, deportation, crime against humanity, or a war crime. That makes all the difference and there can be no equality in that. That's something determined by court judgments. And those are the facts. Those facts are established in war crimes trials and they make a distinction between the victims in terms of the nature of the crimes and the severity of the crimes. The biggest victim is a victim of the crime of all crimes – the crime of genocide and that comes from a legal definition, it does not come from my personal opinion but from something established in court.

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

Artists must fight all attempts to separate victims and group them as 'ours' and 'theirs'. RECOM is a perfect initiative in an imperfect world.

We need to see what artists can do once we collect the facts in the field. What will those facts look like once they are processed in an artistic form? Just to avoid a misunderstanding here – RECOM is a perfect initiative in an imperfect world.

There are very few us in the artistic world dealing with evil and talking about victims. We mostly talk

about our victims and I'm afraid that we will spend the rest of our lives exchanging the dead one by one or using them as political currency. Artists must be very strong and fight against separating the victims into ours and theirs.

Statement: Slobodan Šnajder, writer, Zagreb, Croatia, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

The only way for the broad public to understand and accept RECOM is to experience it through artistic creations.

In fact, I think that art should not only be engaged in the implementation of the RECOM program, I think that art should be called upon, appealed to, as philosophers would say, there should be an interpellation, so that art can do something for us and we can do something for the art. Maybe it is only through art that we can make this whole process easier to understand to broad layers of all levels of our society.

Statement: Svetlana Slapšak, literature theorist, Ljubljana, Slovenia, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010).

RECOM needs to investigate individual and not collective responsibility.

It may be necessary to find a way to make a transition from collective responsibility (which I think is impossible to argue or say anything smart about) to individual responsibility for every person, and I think that people involved with RECOM should think about it. This is a good idea – to communicate with artists and allow them to help with this very noble and indispensable initiative. For the success of the RECOM process it is necessary to observe carefully and identify those artists who have that kind of affinity, primarily ethic affinity.

Statement: Ljubomi Đurković, writer, Podgorica, Montenegro, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

It is very important to find reliable media partners for the RECOM project.

On the other hand, you presented a certain media plan to help present the project in the countries which are the subject of the RECOM investigation, i.e. the final documentation. With respect to the fact that media outlets are in a similar position as the so-called artistic community, under a great influen-

ce of current policies, sometimes even blackmailed by those policies by virtue of their power to grant or withhold the necessary frequencies – the issue at hand is how to choose a reliable media partner to follow the RECOM project. And of course, all well-intentioned media outlets are welcome.

Statement: Ljubomi Đurković, writer, Podgorica, Montenegro, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

To put together a band-aid to sing about peace, reconciliation, and victims as an artistic segment of RECOM

So, the question remains how to coordinate, what that means, "the artistic community"? It is very interesting to work on connecting with each other with respect to the war, the economic situation, transition, political, and multicultural aspect of our lives and our possible life together so that the artistic segment of RECOM can have its own topic, so that it has reconciliation in its title. This project can have multiple faces in the implementation of a joint action.

It is not unusual, the band-aid form I am proposing. Mrs. Slapšak reminded me of a very interesting fact – in spite of an extraordinary cooperation of musicians on the territory of the former Yugoslavia and the fact that, for example, Serbian turbo-folk stars are also stars in Croatia – in such a situation there is not a single music project, as they like to say, not a single attempt to create a band-aid system and make a song about peace, reconciliation, victims, I don't know, in the name of Europe, let's say, because we are hiding behind Europe and European values. There are many forms that can be very well used by this initiative and it should not be too hard to think of something. In the end, it is a form of advertising in this business. Also, this area has been so seriously neglected and defeatism has become a prevailing feeling.

What to do after The Hague? What can artists do with that? You are all silent. We are all only dealing with general issues, the media and everybody else. We are up to our ears in questionnaires, European integrations, rhetoric about European values, and the things that are essential for communication in this region, in Bosnia and Herzegovina in particular; are pure defeatism for us here.

Statement: Radmila Vojvodić, director, Podgorica, Montenegro, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

RECOM is a prerequisite for any future cooperation in the region.

I believe that for the entire region and for all forms of possible future cooperation and the future in general, the idea and the work RECOM is doing are a prerequisite without which it will be hard to move on.

Statement: Tanja Miletić-Oručević, director, Mostar, Bosnia and Herzegovina, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

In order to discuss dealing with the past on a global level, we must first uncover the truth and reconcile at a local level. Not a single tragic story was ever told until the end in Mostar.

I would gladly draw your attention to an aspect that, I think, we did not mention, which may not be quite relevant to the overall methodological and strategic framework of RECOM, but which is very important to me personally. It may also have a hidden broader meaning. So, what I keep bringing up are principles and models of establishing the truth, dealing with the past along the lines within the region between the states, between groups of people who share the same space together. However, I think that it is necessary to have some insight so that we can initiate and eventually end this process. We definitely need to have truth-telling and reconciliation events at a local level. Maybe it sounds stupid, but I am speaking from my very personal experience, since I really think that the city of Mostar, and you all know what the situation is like in Mostar, must organize such truth-telling and reconciliation sessions between the citizens of Mostar on the one hand and the citizens of Mostar on the other hand. And really, and I know it sounds really bad, but I can vouch that the current situation in Mostar is as just like that. And when it comes to truth, not a single tragic story has ever been told publicly anywhere in the city of Mostar. And many traumatic events happened in Mostar, from very isolated ones to the events in which entire buildings were emptied and people taken to a sports stadium and then to a concentration camp. So, the city of Mostar witnessed a lot of traumatic situations that have never been told about anywhere in the public space of the city of Mostar and that is very bad. At the same time, I think that's something RECOM can help change.

Statement: Tanja Miletić-Oručević, director, Mostar, Bosnia and Herzegovina, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

RECOM must make sure that those intellectuals and artists who stood up against terror are remembered.

And it would definitely be a very good idea to include memories of those who stood up against terror. When Svetlana Slapšak says that theatre is the best artistic form for an artistic presentation of RECOM, I must remind you of what Borka Pavićević and probably some others did in Belgrade. So, they have a model, they have first-hand experience how to stand up against terror and violence because they faced it directly. So, everything that happens from the time of RECOM and into the future, I think that some things that did not happen should also be included in that depot of memories as I have been saying for years. That includes the stance of Serbia and Montenegro with respect to the fascism that was unfolding before their eyes and a very large group of intellectuals and artists with their perfectly well formulated, thematic, brave, and artistically probably very significant works. So, if Borka Pavićević or the Center for Cultural Decontamination has already done it, we must know it and I think that, for example, Sarajevo does not know anything about it. Only individuals know what the people in Belgrade did. And those in Belgrade are frustrated, they don't want to talk about it, they are ashamed and they hide behind a victim. So, I think that this huge human, artistic, and intellectual effort must be heard about. In the end, if you ask me, RECOM is a perfect thing which can hold so many different things under its umbrella provided we all get involved, each one of us with their own piece of the jigsaw puzzle, and everybody under that umbrella.

Statement: Suada Kapić, film director, Fama International Productions, Sarajevo, BiH, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

RECOM should be a place where the political ideology of reconciliation is questioned.

I am very sorry that Radmila had to leave, since I think she completely misunderstood me and concluded that I was against RECOM. I think RECOM should even be a place where the ideology of reconciliation, which she supports politically, can be tested. I think that the most extensive capacity of an institution is to be able to understand a critique of its key ideology.

Statement: Branimir Stojanović, psychoanalyst, Belgrade, Serbia, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

It is necessary to have the facts so that we can curb political manipulations.

The war in Bosnia and Herzegovina or the outcome of that war can be observed as an unfinished war, the war that never really ended. In other words, the ideology of reconciliation that is becoming more and more present in Bosnia and Herzegovina nowadays, it constantly reproduces identities that are in reality the products of war. The so-called multicultural society is a direct product of the war. The multicultural aspect as produced in Bosnia is in fact a product of the policy of terror. And if people get cosy with it, I am afraid that we are going to have serious problems. That is why I keep talking about the capacity of RECOM to understand what the ideology of reconciliation carries as a potentially dangerous baggage.

We need the facts that are established beyond any doubt so that we can curb political manipulations. Facts can help us learn the truth, the objective, scientific truth, because that is the only way we can start a dialogue here in Bosnia. In Bosnia and Herzegovina, we are still debating about the number of people killed in Srebrenica. And that is what earns political points to those who keep counting the dead. And it is also true that the political oligarchy keeps producing that schism of the Bosnian society. And I also think that the regional aspect is also a proper way to go.

Statement: Dino Mustafić, MESS Festival Director, BiH, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

RECOM will have to deal with numerous political problems and difficulties caused by years long silence, denial, and manipulation with the facts.

I would like to add to notions made about RECOM. So, generally, it is clear that everybody is in favour of this project the morality or enthusiasm of which does not require any further discussion. But, I would like to pay more attention to the reality that lies ahead of this project, to potential difficulties that must be taken into consideration by the founders of this initiative. I call it a sense for reality; not conformist realism, but factual reality, because, clearly, a project like this must face all kinds of realities, political and otherwise. I very much liked a warning made with respect to the dangers of the multiple meanings of the word "responsibility" and many other terms used in this document. So, from that moment on, all the way to the reality that

must simply be calculated in the implementation or the goals of RECOM. If one of RECOM's goals is, as Mrs. Kandić put it at the beginning, to achieve some kind of closure by setting stage for individual narratives, dialogue, etc., which is quite acceptable in general; or if the idea or regulative measure of the entire RECOM process is the truth, then it is realistic to expect difficulties. The truth, the facts, what are the facts, and what is interpretation. There is a contradiction in what Mrs. Kandić said at the beginning, in my opinion. She said that we would have the facts but the truth is that everybody will have their own interpretation of those facts. In that case there can be no reconciliation. Everybody will just reinforce their ideological matrix, their pseudo-moral justification and that's what I mean when I say reality, difficulties that will be facing this process in real life. I also find the manipulation with the facts, silence, and denial of the facts particularly interesting. RECOM will have to deal with those problems since they are our reality.

Statement: Sulejman Bosto, Faculty of Philosophy, Sarajevo, BiH, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

A potential problem for RECOM's dynamics is the fact that our civil societies, especially the civil society in BiH, are very fragmented.

Our societies are fragmented and we collaborate very little between ourselves. The civil society in BiH is, and it is quite noticeable, the weakest society on the territory of the so-called Western Balkans. And this crisis, the crises of the civic scene in BiH and the fragmentation of the civil society is something that can be analysed from many angles, but I think it is very important to analyse RECOM in view of that.

Statement: Jasmina Husanović, art critic, Tuzla, BiH, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

Comedy as a form of opposing single-mindedness

I would just like to add one more topic for discussion, the thematic circle that we have simply omitted, mostly because we cannot connect it to the politics of challenging art in RECOM. We cannot present it as a provocation, but in reality I think that we can. And the answer to that would be laughter. It is very important to include physical expressions and I don't see any reason why laughter would not be included in this process. I say laughter must become part of these artistic politics we are going to

be using here. Comedy is an incredible medium for standing up against any enemy. It is also powerful in opposing single-mindedness.

Statement: Svetlana Slapšak, literature theorist, Ljubljana, Slovenia, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

RECOM is indispensable for the future of the entire region

I believe that all participants of this consultation unanimously agree that the Initiative for RECOM has its full justification and that we all realize that it has potentially very obvious societal interest. I think we all consider it indispensable and necessary for the future of the entire region. Also, I think that all of the participants of the consultation also agree that we, as artists, should act individually or jointly in the form of shared projects implemented under that huge umbrella called 'RECOM' in order to give our contribution to the success of this initiative and this idea.

Statement: Dino Mustafić, MESS Festival Director, BiH, Regional consultation with artists on the Initiative for RECOM, Bosniak Institute, Sarajevo, Bosnia and Herzegovina, April 7, 2010.

90. Consultations with the Local Community on the Initiative for RECOM

**Banja Luka, Bosnia and Herzegovina
April 17, 2010**

A Consultation with the Local Community on the Initiative for RECOM was organized by the Center for International Relations from Banja Luka, BiH. The Initiative supports the Creation of a Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia in the period from 1991-2001 (RECOM).

The Consultation was attended by 28 representatives of non-governmental organizations, social science college students from Banja Luka, two representatives of political parties, and two representatives of associations of former detention camp inmates from Banja Luka. Keynote speakers were: Tanja Topić (member of the Coordination Council of the Coalition for RECOM, BiH), Nataša Kandić (Humanitarian Law Center, Serbia), and

Eugen Jakovčić (coordinator of the consultation process on the Initiative for RECOM in BiH). The discussion was moderated by Aleksandar Batez and Dženana Karup Druško (coordinators of the consultation process on the Initiative for RECOM in BiH). In their prime time information programs, Radio Television of Republika Srpska (RTRS) and Alternative TV (ATV) professionally reported on the event and aired comments made by Nataša Kandić and Tanja Topić. SRNA News Agency also professional reported on the consultation on their Internet news site.

Opinions, Suggestions, and Recommendations of the Participants

Consultations on the Initiative for RECOM are just the beginning of consequential regional communication.

For that reason, I hope that this consultation, or our dialogue today, represents just the beginning of consequential regional communication and I sincerely hope that this consultation today is going to represent, at least for this community here, a successful kickoff-event.

Statement: Miloš Šolaja, Director, Center for International Relations, Banja Luka, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

Civil society in BiH has an obligation to confront current official policies, to demand responsibility from those who committed war crimes, and to demonstrate respect for all victims.

I think that in dealing with the past, civil societies have an obligation to confront actual official policies in their countries, firstly in the denying that these crimes have been committed. I am talking about the crimes which have been processed, and the perpetrators who have been convicted. Those court sentences are clear to everyone, those are the judgments we all know about, and still, in spite of that fact they are still being pushed under the carpet. Also, the role of civil society is not only to mention and honour its own victims while ignoring the victims from the other side in the conflict. Another role of civil society is to demand responsibility from those who committed war crimes.

Statement: Tanja Topić, member of the Coordination Council of the Coalition for RECOM from BiH, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

Victims of war crimes need a broader concept of justice in which individual court sentences are not sufficient. Along with a large number of missing persons, this justice represents the main motivation behind the Initiative for RECOM.

Even in cases when war crimes perpetrators are processed and sentenced, victims still remain unsatisfied and that basically gives us an idea that a much broader concept of justice for the victims is necessary. Victims need something more than a court-established individual responsibility for war crimes. This need of the victims, combined with a large number of missing persons from the entire region of the former Yugoslavia, is the main motivation behind the Initiative for RECOM.

Statement: Eugen Jakovčić, Documenta, Croatia, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

It will be extremely difficult to achieve reconciliation as our goal because we will never agree on who started the war.

I personally think that we can hardly achieve the goal of reconciliation because we are never going to reach a consensus on why it all happened or who and when initiated the war.

Statement: Dražana Lepir, philosophy professor and activist the Oštra Nula group of citizens, Banja Luka, BiH, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

Reconciliation is a social process in terms of accepting one's own responsibility or coming to terms with one's own history and past.

It is rather interesting, really, how the participants of these consultations understand the concept of reconciliation. They don't perceive it as reconciliation between the people or between ethnic communities. They mostly understand it as a creation of a new atmosphere, a new climate in which there will be more compassion for all victims, especially for victims from other ethnic communities, through manifestations of solidarity and respect. Reconciliation is indeed a social process which can lead to reconciliation in terms of accepting one's own responsibility and coming to terms with one's own history and past.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

RECOM must investigate why political parties do not have reconciliation as an important part of their programs.

I would really like to see RECOM exert a pressure on political parties by asking them publicly why their programs do not have any mention of the reconciliation process at all. It would be important to know what kind of position future state officials have on the issue of reconciliation.

Statement: Svetlana Cenić, economic and political analyst, Banja Luka, BiH, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

Truth is the first victim in every war and it is difficult to establish it.

The goal and very creation of RECOM are truly commendable. However, what you must know is that truth is the first victim in every war, and it is very difficult to establish it.

Statement: Goran Dražić, NGO Together for the Truth, Banja Luka, BiH, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

If RECOM does not obtain political support, this process will last too long for the victims to see its results.

From my personal experience I can tell you that politics has entered every aspect of our lives, including non-governmental organizations which are also being manipulated with. It is going to be difficult but it is not impossible. If you do not obtain political support for this process, I am afraid that it is going to last too long and that it is going to outlive both the witnesses you want to testify and the victims waiting to get some satisfaction out of this.

Statement: Goran Dražić, NGO Together for the Truth, Banja Luka, BiH, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

The role of the media in the creation of hatred among us was extremely intense.

The role of the media in creating public opinion was huge... If you went through some of the war-time papers and read some of the reports from the war zone, you'd be amazed to find out how fiercely they instigated hatred among the nations.

Statement: Goran Dražić, NGO Together for the Truth, Banja Luka, BiH, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

The dissatisfaction of some NGOs will be a huge obstacle for the process.

I think that it is quite likely that even in the Coalition for RECOM some NGOs are going to be dissatisfied with the process. They are going to be under a direct political influence and they will significantly obstruct the work of RECOM and its good intentions in terms of its programs and goals. They may create serious troubles.

Statement: Goran Dražić, NGO Together for the Truth, Banja Luka, BiH, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

It would not be possible to relocate mass graves without the participation of the government, which seriously indicates that these governments are harbouring war crimes perpetrators.

The most important issue is to secure the consensus of both the entities in Bosnia and Herzegovina for the things you intend to do because without it, this process will be completely unproductive. It is clear that no one could have relocated mass graves the way it was done after the war without the participation of the government. That directly testifies to the fact that these governments are harbouring war crimes perpetrators.

Statement: Goran Dražić, NGO Together for the Truth, Banja Luka, BiH, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

Consultations should be held even after the Commission is created for the purpose of monitoring its work.

So, the consultation process should be carried on beyond the creation of the Commission and I think that Ms. Nataša Kandić said that it would be a way of "controlling" the work of the Commission. Again, it is my opinion that the consultation process should continue for the sake of monitoring the work of the Commission.

Statement: Šefika Muratagić, My Future Association, Ključ, BiH, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

RECOM is the opposite of everything that is going on in BiH society, which desperately needs to be integrated.

No one should really have a problem with the idea of RECOM because RECOM is quite the opposite of everything that is now going on in BiH society, which is completely dismantled. The people in BiH are divided by all imaginable criteria: nationally, professionally, territorially, by being a vic-

tim, by being a criminal, or by being a politician. Everything is divided by three and nothing is ever multiplied by three. And that is exactly what we need, to be multiplied, to be integrated. Even the truth is divided here.

Statement: Slobodan Popović, SDP BiH, Banja Luka chapter, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

Governments must help finance the work of RECOM.

Member states should help finance the work of RECOM in all areas.

Statement: Milovan Dragojević, Faculty of Political Sciences, Banja Luka, BiH, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

Political elites are by far the most ruthless in their manipulation of the number of victims for political purposes, and they base their political existence on this.

It is quite clear why some people don't want the final number of victims to be established – it is much easier to manipulate these numbers in the absence of exact figures. Political elites in the region mercilessly exploit that vacuum and base their existence on that kind of discourse, as our young friends here have just explained.

Statement: Amir Kulagić, Coordination Council of the Coalition for RECOM, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

We need RECOM to clearly define for us what happened, who died, and what crime was committed.

RECOM is the right body to create an objective and impartial factual recording of what happened in particular regions in a specific period of time. RECOM should clearly define what happened, who died, and what kind of crime occurred in a specific time period. Ladies and gentlemen, that's why we need RECOM!

Statement: Amir Kulagić, Coordination Council of the Coalition for RECOM, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

As a man, I care to hear the experiences of Albanians, Serbs, etc...

For me as a man with a terrible personal experience it is important to hear what kind of tragedy struck that Albanian man or that Serb from Koso-

vo, a person from Montenegro, Croatia, Slovenia, or a person from Macedonia. I care about what happened from somebody in a different part of Bosnia and Herzegovina.

Statement: Amir Kulagić, Coordination Council of the Coalition for RECOM, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

The headquarters of the Commission should change its location periodically and it should include the locations that symbolise the plight of the innocent.

In that context, I think that the location of the headquarters of RECOM should be changed periodically to include locations that symbolize the plight of the innocent.

Statement: Amir Kulagić, Coordination Council of the Coalition for RECOM, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

Religious communities could help with the reconciliation process because of the confidence they enjoy with people.

I think that religious communities could help raise awareness about the reconciliation process. If people saw examples of the Serbian Orthodox Church helping someone in Srebrenica, or someone from the Muslim community helping someone in Bratunac, or the Catholic Church helping someone other than Catholic believers, they would look at things differently. We should have three members of RECOM from these three religious communities.

Statement: Samir Tucaković, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

Words of victims are not just merely a rewinning of history; they are a lesson for the public.

I don't know if they should be instructed not to shy away from saying what exactly happened because it is not just playing the film back; it is a lesson for the public. The public needs to know what happened and what did not happen.

Statement: Stanko Smoljanović, journalist, Radio Contact, BiH, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

Can politicians take seriously members of RECOM as people with moral credibility?

The question is whether we choose people who are favoured by the politicians or those whom we con-

sider to be morally credible and suitable for the job. If a person is morally credible, will the politicians take that person seriously?

Statement: Stanko Smoljanović, journalist, Radio Contact, BiH, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

It is important that RECOM educates victims and encourage them to tell the truth.

Since many people talk about the fear victims feel with respect to telling the truth, our first job should be to educate them in a way that they feel encouraged to testify without fearing consequences. That should be, I think, our first task.

Statement: Anđelko Kvesić, president of Croatian Association of Former Detention Camp Inmates, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

Candidates for RECOM must enjoy support throughout the region.

Those who have regional support are the ones we should really believe in and I don't think we can come up with a better solution when it comes to candidates. The candidates will have their biographies which are going to be easy to double check. When a candidate receives regional endorsement, we can all feel relieved and say "good, this one passed".

Statement: Nataša Kandić, Humanitarian Law Center, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

By talking about their suffering, victims can prevent these crimes from happening again to somebody else.

By talking about their suffering, victims can prevent these crimes from happening again to other people. Victims are people just like you and I and they need to be motivated to speak. If I were a journalist, I would approach them by saying that their testimony may help prevent somebody else from experiencing the same horrible thing they experienced as victims of war crimes. It should be stressed strongly so that they really feel the importance of their contribution and decide to talk about the bad things that happened to them.

Statement: Sandra Popović, Faculty of Economy, Banja Luka, BiH, Consultation with the Local Community on the Initiative for RECOM, Banja Luka, BiH, April 17, 2010.

91. National Consultation with Legal Professionals in Serbia on the Initiative for RECOM

Belgrade, Serbia
April 23, 2010

A national consultation with legal professionals in Serbia on the Initiative for RECOM was organized by the Humanitarian Law Center on April 23, 2010. The consultation was held in the City of Belgrade Town Hall and was attended by 32 legal professionals, mostly attorneys, several judges (Justice Snežana Nikolić – Garotić from the Belgrade High Court, Justice Miroslav Alimpić from the High Court of Novi Sad, and Dragan Janičević, President of the High Court in Jagodina), personnel of the War Crimes Department of the Belgrade High Court, Mioljub Vitorović from the Office of the War Crimes Prosecutor of the Republic of Serbia, and representatives of the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe (CoE) in Serbia. Nataša Kandić from the Humanitarian Law Center in Serbia gave an introductory speech and moderated the part of the discussion titled “The Mandate, the Goals, and the Relationship between RECOM and War Crimes Trials.” Dragan Popović from the Youth Initiative for Human Rights led the “Why RECOM” part of the discussion, and Jasminka Hasanbegović, law professor at Belgrade University’s Faculty of Law, discussed issues regarding the establishing of RECOM and other qualifying legal facts.

Suggestions and Opinions of Participants:

RECOM will prevent historical revisionism and relativization of crimes

So, this commission and its findings can offer a clear picture about what happened in the past. It can provide an accurate list of victims, but not just any list and any number. It can provide a register of victims with a description of the circumstances under which those victims lost their lives. That will at the same time prevent what is going on today in all post-Yugoslav republics – historical revisionism on the one hand, and on the other hand, relativization of the crimes that some groups in that specific country don’t like, or the crimes for which they don’t want to accept responsibility for.

Statement: Dragan Popović, Youth Initiative for Human Rights, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

RECOM is an opportunity for all people from the territory of the former Yugoslavia to hear the voice of the victims.

A commission like this offers something that victims value the most – the existence of a public platform for victims of war crimes and serious human rights abuses. They will finally have an opportunity to speak to the public through a body like this, which will enable their word to be heard. They want all people living on the territory of the former Yugoslavia to learn about their suffering.

Statement: Dragan Popović, Youth Initiative for Human Rights, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

RECOM will not attempt to establish one truth. Its goal is to help create a substantial documentation base which will be used by prosecutors, historians, and all those who want to know the truth.

RECOM will not be attempting to be the one to establish that one truth, the only possible and official truth. Something like that is definitely not possible, but what RECOM can and will do is to help create a substantial documentation base which will be used by all those interested in learning the truth about the recent conflict – prosecutors, historians, and all those who want to know the truth. That’s something we owe the victims as fellow human beings and fellow citizens, especially those of us dealing with it professionally and in legal terms.

Statement: Jasminka Hasanbegović, Faculty of Law, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

Documents should be stored in several locations.

I appeal to you to make sure that the documents acquired by RECOM are not only stored on the territory of post-Yugoslav countries but elsewhere, too.

Statement: Jasminka Hasanbegović, Faculty of Law, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

It enables not only victims, but all those who directly participated in the war to have a platform to speak, so that the truth from the other side can be heard, too.

(...) the goal of this documentation process is to allow everyone to speak, and not only the victims, but all of those who directly participated in the war, so that they can tell their stories and see the subjective, individual truth from the other side. I think that we cannot understand the whole concept if we only focus on one narrow concept of the victim, and consequently, of all those events.

Statement: Jasminka Hasanbegović, Faculty of Law, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

The most important contribution of RECOM is its documentary function.

The most significant contribution of RECOM, in terms of civilization, history, law, civic, and political activity is first of all in its documentary function. It will enable everyone to speak and it will also provide storage locations for existing documentation and documentation obtained during the process. Then legal experts will be able to analyse the validity of documents for the purpose of criminal prosecution; historians will analyse the relevance of these documents in establishing historical truths; sociologists and psychologists will study various pathologies or other social or individual deviations for their research. And, naturally, the public will also have an opportunity to find out those truths.

Statement: Jasminka Hasanbegović, Faculty of Law, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

If the job is not done properly now, our children will be dealing with the same difficulties we had to face.

But if that job is not done now, future generations will be dealing with the same problems we had to face with respect to the Balkan wars, in spite of fascinating documentation which nobody probably knows about because we have been taught to be fed one official historical truth.

Statement: Jasminka Hasanbegović, Faculty of Law, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

Reconciliation cannot happen without the participation of religious communities.

All right, if reconciliation is our goal, we must understand that it cannot happen if religious communities are not included into the process.

Statement: Toma Fila, attorney, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for

RECOM, Belgrade, Serbia, April 23, 2010.

Religious communities should take part in the election of RECOM members.

(...) religious communities should by all means be included in the election of RECOM members.

Statement: Vesna Petrović, Belgrade Center for Human Rights, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

Option A is a better proposal for the election of RECOM members – it prevents political calculations and deals.

In my opinion, Option A is essentially better, especially because, and that's something I truly care about, it helps curb any political calculations and deals between member states. What I don't like about Option B is that if every state does it individually, then candidates may not be accepted or simply they may not be perceived as the right individuals for such a commission. The regional approach in my opinion guarantees a more or less unified methodology in dealing with the issue in the entire region.

Statement: Silvija Panović-Đurić, the Council of Europe, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

Representatives of the European Union and the Council of Europe may only have an advisory role in RECOM.

We talked about whether representatives of the European Union and the Council of Europe, maybe even representatives of the United Nations should be included in this whole process – well, my opinion is – YES, but only with an advisory role. So, maybe an option should be in the Statute to separate these two functions. Sometimes people who come from a different environment are less emotionally involved and their approach is more objective which increases their advisory capacity.

Statement: Silvija Panović-Đurić, the Council of Europe, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

RECOM should not suggest amnesty for perpetrators who repent. Extenuating circumstances should only be considered for perpetrators who provide relevant facts.

(...) I don't think that the commission should propo-

se amnesty to a person who repents. I am sorry, but for me personally that is unacceptable (...) Therefore, I support the previous suggestion, that if a person provides information relevant for establishing the truth, it should be considered as extenuating circumstances.

Statement: Jasminka Hasanbegović, Faculty of Law, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

The goal of RECOM should be dealing with the past through public debates, regional cooperation, and processing of war crimes perpetrators...

(...) reconciliation between the nations is a goal that is very difficult to achieve. Therefore, I think that a more realistic goal should have been chosen - dealing with the past through public debates, regional cooperation, and criminal prosecution of war crimes perpetrators - not only before war crimes trial chambers, but also before courts which are specifically in charge for issues of organized crime.

Aleksandar Resanović, Office of the Commissioner for Information of Public Importance and Personal Data Protection, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

Now that the Resolution on Srebrenica was adopted, anyone trying to repudiate the crime in Srebrenica should be criminally prosecuted.

Rajko Đurić, Senior Advisor, Office of the Ombudsman of the Republic of Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

RECOM should make recommendations for the improvement of reparations programs for victims of war crimes.

I believe that one very important feature this commission should have is making recommendations for the purpose of improving reparation programs in all countries in the region, especially in our country. That's why I believe that the commission should have an educational character regarding this issue, and the whole concept of reparations should be brought closer to the general public, to the judiciary, and to governmental institutions. It is important that they understand that compensation, simple financial compensation, is not the same as reparations. Reparation is a much wider concept and it influences in a more comprehensive way both the public and the victims of war crimes and serious human rights violations in general.

Statement: Tanja Drobnjak, attorney, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

The capacity of the courts is limited, which makes the Initiative for RECOM a welcome addition to the dealing with the past process.

In my opinion, the relationship between RECOM and the judiciary has two aspects. One is definitely the old, familiar aspect that the courts, including the Tribunal at The Hague, can contribute a great deal in establishing the truth about victims and perpetrators but that an initiative like this can offer a lot wider data base and help courts in their work. The capacity of the courts is definitely limited.

Statement: Miroslav Alimpić, judge, High Court of Novi Sad, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

RECOM can help offices of prosecutors find additional new evidence.

In my opinion this initiative, this kind of evidence collection through public testimonies of victims, is in a way a form of putting pressure on the courts and offices of prosecutors. I don't mean any disrespect; of course, I think that it is a good idea to influence the courts and offices of the prosecutor to understand where more evidence can be found for the purpose of initiating criminal proceedings, because they have so many times been in a situation where they were unable to find relevant and reliable evidence.

Statement: Miroslav Alimpić, judge, High Court of Novi Sad, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

Showing respect for other people and their truth is a precondition for dealing with the past and for reconciliation.

Showing respect for other people and their truth is an important step we have to learn to make. In reality, we are very far from that first step, and without it we can't even begin the dealing with the past process or expect reconciliation between the nations to happen. When I say other people and other truth, I mean in terms of personalities, views, in terms of participants, in terms of our qualifications of that participation, and in the end, if you want, in terms of someone else's truth.

Statement: Jasminka Hasanbegović, Faculty of Law, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

The time period RECOM will be investigating must be precisely defined, and it must be stipulated how long RECOM will take to finish the job.

When we speak about the time mandate of the commission, it must be clearly defined how long the commission will have to finish the job, because it will largely determine what time period RECOM will be investigating. If we go as far back as 1943, I think that is too long a period for RECOM to investigate and too many events to analyse and I am afraid it may divert the attention of the public and the media from the main goal of the commission – establishing the facts and the events that occurred on the territory of the former Yugoslavia in the recent past. We have to decide, it's either one or the other, because the commission cannot do it all.

Statement: Marko Karadžić, Ministry of Human and Minority Rights of the Republic of Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

The commission should be authorized to file criminal complaints.

And the commission should also be authorized to file criminal complaints.

Statement: Marko Karadžić, Ministry of Human and Minority Rights of the Republic of Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

The commission should insist on preserving the memory of the victims instead of trying to achieve reconciliation.

The essence of the work of the commission is to make sure victims are not forgotten. The commission should not insist on reconciliation because it is a personal, individual act, a relation an individual has with an event. It is the victim's own decision to reconcile or not, to forgive or not. For that reason I am convinced that the commission should insist on ways to preserve the memory of the victims and events instead of trying to achieve reconciliation.

Statement: Silvija Panović-Đurić, the Council of Europe, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

(...) if the judiciary in the countries in the region had done its work as they should have, there wouldn't be a need to create RECOM in the first place. But that was not the case. Criminals are still out of the reach of the courts; they haven't been processed or

punished. That's why we need RECOM.

Statement: Velimir Lipovan, attorney, Kikinda, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

Victims who testify, as well as RECOM members, must be provided physical protection.

We have seen that even a powerful institution as the ICTY was not able to finalize a trial of, let's say, Ramuš Haradinaj, because the witnesses in the case were victims of exceedingly intense pressure. So what we need to discuss here is the safety of not only the members of the commission, but of the people who come to testify, too.

Statement: Velimir Lipovan, attorney, Kikinda, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

It is imperative to ensure that after the end of RECOM's mandate there is a body which will exert pressure on institutions to abide by RECOM's recommendations.

I am not sure it is going to be quite possible to stipulate that RECOM is mandated to give binding recommendations, but it is up to the creators of RECOM, but also up to the civil society, professional associations, associations of legal professionals and victims' associations, too, to think about creating a body which will after the end of RECOM's mandate monitor the implementation of RECOM's recommendations, exert pressure on institutions, or at least advocate the implementation of RECOM's recommendations.

Statement: Marijana Toma, Impunity Watch, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

RECOM should focus on events not covered by judicial activity.

One of the purposes of the establishment of RECOM is to cover the events which were in the grey area and which were not covered by court judgments.

Statement: Tomislav Višnjić, attorney, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

It is important to define the relationship between RECOM and states in the region to avoid possible obstructions later.

It is important to define the relationship between RECOM and the states in the region so that any

future obstructions could be avoided. It is also important, in terms of financing certain activities of RECOM, to define the obligations of the states and the obligations of RECOM.

Statement: Tomislav Višnjić, attorney, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

Reparation and other secondary goals of RECOM should be done after the facts are established.

Dealing with the issue of reparations and all other secondary goals of RECOM should only be done after the facts are established, or they should be removed from the end results of RECOM. Simply put, the success of RECOM will be directly proportional to the quality of the cooperation between RECOM and the states that need to support its work.

Statement: Tomislav Višnjić, attorney, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

Two major problems will be to obtain state-owned documentation and to subpoena witnesses.

(...) two of the important authorizations of RECOM are to obtain state-owned documents and to subpoena witnesses. These are important issues – someone has to negotiate with the states in the region on behalf of the RECOM.

Statement: Tomislav Višnjić, attorney, Belgrade, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

It is very unlikely that RECOM will be able to request territorial courts to issue subpoenas for witnesses. The commission should be able to subpoena witnesses independently from the courts.

I think it is more than unlikely that RECOM can request any territorial court in the region to subpoena a witness, simply because it will be impossible for courts to accept RECOM's recommendation on who they should subpoena. So, basically, they should issue a subpoena for a witness not to appear before the court but to appear before the commission. It is much more realistic to expect that the commission subpoenas witnesses independently because I think that part of the whole issue here is that witnesses should testify voluntarily. And, it is necessary that they really want to testify and tell

us about what happened to them. Then we can ask them if they want to testify in a criminal trial.

Statement: Miroslav Alimpić, judge, High Court of Novi Sad, Serbia, National Consultation with Law Professionals in Serbia on the Initiative for RECOM, Belgrade, Serbia, April 23, 2010.

92. National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM

**"M" Hotel
Belgrade, Serbia
April 24, 2010**

A consultation on the Initiative for RECOM was organized by the Humanitarian Law Center (HLC) from Serbia and was attended by 54 participants, representing associations of the families of the killed and missing, associations of victims, and associations of war veterans, refugees, and forcefully displaced persons. In addition, two guests from Osijek were in attendance, Miroslav Varga and Željko Mrak, both Croatian war veterans. Nataša Kandić from the HLC, a member of the Coordination Council of the Coalition for RECOM, gave an introductory speech and moderated the discussion while Marko Veličković from the Center for the Development of Civil Resources addressed the "Why RECOM" part of the discussion.

Comments, Suggestions, and Recommendations of the Participants at the Consultation:

Victims from the Second World War also need to be exhumed. This exhumation should be conducted in the presence of representatives of the international community.

The proposal is to exhume all victims from World War II and, of course, from the most recent war (...) We should ask our respective governments to finance this exhumation and to conduct it in the presence of representatives of the international community because of the possibility to misuse information. I say this because I would not believe the authenticity of information provided by some republics.

Statement: Dane Škorić, Association of Native Residents of Lapčane in Belgrade, Serbia, National Consultation with Veterans,

Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

The amnesty procedure is not being conducted in Croatia.

In 1991 I was commander of the Army Barracks in Slavonski Brod, Croatia when it was attacked (...) and we all ended up in prison in Slavenska Požega. For the three months we spent there in prison we were exposed to all kinds of torture, and on December 12, 1991 we were exchanged. On that occasion I was served with the indictment raised against me (...) In 1993 I was tried by the County Court in Slavenska Požega and sentenced to 15 years in prison (...) Because of the fact that I am on the Interpol Wanted List since 1991, I have been living in a political cage on the territory of the Republic of Serbia and I can't go anywhere (...) Ever since the new Amnesty Law was enacted in Croatia, only four persons' sentences were abolished, which is 0.004% of the total number of sentences against indicted individuals.

Statement: Janko Radmanović, REGION Association of Forcefully Displaced Persons and Individuals Indicted in 1991 in Croatia, Belgrade, Serbia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

It is the duty of my generation to list every victim and document everything bad that happened on our watch.

(...) I think that it is the duty of my generation, my own duty, because I took an active part in everything that happened back in those days, to give my support to the creation of a regional commission tasked with investigating every crime, listing every victim, and documenting all the bad things that happened on our watch. That's my responsibility, and that's what I want, and that's the reason I am a member of the Coalition for RECOM. I think it is very important and that it is a major contribution that my generation can make to future generations.

Statement: Miroslav Varga, Croatian homeland defender from Osijek, Croatia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

War veterans have not been asked to tell what they know about war events.

(...) It was very upsetting for me to realize that only victims and politicians talked about the war. War events were told from the point of view of victims,

from the point of view of politicians and daily politics, from the point of view of upcoming elections, war reparations, or the United Nations. Everybody had their stories to tell and the only ones who were never asked about the war were the war veterans. Nobody ever asked me. For that reason I think this is a good initiative, and I participate as a war veteran because I want to say some things I believe I should have been asked to say a long time ago.

Statement: Miroslav Varga, Croatian homeland defender from Osijek, Croatia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

I want to know the truth about why my village was demolished to the ground.

There were approximately 45 Parenta family houses in Islam Latinski, surrounded from all sides by the Croatian population (...) All of our houses are gone without a trace. No one has returned to the village in 18 years, because there is no village. I just want to know, why it was demolished to the ground and why were all foundations removed?

Statement: Milan Parenta, refugee from the Zadar Municipality, Croatia, member of the Association of War Veterans from the Wars of the 1990s from the Kikinda Municipality, Serbia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

I was terribly eager to go to war.

I was raised to know about the "Informbiro," to know about the concentration camp in Jasenovac and various caves in Herzegovina and everywhere else. That's how I was raised. When the war began, I could hardly wait to go to war. I know Croatian veterans and Muslims from Bosnia (...) and back in those days, everybody was so eager to go to war.

Statement: Aleksandar Dragišić, Republic Association of War Veterans from the Wars of the 1990s, Belgrade, Serbia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

RECOM is necessary if we want to stop the cycle of revenge.

It is indispensable to materialize the Initiative for RECOM so that we can finally put an end to a cycle of revenge and the stories of victims and home-told stories.

Statement: Boris Delić, Novi Most Refugee Return Service, Belgrade, Serbia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

I have been living in a collection centre and the government is doing absolutely nothing to help.

(...) we have been living in a collection centre for 11 years now and the government is doing absolutely nothing to help us find better housing. My family of five lives in a room that is 3 by 3 meters.

Statement: Milovan Radenović, a displaced person from the Kosovo Vitina/Vitia municipality, Dečji Vrtić Collection Center, Bujanovac, Serbia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

Laws need to be enacted to comply with standards for information collected by RECOM.

(...) we need new laws which will have to comply with standards for the information collected by RECOM and which everyone will have to abide by. The Coalition for RECOM should insist on the adoption of new laws and, if necessary, it should ask for the support of the international community and other humanitarian organizations.

Statement: Slobodan Kikić, Association of War Veterans from the Wars of the 1990s from Kikinda, Serbia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

If we are able to achieve justice for the victims, we will eliminate the possible recurrence of such tragic wars.

(...) if we take an active part in this project and summon all our strength towards finding the truth about the things that happened during the wars of the 1990s, and if, first of all, we are able to achieve justice for the victims, then we will eliminate the possible recurrence of such tragic wars in the future.

Statement: Radojica Bunčić, participant of the 1991-1995 war and a refugee from Croatia, Pakrac municipality, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

The commission should concentrate on witnesses who are still alive from the most recent wars.

(...) the mandate of the commission should be what is realistic to expect – interviewing witnesses who are still alive (...) A lot of innocent people were killed in World War II (...) and I don't think we should be attempting to do what is unrealistic, let's not forget that.

Statement: Dragan Pjevač, representing the Association of the Families of the Killed and Missing from Krajina, Croatia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

It is important to establish the facts about the Second World War.

I think it is very important to establish the facts from the Second World War – those that can be established, of course. I know we can't make an individualized list of the victims, but we can make a list of the locations of crimes – and they are known. We want to exhume those bodily remains and give them a proper burial. And, although they cannot be given names, they will be marked as victims.

Statement: Miodrag Linta, Serbian Democratic Forum, Belgrade, Serbia, Coalition of Associations of Refugees, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

We should be the consciousness of our nations. We should try to restore dignity to victims and secure a future for those coming after us.

It is important that we are truly determined to do what our governments failed to accomplish, what our politicians neglected, what our science and art academies did not do, and what our churches did not do – and all of them say they are truly concerned for their people and the national interests of their countries and so on. We should be the consciousness... let us do these things together so that we can preserve the dignity of victims, of those are no longer with us, and at the same time secure a better future for those who are coming after us.

Statement: Željko Mrak, Croatian veteran from Osijek, Croatia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

RECOM needs to investigate who is responsible for forced mobilization.

I received a draft notice. I was mobilized (...) I had to go (...) I did not have any motive whatsoever to go to war, but I had to be there and shoot at Željko, although I did not want to (...) Can it be included in the mandate of RECOM to investigate who was responsible for forced mobilization? I want to know who had the power or who ordered the forced mobilization. We were not at war and I am holding a gun in my hand and I have to shoot. If I don't shoot, I will be punished.

Statement: Zoran Kosić, Association of War Veterans from the Wars of the 1990s from Kikinda, Serbia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

It is necessary to investigate the causes of the armed conflict, first of all.

For that reason I would like to suggest an investigation of causes, first of all. Once we know what caused it we will be able to administer solutions.

Statement: Dragan Miljković, Association of War Veterans from the Wars of the 1990s from Lebane, Serbia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

Should the commission compile a list of possible perpetrators of war crimes and serious human rights violations?

Do you think that it would be a good idea for the commission to compile a list of possible perpetrators of war crimes and serious human rights violations, which would allow any individual who is on that list to deny allegations against him or to present evidence proving his innocence? That's something to think about because some commissions had that included in their mandate.

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

Compiling a list of possible perpetrators of war crimes and serious human rights violations would violate the presumption of innocence.

I would rather do it in a conventional way, preserving the presumption of innocence – innocent until proven guilty. The burden of proof cannot be on the accused (...) any possible perpetrator of war crimes and serious human rights violations should be presented with evidence proving that he or she is guilty as charged.

Statement: Željko Mrak, Croatian veteran from Osijek, Croatia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

The mandate of the commission should not be too wide.

So, I think that the mandate of the commission should not be too wide. It should be kept within the limits of establishing the victims, making a register of victims' names, establishing the circumstances surrounding their death, and listing the most drastic consequences of the armed conflict, ranging from the destruction of property, persecution, and the destruction of cultural-historical monuments and so on (...) in order to find ways to provide com-

pensation to victims.

Statement: Drago Kovačević, Serbian Democratic Forum, Belgrade, Serbia, Coalition of Associations of Refugees, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

It is important to concentrate on establishing an individualized register of victims, on identifying detention camps, and compiling a register of former detention camp prisoners.

I believe that the Initiative for RECOM would be a complete failure if it was mandated to investigate the nature of the war, the causes of the war, and to establish who was responsible, determining levels of responsibility (...) the commission needs to concentrate on its primary mandate, which is the establishment of an individualized register of victims and the restoration of dignity to victims. Naturally, the civil society sector and this Coalition can insist on criminal prosecution of perpetrators of war crimes and serious human rights violations as an important secondary segment of the mandate of the commission. Also, another thing I like is the idea to compile a register of all detention camp locations and former detention camp inmates through a dialogue with surviving former detention camp inmates. They are the people who were humiliated and tortured only because of their national and religious backgrounds. That should be followed by a regional agreement on the proper marking of mass graves and detention locations where people were tortured and killed. If the commission is able to do these two things, it would be a significant contribution to establishing confidence between nations and to achieving reconciliation between nations living on the territory of the former Yugoslavia, as the ultimate goal of the Commission.

Statement: Miodrag Linta, Serbian Democratic Forum, Belgrade, Serbia, Coalition of Associations of Refugees, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

It is impossible to establish the causes of the war.

We have to understand that we have to live in this region together and that it is very important for future generations to know the truth – therefore we must establish the truth. It would be good, although I think it is impossible, to establish the causes of the armed conflict. That would take us to a completely different level which would be quite overwhelming for this commission.

Statement: Marinko Đurić, Association of Families of the Kid-

napped and Missing from Kosovo and Metohija, Belgrade, Serbia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

It is equally as important to work on establishing the facts about the victims from the most recent wars as it is to establish the facts concerning the Second World War.

I can't just say that the victims from World War II are not important and that no one should deal with them (...) However, it is in the best interest of all to try to establish as many facts from as many different periods as possible if we truly want to achieve reconciliation between the nations.

Statement: Vladica Cvetković, Association of War Veterans from the Wars of the 1990s from Svrlijig municipality, Serbia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

The mandate of the commission is to establish the facts, not to interpret them.

I am not so much interested in learning the truth, because I have my own truth, as I am interested in learning the facts. I want to know how many people were forcefully displaced, driven away from Lapac, Pakrac, Glina, Gvozd, and so on. I want to know those facts. I am only interested in facts. The mandate of the commission is to establish the facts and not to interpret them or give them a form (...) the job of this commission is simply to establish that on such and such day in such and such village that person was killed, driven away, raped, or suffered in any way that should not have happened.

Statement: Miroslav Varga, Croatian homeland defender from Osijek, Croatia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

The commission should have two members from each parliament – one from the ruling party or the ruling coalition and one member from opposition parties. War veterans should have their own sub-commission in RECOM.

(...) the commission must be regional, and without the political will and the political decision of all governments in the region it cannot be founded. That's why I think that politicians must have their place in it. I think it would be wise to (...) have two members from each parliament in the region as members of the commission – one from the ruling party or ruling coalition and one from opposition

parties. A separate sub-commission should be formed for war veterans, because they deserve to be able to share their opinion, their understanding of the war events, and to be able to testify. Some people are refusing to tell their stories now but, one day, when somebody dies, they may be willing to say what they know because the fear will be gone.

Statement: Miroslav Varga, Croatian homeland defender from Osijek, Croatia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

It is important to make public all established facts in order to avoid various interpretations of events.

The most important task of the commission is to organize public hearings for victims and to make public all established facts in any way they can, on the Internet, in libraries, in book stores, anywhere where those who want to learn the truth can find it easily. Then we will be able to avoid all these terrible situations when everybody is blaming everybody else and giving their interpretation of the truth.

Statement: Miroslav Varga, Croatian homeland defender from Osijek, Croatia, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

War veterans should name those responsible for war crimes.

(...) I think that the role of war veterans in this process (...) and I am sure that (...) we were in a position to see all kinds of things and we should not be afraid of anything, is to name those responsible for war crimes.

Statement: Radojica Bunčić, participant of the 1991-1995 war and a refugee from Croatia, Pakrac municipality, National Consultation with Veterans, Refugees, and Forcefully Displaced Persons on the Initiative for RECOM, Belgrade, Serbia, April 24, 2010.

93. Consultation with the local community on the RECOM Initiative

**Žepče, BiH
April 28, 2010**

The BiH Journalists' Association and the Croatian Association of former Detention Camp Inmates from Žepče, BiH, organized the consultation with

the local community. The gathering was attended by 37 representatives of victims (in particular former detention camp inmates), non-governmental organizations, politicians, representatives of the local, cantonal, and federal authorities, and journalists. Introductory speeches were given by Borka Rudić, Secretary of the BiH Journalists Association (Sarajevo, BiH), Sudbin Musić (Prijeđor '92 Association), also a member of the Coalition for RECOM.

Opinions, Suggestions, and Recommendations of the Participants

RECOM should not only help female victims of war, but it should also offer psychological and social help to men who were victims of war.

... there are many associations of female victims of war. Women to Women, Women Victims of War, and so on... Men are a lot less protected than women. We also need psychological and social help. We need all other forms of help, so to speak. I think that RECOM should include in its mandate ways to offer psychological and social help to male victims of war.

Statement: Muriz Arapović, Association of Former Detention Camp Inmates Vareš, BiH, Consultation with the local community on the RECOM Initiative, Žepče, BiH, April 28, 2010.

RECOM should help all victims, especially former detention camp inmates, exercise their right to obtain compensation for lost property and restore their social rights.

We would like to see that all victims are identified through the work of this commission, especially former detention camp inmates. No one is talking about our rights; there are no plans in place to help us rebuild our destroyed property. While I was being held prisoner, my entire property was destroyed! It has been ten years since I came back and I haven't received any money at all to rebuild my house or my other property.

Statement: Zahid Kremlić, Association of returning residents of Doboj municipality and member of the Association of Former Detention Camp Inmates of the Zenica-Doboj Canton, Doboj, BiH, Consultation with the local community on the RECOM Initiative, Žepče, BiH, April 28, 2010.

The Women's Strength Association from Zenica is experienced in dealing with female victims of war. That experience will be put at RECOM's disposal.

The main goal of the Women's Strength Association is to protect human rights... The goals of this commission that you presented to us today are completely identical to the goals we have outlined in our Statute and therefore we fully support the creation of the Regional Truth Commission. Many of our members are women who have been victims of abuse or women whose closest family members are still unaccounted for. We have had an opportunity to offer psychological and social support to women whose husbands have never been found, who have been left to themselves, without any support from society. So, we will take part actively in helping RECOM achieve its goals.

Statement: Sabiha Kurtić, president of the Women's Strength Association from Zenica, BiH, Consultation with the local community on the RECOM Initiative, Žepče, BiH, April 28, 2010.

The commission must come up with appropriate definitions of victims and former detention camp inmates. Media outlets must provide space for the presentation of victims' testimonies because nothing can be achieved without it.

First of all, it is necessary to define victims and former detention camp inmates, so that a distinction can be made between them... Can somebody be defined a victim if their family member died in a military operation as a soldier? Especially if that soldier was mobilized, fought, and died in combat (regardless of what army he was in)? Could his family be considered a family of a war crime victim?... I would like to ask the representatives of the many different associations present here today to try to separate a person's financial and social standing from the right to know the truth about someone's suffering, about whether or not someone is a victim. Let's not talk about whether that person is receiving or not receiving any help, whether or not that person is receiving or not receiving help from the government for being a registered victim. That will happen later, when the truth is established...

I am not afraid of what an investigation into war crimes will uncover... not at all... We should look back into the time when generations that went to war in 1991 were indoctrinated... it is important that the ideological premises that led to the war are identified because they poisoned, so to speak, indoctrinated young people... Media coverage of the issue of detention camps and war crimes is very important. Every activity of RECOM must be in the media, and RECOM will have to be accepted (I hope) by government institutions. There must be

someone who will say that nothing can be achieved without it. In seven days, which is the time window for public testimonies of victims, so that everyone can hear their stories (...) if those testimonies are not presented in the media, and if there is not enough pressure on the government, the whole thing will become boring for young people born after the war... with all due respect to journalists, it is necessary to find objective history teachers, psychologists, or first of all ethno-psychologists, who will be able to say that a mentality formed in this manner is able to render such and such acts (sic).

Statement: Idriz Alihodžić, assistant Chief of Staff of the Zavidovići Municipality, BiH, Consultation with the local community on the RECOM Initiative, Žepče, BiH, April 28, 2010.

RECOM is restoring the reputation and confidence in a life shared by different nations.

Why did I join RECOM? Simply because I realized that it has true potential that can help us restore good relations between nations and neighbors in this country of mine.

Statement: Zlatko Prkić, Presidency of the Croatian Association of former detention camp inmates in BiH, Vareš, BiH, Consultation with the local community on the RECOM Initiative, Žepče, BiH, April 28, 2010.

What should we do to help those who have suffered during the war and whose rights continue to be violated?

I would like to say something about RECOM and ask a question about it: What can we do to help those who suffered a lot during the war? The fact is that the current political elites haven't done much to help them. In fact, everyone suffered some pain during the war, some more, some less. I would just like to know if there is a way to form an association of former detention camp inmates from all ethnic groups, not just Croat, or Serb, or Bosniak – so that we can work together and tell everyone that we are not going to allow our human rights to be violated any longer.

Statement: Ruža Vlajković, Association of Women, Tešanj, BiH, Consultation with the local community on the RECOM Initiative, Žepče, BiH, April 28, 2010.

I am afraid that we will begin with good ideas and that over time we will get sidetracked and lost in undefined goals and expectations and that other problems and interests become visible, too.

I have some information about RECOM – some

organizations joining RECOM, some leaving it – I hear all sorts of accusations with respect to how business is being conducted – and all that makes me very cautious. As an organization, we will take our time before we decide if we want to join the initiative, although, I must say, on behalf of the organization I represent and in my own name, I personally recognize that this is a very good idea promoted by RECOM. I'm just afraid that we will start with a good idea and that over time, undefined goals and expectations will sidetrack us. In such a situation, petty interests and small problems will also become visible and the idea will be destroyed even before it is fully developed. We will discuss within our organization whether we want to join and how we want to participate and be active in everything that RECOM does.

Statement: Maksuma Topalović, Alternativa non-governmental organization, Kakanj, BiH, Consultation with the local community on the RECOM Initiative, Žepče, BiH, April 28, 2010.

State sponsored projects tasked with establishing the facts about war crimes are sluggish and ill-efficient. For that reason, former detention camp inmates from Zenica support the creation of RECOM.

There are eight associations active in the Alliance, and we have concluded, after the first consultation we attended, that the Coalition for RECOM might be an initiative that can help establish the facts about war crimes and other serious human rights violations... and we have agreed to join the Coalition for RECOM. That's the decision of the Board of Directors of the Alliance of Associations of Former Detention Camp Inmates of the Zenica-Doboj Canton. This Alliance includes victims of torture: soldiers, prisoners of war, civilians and detention camp inmates. They are victims of torture who have needs and who are still being overlooked by the law. And when it comes to establishing the facts about war crimes, it [the government] is very sluggish and inefficient when it comes to the facts concerning former detention camp inmates. One of the reasons is that the position of witnesses in war crimes trials is such that people who are victims and who are motivated to speak, either 'disappear' or they change their mind about testifying when they realize the way they are being treated by the government.

Statement: Šaban Ibraković, President of the Alliance of Associations of Former Detention Camp Inmates of the Zenica-Doboj Canton, Zenica, BiH, Consultation with the local community on the RECOM Initiative, Žepče, BiH, April 28, 2010.

94. National consultation with intellectuals on the RECOM Initiative

Priština, Kosovo
April 28, 2010

The first consultation with intellectuals in Kosovo was organized by the Humanitarian Law Center Kosovo. The gathering was attended by 19 participants and three observers from several international organizations: the OHCHR, the UNDP, and the Civil Rights Defenders. Introductory speeches were given by Veton Mujaj (Syri i Vizionit, Peć/Pejë) and Nataša Kandić (Humanitarian Law Center, Serbia). The discussion was moderated by Bekim Blakaj (Humanitarian Law Center, Kosovo).

Opinions, Suggestions, and Recommendations of the Participants

Victims want to see things happening. The Qysk case will help change the way people perceive the situation in Kosovo and it will also help RECOM.

Compensation isn't always about money for victims of war crimes. There are other forms of compensation... victims want to see that something is being done... that their neighbours who were involved in war crimes are brought to justice. I believe that is now happening in Kosovo and that there is an increased readiness for people to start an open dialog about what happened. That should also help RECOM.

Statement: Andratik Kelmendi, editor-in-chief, Koha Vision, Priština, Kosovo, National consultation with intellectuals on the RECOM Initiative, Priština, Kosovo, April 28, 2010.

The commission needs to talk with commanders of police units, commanders of military units, commanders of intelligence service units and so on...

...This commission should keep several things in mind: we have talked very little with victims' family members; we need to talk to people who were detained during and after the war; we need to talk with commanders of police and military unit; with commanders of intelligence service unit; commanders of paramilitary units and units of civil defence who were responsible for removing evidence of crime and victims' bodies from the scenes of crimes. It is neces-

sary to talk to war reporters and journalists, to talk with refugees and hostages, with those who simply followed orders from criminals who ordered them to remove the bodies and move them to various locations. It is necessary to talk to presidents of municipal assemblies who represented the civilian authority, to extremists and legal professionals who were active during or after the war. It is also necessary to establish the facts about secret detention locations, missing persons, and forced-labour camps.

Statement: Fuad Ramiqi, political analyst, Priština, National consultation with intellectuals on the RECOM Initiative, Priština, Kosovo, April 28, 2010.

As time goes on, it becomes obvious that it was a mistake to refuse the Serbian request to allow RECOM to grant amnesty to individuals convicted of war crimes.

During the dialog between the Albanians and the Serbs in the period 2006 – 2007 the question of amnesty was often mentioned. The Serbs requested it, but it was not a request for total amnesty, it was a request to group together those who had committed such acts. It probably referred to high-ranking individuals, who could give information about a particular case and be pardoned. However, that was not accepted ...Time has shown that it was a mistake to refuse that request. My main concern was to discover the location of mass graves. The up-to-date result is 1,862 bodies that we cannot identify and decide who they belong to. After four years it turns out that war crimes perpetrators have been pardoned and we still haven't found all of the mass graves.

Statement: Arsim Gërxhaliu, Missing Persons and Forensic Medicine Office, Priština, Kosovo, National consultation with intellectuals on the RECOM Initiative, Priština, Kosovo, April 28, 2010.

Investigation into the causes of the war does not have to be a direct task for the commission, but it can be implied as an obligation once the facts are collected. Something similar to the 'Russell Tribunal' could be a solution.

... If this commission should deal with ... those who initiated the war and who are morally responsible for it... I think that it does not have to be stated as a direct task of the commission, but it can be certainly implied as an obligation once the facts are collected and the truth is uncovered. Only then can other instances be examined. Maybe in an institution or, something like an ad hoc intellectual trial – something similar to the Russell Tri-

bunal for American soldiers who committed war crimes in Vietnam... That would help us prevent war crimes perpetrators from being perceived as national heroes.

Statement: Kujtim Paçaku, professor, Advisory Council for Ethnic Communities, Office of the President of Kosovo, Priština, Kosovo, National consultation with intellectuals on the RECOM Initiative, Priština, Kosovo, April 28, 2010.

There is a need to apply a wider approach than just defining what happened.

Building a museum for future generations where they can learn the facts about the war, a place which will help them remember the past... then, go to the sites, so that this process is not a disappointment for victims. We want to make sure that victims have their moral satisfaction – not that victims can be compensated. Therefore, I think that there is a need to approach this whole process on a wider platform than just providing a mere definition of what has happened.

Statement: Haki Abazi, Rockefeller Brothers Foundation, office in Priština, Kosovo, National consultation with intellectuals on the RECOM Initiative, Priština, Kosovo, April 28, 2010.

The mandate of RECOM should include a lot of issues but it largely depends on the financial power of the governments in the region.

... Participants in the consultation process believe that RECOM should also deal with deportations, violence, sex crimes, and other sorts of torture, forced disappearance, destruction and confiscation of property, hostage-taking, destruction of cultural and historical objects. However, it largely depends on the financial capability of the governments in the region to define the scope of RECOM's activity.

Statement: Veton Mujaj, Syri i Vizionit, Peć/Pejë, Kosovo, National consultation with intellectuals on the RECOM Initiative, Priština, Kosovo, April 28, 2010.

It is necessary to form sub-commissions. Each group of crimes should be tackled by a separate team of experts: deportations, mass destruction of property, missing persons...

Is there going to be a separate body, which will be a technical commission? This at the same time would need sub-commissions, too. What does that mean? It means that each group has its separate team of experts. If we talk about what has just been said: imprisonment, deportations, mass destruction of property, killings, missing persons... there are all

kinds of experts, which means it would be necessary to form working sub-commissions.

Statement: Arsim Gërxhaliu, Missing Persons and Forensic Medicine Office, Priština, Kosovo, National consultation with intellectuals on the RECOM Initiative, Priština, Kosovo, April 28, 2010.

RECOM should also conduct an investigation into the NATO bombing of the civilian population.

Definitely, it is necessary for RECOM to conduct investigation into crimes committed by NATO, when Roma settlements were bombed. And not only this example – there is also the Xerxe village bombing. How many people were killed – 120, I believe? So, the bombing of the civilian population by NATO should be on the list of RECOM's assignments.

Statement: Kujtim Paçaku, professor, Advisory Council for Ethnic Communities, Office of the President of Kosovo, Priština, Kosovo, National consultation with intellectuals on the RECOM Initiative, Priština, Kosovo, April 28, 2010.

It is necessary to produce a document on the mandate of the commission and submit it to the government so that we know what to expect.

One of the working groups of RECOM should create a document containing the results of the discussions and analyses on RECOM's mandate. That document should be submitted to the governments in the region so that they can make their own assessment on the acceptability of the parameters contained in the mandate of RECOM.

Statement: Mazlumi Baraliu, professor, University of Priština, National consultation with intellectuals on the RECOM Initiative, Priština, Kosovo, April 28, 2010.

We must establish a control system between the parliaments, civil society, and RECOM so that the commission does not become dysfunctional.

The independence of the commission is a prerogative for making a quality Final Report at the end of the mandate of this commission... (but) there is this bottleneck where the entire idea of RECOM can easily get deformed, distorted, so to speak, if the mandate is given to the government or to the parliament to elect members of the commission. They can choose their own representatives and create a dysfunctional commission... In our negotiations with the parliaments, we should insist on having a control system in place where civil society and

RECOM can always opt not to agree with a decision reached by the parliament. So, we must introduce some kind of a 'checks and balances system' in the decision making process because it is the most sensitive part of the work of the commission.

Statement: Shkelzen Maliqi, director, Gani Bobi Institute, Priština, Kosovo, National consultation with intellectuals on the RECOM Initiative, Priština, Kosovo, April 28, 2010.

The issue of material damages should be rephrased in the Statute. The Association of Historians in Kosovo could be an important partner for RECOM.

For me personally, the sentence: "Confiscation and large scale property destruction..." does not mean anything. It does not qualify or define anything. Maybe it should be rephrased to mean something more than just material damage because material damage occurred in all countries, where the armed conflict broke out. Also, it is necessary to make a distinction between a murder and a massacre, because for us historians it is very important to differentiate between the two. A massacre is not just any murder. I think it is important to know that the Association of Historians in Kosovo can be a significant partner organization for RECOM and help a great deal in the fact-collecting process... It is necessary to make a register of lost property in every village and town, along with numerous other facts that can be made public.

Statement: Frashër Demaj, historian, Historical Institute, Priština, Kosovo, National consultation with intellectuals on the RECOM Initiative, Priština, Kosovo, April 28, 2010.

The political climate in the region is favourable for the creation of RECOM because it is evident that the normalization of relations between states is underway.

... It is necessary to connect specific organizations which may be able to act together at a local, micro level and initiate something and reach an agreement concerning missing persons. The issue of reparations is completely different... it is certainly important to create some other institutional solutions for the reparations issue. The political climate in the region is favourable for the creation of RECOM, because it is evident that the normalization of relations between states is underway.

Statement: Filip Pavlović, director, Fractal, Belgrade, Serbia, National consultation with intellectuals on the RECOM Initiative, Priština, Kosovo, April 28, 2010.

95. Consultation with the Local Community on the Initiative for RECOM

**Sombor, Serbia
May 8, 2010**

A consultation with the local community on the Initiative for RECOM was held in the City Assembly of the town of Sombor on May 8, 2010 and was organized by the Open Lyceum, a non-governmental organization from Sombor. The consultation was opened by Gojko Mišković from Open Lyceum, Sombor, and it was attended by 25 participants. Zsuzsanna Szerencses, a journalist from Novi Sad, shared her thoughts on the topic of "Why RECOM," while Sandra Orlović, from the Humanitarian Law Center in Serbia, presented an update on the course of the consultation process on the RECOM model and also moderated a separate discussion on the RECOM model.

Comments and Suggestions to the Draft RECOM Statute

Like an airplane black box, RECOM should be able to tell us the truth.

The reason authorities are searching for black boxes after plane crashes is that they can give very specific facts about what happened and how exactly it happened – they make it possible to create a whole picture of the event. To me personally, this idea of creating RECOM is extremely important and valuable because it is a huge black box that can finally tell us what really happened.

Statement: Zsuzsanna Szerencses, Radio Free Europe, Novi Sad, Serbia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

RECOM should only deal with the facts about the wars, and it should not explore causes of the wars because that would result in the relativization of the entire process.

It is very important for the future mandate of RECOM to decide whether it will only deal with the facts or if it will also try to establish the cause of the wars. I think, and I don't want to anticipate your position on this, that RECOM should exclusively deal with the facts about recent wars, in those ten bloody years, because I am afraid that a debate on the causes would sidetrack the entire process and

open a wide spectrum of political manipulations. At the same time, the debate on the causes may easily take us as far back into the past as World War II, the Battle of Kosovo, all the way back to the amoebas. Ultimately, that would result in the relativization of the entire project.

Statement: Dinko Gruhonjić, Independent Association of Journalists of Vojvodina, Serbia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

I agree with the option proposed by Dinko Gruhonjić – that the commission should only deal with the facts about the armed conflicts. When it comes to determining a historical context, I think that the commission itself should choose a moment in history relevant for all of the subsequent events, but I don't think that the commission should focus on the very distant past. I really think that's not necessary and it would, and this is probably an understatement, lead to further complications.

Statement: Olivera Radovanović, The Green Network of Vojvodina, Serbia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

Members of the commission should be elected by an international arbiter.

If you expect to find strong, non-party individuals, independent from the policies of the states who nominate them, I think that's mission impossible. How do you think that can be done? I don't know a single person in Croatia who can function like that. After dwelling on it for hours, I think I can only come up with two, maybe three names, if that much. That is going to be an insurmountable hurdle. Maybe we should apply the Bosnian model, which did not prove quite successful, to be honest, something like an international arbiter, high representative, who would try to reconcile the differences which will inevitably occur in the interpretation of the position of our societies with respect to war crimes.

Statement: Jaroslav Pecnik, Evangelistic Faculty of Theology, Osijek, Croatia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

We must make our position with respect to each armed conflict very clear – do we consider it to be a civil war or an aggression?

The problem for RECOM is that it has to be determined for each and every armed conflict if it was a civil war or an aggression. We must reach an agreement on that because that position will help

us define the victims. Of course, for those who died during a particular armed conflict, it makes no difference at all, but the rest of us should definitely know how we perceive those conflicts. I am in favour of a compromise solution – it was at the same time a civil war and an act of aggression, because whether we want to acknowledge it or not, there were elements of both in the wars waged on the territory of the former Yugoslavia.

Statement: Jaroslav Pecnik, Evangelistic Faculty of Theology, Osijek, Croatia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

It is important to create lists of the killed, forcefully displaced, raped, and the victims of all other kinds of crimes.

I would like to clarify that the main assignment of RECOM is to create a database, a list of victims, and that list can be used by prosecutors to initiate war crimes trials if they are willing to do so. The list of victims is important because it can help us establish the exact number of those killed, forcefully displaced, raped, and the victims of all other crimes. It is important to know these numbers because we don't want another Jasenovac-like situation where we don't know if there are 700,000, 70,000, or 7,000 victims. It is important for our children to know these numbers.

Statement: Ivan Prišing, Ravangrad, Sombor, Serbia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

The task of the commission is to make sure the results of its work make their way into history textbooks in the region.

When President Tadić and President Josipović met recently, President Tadić said that we don't have a single history textbook that is used in these two states. So, I think that this commission should definitely make an effort to ensure that the results of its work are included in history textbooks in all post-Yugoslav states.

Statement: Ivan Prišing, Ravangrad, Sombor, Serbia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

It is important to include forcefully mobilized citizens in the register of victims of human rights abuses.

I would like to add one more human rights violation to the above list of human rights abuses. It is forced mobilization and this was the reason we

organized this consultation in Sombor today.

Statement: Olivera Radovanović, The Green Network of Vojvodina, Serbia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

I fully agree with this initiative to include forced mobilization in the list of human rights abuses in these wars, and it should be analysed regardless of the side that did it, the Yugoslav National Army, Croatia, Bosnia and Herzegovina, and so on.

Statement: Zlatko Romić, correspondent for Dnevnik, Subotica, Serbia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

The Coalition for RECOM should propose its own members.

Some members of the commission should be from organizations that founded RECOM or maybe even RECOM should nominate, after reaching a consensus, a certain number of candidates they see fit for the job.

Statement: Olivera Radovanović, The Green Network of Vojvodina, Serbia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

There must be a consensus for the election of RECOM commissaries.

Maybe the states in the region should reach a consensus on the election of RECOM candidates from each of the states, so that when Serbia nominates its candidates, they are approved by all other states in the region by a consensus.

Statement: Duško Medić, Green Network of Vojvodina, Novi Sad, Serbia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

The responsibility of journalists should be carefully analysed.

I don't know how, but I think it would be a good idea to analyse the role of journalists in this whole context because their reporting has probably generated many crimes we will hear about in the future.

Statement: Zlatko Romić, correspondent for Dnevnik, Subotica, Serbia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

Exploring the context of the wars can be an attempt to find ways to justify crimes.

I am sure that we don't need in-depth analyses of the historical context of the events of the 1990s because I believe that the only reason we want to do that is to find ways to justify war crimes committed

in that period. I think that we must not justify crimes; on the contrary, we should just establish the facts and find evidence relevant for the crimes committed on our behalf. Such material will in reality become an encyclopaedia of truth which should serve to younger generations and help them avoid things like this in the future.

Statement: Miodrag Tasovac, Social Services Center, Sombor, Serbia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

Shedding light on the historical context of the events of the 1990s is an overwhelming task.

So, if we are talking about phase two, or whatever you call it, I think that explaining the historical context of these events is an overwhelming task.

Statement: Zsuzsanna Szerencses, Radio Free Europe, Novi Sad, Serbia, Consultation with the Local Community on the Initiative for RECOM, Sombor, Serbia, May 8, 2010.

96. National Consultation with educators on the RECOM Initiative

May 28, 2010
Pristina, Kosovo

A national consultation with representatives of the education system in Kosovo was organized in Pristina by the Humanitarian Law Center Kosovo. The consultation was attended by 33 participants: high school professors, missing persons' family members, and representatives of non-governmental organizations from Kosovo and the participants discussed the RECOM Initiative. The introductory speech was given by Nora Ahmetaj (CRDP, Kosovo) and Ilber Maxhumi (Youth Step, Vučitrn/Vushtrri, Kosovo). The discussion was moderated by Nora Ahmetaj.

Opinions, Suggestions, and Recommendations of the Participants

If this initiative fails to push the government into action, our effort will be wasted.

This initiative will be a tremendous success if the commission is formed at a regional level. However, if it fails to push the government into action, all our efforts will be wasted. I was an eye witness to a massacre of 96 persons in the village of Kraljane. Most

of the victims of this massacre were residents of Klina. None of the courts in the region, the municipality or the district court have raised an indictment, a collective or an individual indictment, against the perpetrators of this crime.

Statement: Ilmi Morina, philosophy professor, Klina/Klinë, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

Members of the commission who represent Kosovo must be dignified and serious persons.

I salute this initiative and I believe that its basic intentions are good... I am a little sceptical however, about whether it will achieve those goals because of the nature of civil society in Kosovo. ...those who represent Kosovo in activities concerning humanitarian law issues and those who are tasked with defending the truth about the victims... must be dignified, serious professionals. It is obvious that the awareness level of the people here with respect to indictments is really low. I don't understand why families who lost their loved ones and who lost their property hesitate to raise their voice and urge the authorities to raise indictments when they find out who massacred their loved ones.

Statement: Ymer Tifeku, philosophy and sociology professor, Uroševac/Ferizaj, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

People from Podujevo should be included in the commission as representatives from Kosovo because there are many residents of Podujevo still missing.

I think this initiative is a good idea and I think that the creation of such a commission is very important, especially if its members are individuals with a range of professional backgrounds, well versed with the situation in the Balkans... I want to know that individuals representing me are intellectuals and I want to know what is their area of expertise. Also, the commission should at all times have members from the town of Podujevo because residents of Podujevo are still missing. What happened in Podujevo was genocide in the Balkans.

Statement: Nexhmi Ganiu, history professor, Podujevo/Podujevë, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

I cannot forgive.

...if it comes to me meeting the enemy face to face – I don't think I would be able to do that. Also, I don't think I would be able to forgive. If the people

of Kosovo want to forgive them, if the government wants to forgive them, let them do that, but I personally cannot do that...

Statement: Sehare Krasniqi, high school professor, Suva Reka/Suharekë, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

Prior to the creation of RECOM, we need to form a state commission for genocide in Kosovo and only then should we consider joining RECOM.

How will Kosovo benefit from the work of such a commission? That question requires careful consideration because it is important to know what we can gain from all of this. I think we need to form a state commission to investigate the genocide committed in Kosovo... a commission of experts from this area, and then consider joining a commission that includes Serbia... The truth is finding its way out somehow... and I am afraid that the responsibility of this commission and the decision makers... I am afraid that the end result will not be in the best interest of Kosovo... I would be happy to see an autonomous commission formed in Kosovo before joining any other commission. Specifically, as an individual I am not ready to sign the Admission Statement.

Statement: Vehbi Sadiku, Albanian language and literature professor, Obilić/Obiliq, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

Members of the government don't have time for RECOM. They only have time for bids and money-making enterprises.

I am a former political prisoner. I was arrested on January 31, 1997 and yes, true, I am one of the survivors of the Dubrava prison... If you keep this effort up, if you secure the support of the governments, you will form this commission, but I can tell you right away it is all going to be in vain. Members of the government are too busy making lucrative deals for themselves to be able to deal with this issue.

Statement: Selim Lokaj, history professor, Dečani/Deçane, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

I would like to ask you to make sure that the commission is objective and not run on emotions.

I would like to salute this initiative and I want it to be successful in its efforts to form this commission and I hope that the commission will be professio-

nal. It is a little easier today because it is clear that here in Kosovo we had a war, not a conflict. I would like to ask you all once again, to make sure that the Commission is objective and that those working in the commission are able to put their emotions aside because in the science of history it is important to present accurate facts... It is clear that the documentation exists; it is in the archives and the question before us is how to open those archives, especially the ones concerning torture.

Statement: Shëfëqet Dinaj, history professor, Đakovica/Gjakovë, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

It is necessary to collect and bring together all of the data ever gathered in Kosovo.

I believe that it is a very noble goal to discover not only the political and historical truth but the facts as well. It is important to establish the facts concerning the number of the killed, dead, and missing, and those whose human rights were violated because it will all secure a better future. We need to think of future generations. Naturally, they will be willing to research various areas: history, sociology, psychology, literature, and arts that will dramatize it all. It is necessary to channel it and systemize it all. In the beginning it will be necessary to collect all information and take into consideration the fact that other people in the past have tried to do this. The KMLDNJ used to publish all available information, the Red Cross had a professional approach and their task was to conduct research, find, analyse, classify and systemize the data collected. I believe that our governments will agree to form this commission.

Statement: Sahit Berihsa, history professor, Priština/Priştinë, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

Putting victims at the centre of our attention is a new approach and the concept deserves our support. It is necessary to bring different nations together, face-to-face.

In my opinion this initiative is very good, because I think it is a new approach to put victims at the centre of our attention... Our victims were victims only because of the fact that they were Albanians. If the commission is formed, it would be a good idea to bring representatives of Kosovo together with the representatives of Serbia, representatives of Bosnia and Herzegovina and other states, so that those who became victims solely because they wanted

to defend their truth... I think that members of the commission should be individuals of strong character; intellectuals upholding high moral values.

Statement: Zenun Bujupaj, philosophy and sociology professor, Istok/Istog, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

The commission should be multi-dimensional. It should include anthropologists, physicians, sociologists, and so on, in order to be able to offer a comprehensive approach to the issue of dealing with the facts.

We are the victims of freedom. For that reason, I kindly ask you to make sure that the commission includes anthropologists, physicians, sociologists, and other professions necessary to secure a comprehensive approach to the issue of dealing with the facts.

Statement: Murat Gashi, sociology professor, Glogovac/Gllgoc, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

We should be very careful in determining the number of members of the commission from Kosovo, because that number should be proportional to the number of victims.

A possible problem we have identified here is the issue of determining the number of members of the commission from Kosovo. We think that an additional effort will be required to exert pressure on the governments and the parliaments to make the right choice, without the interference of political influences and motives. Another thing that is an obvious possibility in this commission is that the Albanians, the Bosniaks, and the Croats can point a finger at the Serbs and designate them as the cause of this tragedy. There are going to be a number of international observers and I believe that they will be able to pressure Serbia into disclosing the facts. Now, what criteria and rules will be applied in the selection of commission members? If the number of members is going to be proportional to the number of victims, I know that Kosovo had fewer victims and consequently it should have fewer members. For that reason, it is necessary to consider this issue very carefully.

Statement: Šefik Kastrati, sociology professor, Kamenica/Kamenicë, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

Kosovo will benefit directly from RECOM because there are 1,680 missing persons in Kosovo.

It is not important how many members of the commission Kosovo will have. It is important that those elected are able to represent Kosovo in an adequate, dignified way... It is important that Kosovo will benefit from this project because of the 1,680 missing persons. It is necessary to continue exerting pressure not only on our government but on the international community as well.

Statement: Hysni Raci, history professor, Klinë/Klinë, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

It is necessary and important that our governments cooperate with the European Union and keep pressuring the governments of the states that are hiding the facts about war crimes.

We are 11 years late and it is obvious that we need a commission like this. And it definitely needs to include members with a range of professional backgrounds, professors, historians, sociologists, philosophers and others... I am sure a set of criteria is in place for the selection of members for this commission. If formed, I expect that this commission will be important because we have reason to believe that some very important testimonies given to UNMIK are gone. For that reason I think that this commission is going to be indispensable. It is important to establish all the important criteria for the creation of the commission, for the collection of the facts and evidence, and then, what is most important is that we have living witnesses. It is necessary that the states formed on the territory of the former Yugoslavia cooperate with each other but also with the EU. It is also important for them to act together in pressuring those states that hide evidence.

Statement: Beslim Krasniqi, sociology professor, Priština/Priştinë, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

Private property issues should be included in RECOM's mandate.

Here in Kosovo we have serious problems with private property. That is a question for the law makers. The Ministry of Justice should deal with this issue and you should deal with the crimes committed in Kosovo by Serbia continuously. [But although] property is an institutional issue, and other people should deal with this question, they are afraid to face it, [so RECOM should take it on].

Statement: Nexhimi Ganiu, history professor, Podujevo/Podujevë, Kosovo, National consultation with educators on the RECOM Initiative, May 28, 2010, Priština, Kosovo.

97. National Consultation with Representatives of Religious Communities on the Establishment of RECOM

**Belgrade, Serbia
June 16, 2010**

A National Consultation with leading representatives of religious communities on the Initiative for the Creation of a Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia in the period 1991-2001 (RECOM) was organized by the Humanitarian Law Center (HLC) and the City of Belgrade's Agency for Cooperation with Non-governmental Organizations and European Harmonization (the Agency) on June 16, 2010. The Initiative supports the Creation of a Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia in the period from 1991-2001 (RECOM). The consultation was held in the large conference room of the Belgrade City Hall. The gathering was opened by Danko Runić, director of the Agency, and the discussion was moderated by Milanka Šaponja-Hadžić. Introductory remarks were made by Rabbi Yitshak Asiel, representing the Jewish community in Serbia, and Drago Pilsel, a theologian and journalist from Zagreb. Dejan Kožul (Humanitarian Law Center) explained why the creation of RECOM is important and Nataša Kandić (Humanitarian Law Center) spoke about the ongoing debate on the Initiative for RECOM. During the consultation 20 participants joined the Coalition for RECOM. Radio Television of Serbia (RTS) broadcast a detailed report about the event in its Daily News II program.

Opinions and Suggestions of the Participants:

The Initiative for RECOM is beyond daily politics.

(...) we should all support such an initiative because deep down this initiative is a religious issue. This is way beyond daily politics, this is a matter of justice and an attempt to seek justice with justice.

Statement: Rabbi Yitshak Asiel, Jewish community in Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

Victims need to be given an opportunity to speak. That is going to be a healing and awakening moment for all.

(...) victims from different ethnic groups are rarely in a situation to communicate between themselves. They usually remain entrenched in their communities while those who trigger wars have no trouble communicating very often and very freely. Therefore, at this moment, I think the time has come for all of us to be able to speak openly and offer an opportunity for victims to speak. I think that will be a healing and awakening moment for all of us.

Statement: Rabbi Isak Asiel, Jewish community in Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

RECOM can only be successful if religious communities are included in the process.

RECOM can only be successful if religious communities are included in the entire process. After a very successful consultation we held in Croatia, I am under the impression that the two largest Christian communities on the territory of the former Yugoslavia – the Serbian Orthodox Church and the Catholic Church, are not able to use all that peace-bringing potential, all the capacity, all the memories they share, and while embracing the Islamic community, the Jewish community, and all other religious communities in the region, they should follow their own path rather than following in the footsteps of the politicians.

Statement: Drago Pilsel, a theologian and journalist, member of the Coalition for RECOM from Croatia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

The Initiative for RECOM takes us back to the path of mutual respect and benevolence.

This Initiative may take us back to a space where we can go back and restore the true paths, the paths of mutual respect and benevolence.

Statement: Muhamed Jusufspahić, the Islamic Community of Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

Victims cannot be separated by their religious

orientation, the cause of suffering, or by their nationality.

In reality, no Abrahamic religion, be it Judaism, Islam, or Christianity, can really make a distinction between victims base on their nationality, their religion, the cause of their suffering or the way of their suffering.

Statement: Drago Pilsel, a theologian and journalist, member of the Coalition for RECOM from Croatia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

The priority of our work should be researching and healing the causes of suffering of the people.

Repentance, reconciliation, forgiveness – those are the premises of faith. Then, another thing that's very important is an effort, and that's where we need to cooperate, to investigate the reasons that lead to the suffering of this magnitude and the loss of life of so many members of these large religious communities which resulted, as Mr. Drago so clearly explained, in a reticent, rather than an unfriendly relationship between the two Churches. We should definitely concentrate on healing the causes.

Statement: Monsignor Andrija Kopilović, pro-rector of the Institute of Theology and Catechism of the Catholic Diocese of Subotica, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

Each religious community should select examples of war crimes committed by members of their own community and condemn them.

I think that, in addition to the general principle of the condemnation of crime, calls for peace, reconciliation, etc, each religious community should make a selection of war crimes or human rights violations committed by members of that community, including those committed by its religious leaders, or examples of the lack of condemnation of such crimes and strongly condemn them, and juxtapose them against opposite examples coming from a different religious community.

Statement: Milan Sitarski, Belgrade Open School, Belgrade, Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

The key issue is to research the causes, without interrupting the time period RECOM will be investigating.

I think one of the key issues is to look for causes, heal the causes, and by the nature of things... the causes

precede the consequences, they precede the manifestations of the consequences, so that I am convinced that we are risking a lot by interrupting or shortening the time period RECOM will be mandated to investigate rather than make it longer.

Statement: Milan Sitarski, Belgrade Open School, Belgrade, Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

I think that it was a good idea for the Catholic Church - I know they did it and I hope they are still doing it – in addition to opening a dialogue with other religious communities, to open a dialogue with atheists, too, to include representatives of various non-believers groups and schools into the war crimes discourse, and to include the crimes committed by members of those groups into the investigation.

Statement: Milan Sitarski, Belgrade Open School, Belgrade, Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

Religious media outlets must report impartially about the crimes committed by members of both Serbian and Croatian religious communities.

It would only be fair for the “Glas Koncila” to report on the victims of the Medak Pocket Operation along with reporting on the victims from Vukovar, Ovčara, Almaš, Erdut, Škabrnja, Nadin, or any other location during the aggression on the Republic of Croatia. If we decided to accept a unified concept of a victim, we should report about all crimes, including the crime committed by Croatia soldiers who impaled a 93 year old Serbian woman in the Medak Pocket area in September 1993 not far from Gospić. That is something we need to achieve, that sort of information exchange.

Statement: Drago Pilsel, a theologian and journalist, member of the Coalition for RECOM from Croatia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

Web sites of different religious communities should be linked with RECOM's web site.

My dear friends, it does not cost you anything to create links between the websites of different religious communities with the web site of RECOM so that people can contact you regardless of their religious background. That should be the first step. Open your web sites to a broader public, make the stories of the victims heard.

Statement: Drago Pilsel, a theologian and journalist, member of the Coalition for RECOM from Croatia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

Churches should organize mass prayers for victims in support of the Initiative for RECOM

The support to your Initiative should be mass prayers for victims organized for all members of Abrahamic religions. I think that Jakov Fajfer should be the first to organize such a prayer. I would really like to see such mass prayers happen.

Statement: Marijana Ajznekol, Inter-Religious Center, Belgrade, Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

War crimes are not subject to the statute of limitations.

I believe that we should adopt a principle that exists in international law with respect to war crimes and to crimes generally – that war crimes are not subject to the statute of limitations at least to the point where they can be proved and the crimes committed in the 20th century are possible to prove. Although there are no witnesses, there are archives and even photographs. The genocide committed against the Armenian people is a very good example for that.

Statement: Vukašin Miličević, Serbian Orthodox Church, Belgrade, Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

Apart from the facts about the war crimes, it is important to understand the context in which the crimes were committed.

So, if we deal with the context, too, and not only with the statistics, it is a blessed thing – we will have the facts which will help us draw conclusions. On the other hand, if we deal with the context, as important as it is, it is too complex.

Statement: Vukašin Miličević, Serbian Orthodox Church, Belgrade, Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010).

It is imperative to include the academic community from our religious denominations.

I believe that members of the academic community from our religious groups should be included in this process for the sake of improved efficiency. It is very important to identify individuals personally

motivated to seriously approach this issue within their religious circles. Those members of our churches who are motivated for this kind of engagement and who are at the same time professionally active and successful, can help raise the whole process to a higher level.

Statement: Vukašin Milićević, Serbian Orthodox Church, Belgrade, Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

Religious communities should preach forgiving and forgetting.

(...) it would be good if all religious communities, all Christian and non-Christian denominations, preach forgiving and forgetting.

Statement: Dr. Roman Miz, priest, Greek-Catholic Church, Novi Sad, Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

Churches should support the creation of the register of facts about the victims because it is therapeutic and it is a way to accept the victims as a part of ourselves.

In order for the religious communities to support the register of facts about the victims, it is necessary to secure the cooperation of the media. As much as it is a bitter experience, it is at the same time very therapeutic. Knowing that the victims are both yours and ours, developing a feeling for them as someone's brother or ancestor, will help us take them in as a part of us.

Statement: Monsignor Andrija Kopilović, pro-rector of the Institute of Theology and Catechism of the Catholic Diocese of Subotica, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

The reconciliation process should naturally follow from the known facts.

(...) what must come out of all the facts which we will find out in due course is the challenge or a task of the reconciliation process.

Statement: Monsignor Andrija Kopilović, pro-rector of the Institute of Theology and Catechism of the Catholic Diocese of Subotica, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

It is not important to secure the participation of top-ranking religious leaders.

If we are trying to mobilize the top-ranking religious

leaders for this job, we are not going to get very far. Why? Because this job calls for workers, those who are motivated and willing to put in their time and effort for a job like this. They are the ones who will give a real contribution on behalf of their religious community to this project.

Statement: Monsignor Andrija Kopilović, pro-rector of the Institute of Theology and Catechism of the Catholic Diocese of Subotica, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

Victims' testimonies should also include the time preceding the conflict for a better understanding of the time they lived in before the war.

When it comes to the testimonies of the victims, I think it is important that they also testify about the time before war operations in their area, so that it can be understood what kind of society, what kind of context they lived in. We don't want to jump right to the time of the armed conflict. Why is it important? It is important because we need to understand how we got into that situation in the first place.

Statement: Rabbi Yitshak Asiel, Jewish community in Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

Political theology should analyse the causes, the consequences, and the possibility of reconciliation.

In support of your initiative, we, the theologians, should come up with another initiative at a interdisciplinary, theological level, which, would analyse the causes and the consequences along with the possibility of reconciliation.

Statement: Drago Pilsel, a theologian and journalist, member of the Coalition for RECOM from Croatia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

One of the main sources of facts should be the voice of the victims.

We think that in addition to court-established facts, the next main source of facts should be the voice of victims, their public testimonials because that is the only way that can secure the recognition for the entire process in the region – as some of you said, it is important for Belgrade to hear what happened in Vukovar, it is important in Zagreb to know what happened in Knin and in Varivode, but it needs to be told by the actual victims, those who lived those

facts. There are still many victims waiting to tell their stories and that's why we must not wait. We will regret bitterly if we wait and 20 years later realize that we should have done it by all means.

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

RECOM must become a movement, not only a truth commission.

All web sites, all religious media must turn to themselves and write about their problems, and about the problems of other nations. We must help RECOM. RECOM must become a movement and not only a commission. RECOM must have its own people in all institutions of our societies, in all religious communities, in all places where important things take place, and the most important things happen in mosques, in churches, in religious communities, during religious services...

Statement: Miralem Hodžić, the Islamic Community of Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

Someone has to make the first step and start accepting responsibilities for the evil of the past.

So, each religious community, not only the Islamic community of Bosnia and Herzegovina, so each and every religious community will always find an alibi or will declare its right to say that the time is not right for them to take that first step. So, my dear ladies and gentlemen, someone has to start acknowledging all the misdeeds that we committed in the name of I don't know what. Without that first step, we will remain at the level of exchanging polite phrases, we will invoke Pavle, Kuharić, John Paul the Second, but that is not a step towards our reconciliation.

Statement: Drago Pilsel, a theologian and journalist, member of the Coalition for RECOM from Croatia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

We need to believe in the morality of religious communities.

If we continue believing that the moral in the religious circles has declined, that only the incompetent are sitting in our religious communities and institutions, we can't get on with this job.

Statement: Drago Pilsel, a theologian and journalist, member of

the Coalition for RECOM from Croatia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

It is necessary to create educational programs which can be applied in schools in order to raise awareness about the events of the past.

I would like to see that this program of yours, this initiative generates a program that can be applied in school system, in alternative educational programs for the young people who need to know the facts about what happened in the past. They must create their own picture of the environment in which they live, about the people they live with, and about the events of past... in my opinion, education and the media are the most important segments of this process.

Statement: Sergej Beuk, Center for interdisciplinary religious studies and political theology, the Faculty of Protestant Theology, Novi Sad, Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

Disregarding the events prior to 1991 may shed a cloud of doubt on the objectivity of the approach to the crimes committed in the period following 1991.

I think that if we don't investigate the crimes committed before 1991, the detention camps, the mass graves, and the missing persons from the period before 1991, this initiative may be considered ideologically limited.

Statement: Milan Sitarski, Belgrade Open School, Belgrade, Serbia, National Consultation with Representatives of Religious Communities on the Establishment of RECOM, Belgrade, Serbia, June 16, 2010.

98. Regional Consultation with Civil Society Organizations on the Initiative for RECOM

**Skopje, FYR of Macedonia
July 3, 2010**

A regional consultation with civil society organizations on the Initiative for RECOM (Regional Commission Tasked with Establishing and Publicly Declaring the Facts about War Crimes and other Serious Human Rights Violations in the former Yugoslavia) was organized by the Humanitarian Law Center - Kosovo in Skopje on July 3, 2010. The consultation was attended by 56 participants,

mostly from Macedonia, and was moderated by Veton Surroi (Syri i Vizionit, Kosovo). TV Kanal 5, EURM, Kanal 77, A1 TV, Alsat TV, TELMA TV, and Alb TV all reported on the consultation.

Suggestions and Opinions of Participants:

One of the main issues the regional commission should be focused on is to provide satisfaction for the families of the missing. Sub-committees should be formed in each RECOM member state.

I think that one of the main issues the commission should focus on is the satisfaction of missing persons' family members. In Macedonia we are still dealing with a number of citizens listed as missing, and, if you haven't planned to do so, I think that for this reason it would be a good idea to form sub-committees in all of the member states of the regional commission.

Statement: Raim Limani, Skopje, Macedonia, Association of War Veterans of the National Liberation Army, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

If this initiative is successful, it can inspire many other conflict areas around the world to do something similar.

(...) it is common knowledge that nothing very trendy and popular ever comes from the Balkans... This initiative, not only that it is so morally important and that it is the only possible factual, historical, and legal opportunity to help victims, is also something very modern, and if it turns out to be successful, it can inspire many other conflict areas around the world to do something similar.

Statement: Lazar Stojanović, Humanitarian Law Center, Belgrade, Serbia, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

Establishing the facts narrows the space for manipulation, lies, and exaggeration or minimization of the number of victims.

Establishing the facts is important for making the already established lies lose their credibility, and for helping societies reach a shared understanding on what happened in those conflict years. That will also help narrow the space for manipulation, exaggeration, or minimization of the number of victims of specific war crimes.

Statement: Marko Veličković, Center for the Development of Civil Resources, Belgrade, Serbia, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

Family members of war veterans are also victims because of the trauma they suffered.

War veterans are victims, but so are our families. They belong to a category of invisible victims who have been seriously traumatized. Each family member of each war veteran is traumatized.

Statement: Nikola Grkov, Association of Army Veterans, Kavadarci, Macedonia, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

We must advocate for the creation of a regional commission dealing with establishing the number of persons suffering from post-traumatic stress syndrome, who committed suicide, or who were killed by individuals suffering from post-traumatic stress syndrome.

I have written a lot about post-traumatic stress, known also as Vietnam Syndrome (...) I think we must advocate for the creation of a regional commission dealing with establishing the number of persons suffering from this post-traumatic stress syndrome, who committed suicide, or who were killed by individuals suffering from post-traumatic stress syndrome.

Statement: Nikola Grkov, Association of Army Veterans, Kavadarci, Macedonia, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

Macedonian people have their truth about the events of 2001 and Albanians have theirs.

Macedonians have their truth about the events from 2001 and Albanians have theirs, which is burdened by prejudices and marked by stereotypes. They really discuss this topic. All discussion concerning the events of 2001, all attempts to overcome the consequences, to determine what kind of treatment the victims should be given – we have put all that into the hands of politicians and to political will, the governments and coalition partners. They need to agree on how to adopt a law on homeland defenders, and they need to decide if a law on members of the Kosovo Liberation Army is going to be adopted.

Statement: Frusina Remenski, Faculty of National Security, Skopje, Macedonia, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

Macedonia needs the Initiative for RECOM.

There is no doubt that the FYR of Macedonia needs an initiative like this, although the number of war crimes victims is disproportionate to the number of victims in other former Yugoslav republics. I think that we need an initiative like this to help us find the answers to some of the burning questions in Macedonia, to help overcome prejudices and ethnic barriers, and to help the two communities open up to each other.

Statement: Frusina Remenski, Faculty of National Security, Skopje, Macedonia, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

I am very optimistic about this process. I had an opportunity to meet with representatives of RECOM several times (...) for me, RECOM is very important (...) the regional approach promoted by RECOM can help us a great deal if we have an initiative that will deal with the war in Bosnia and Herzegovina, Croatia, Kosovo, armed conflicts of that magnitude.

Statement: Boro Kitanoski, Peace Action, Prilep, Macedonia, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

As much as it is really necessary, RECOM is also a way for the governments in the region to avoid accepting responsibility.

(...) there are many reasons why we should form this commission which will be active across the entire region of the former Yugoslavia. However, on the other hand, I am afraid that this commission will take the responsibility which should have been taken by the states, or by a state commission. How can we create RECOM, which is truly indispensable, without the involvement of the governments in the region, which will understand it as an opportunity to avoid accepting responsibility?

Statement: Thomas Kohls, Peace Action, Prilep, Macedonia, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

In order to make sure the governments in the region follow and implement RECOM's suggestions, this commission must be an official body.

(...) we are talking here all the time about forming a commission which will have four main characteristics, one of which is that the commission is

an official body (...) so that at the end of its mandate this regional commission can compile its final report and it will contain all of the established facts, as well as recommendations addressed to the governments who founded it (...) in terms of reparations, memorials, and so on, which at the same time makes the report the most credible source of information that can be used by educational institutions (...) But, at the same time, if we want the governments to have a real obligation with respect to those recommendations, they should be involved in the process. I think that the work of an unofficial commission would not put the governments in a position to fully cooperate with and implement the recommendations.

Statement: Marko Veličković, Center for the Development of Civil Resources, Belgrade, Serbia, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

We believe that reconciliation between Macedonians and Albanians is possible.

We believe that reconciliation between Macedonians and the Albanians is possible, and I think that this kind of activity can help overcome divisions and will make conclusions about what happened in 2001 so that future generations can learn from that.

Statement: Aco Jovanoski, Association of the Defenders of Macedonia, Skopje, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

Members of our current government are the same people who caused the conflict. They are hiding the truth about war crimes. RECOM must grow strong so that it can stand up to them, and the only way to do that is to attract as many people as possible in the Initiative for RECOM.

(...) over 50% of politicians on the territory of the former Yugoslavia are the same people who caused the conflict, and they are still in power. I am sure they are doing their best to cover up the truth about the war crimes. If RECOM does not grow very strong, it will not have the necessary mechanisms or the tools to stand up to that. The only tool RECOM can have is as many members as possible supporting this initiative.

Statement: Besim Hoda, Civic Movement EC, Gostivar, Macedonia, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

The European Union can force governments to find the missing.

(...) we need the strong support of the European Union, especially in terms of forcing the governments of all post-Yugoslav states to find the missing.

Statement: Armend Mazreku, Speak Up Movement, Priština/Prishtinë, Kosovo, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

The Initiative for RECOM is a noble idea.

(...) now I understand what it is that you want to achieve with this initiative and yes, I agree with this noble idea.

Statement: Oliver Bacanović, Faculty of National Security, Skopje, Macedonia, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

We need to initiate a change in the legal sanction system and make it compatible with RECOM.

(...) we need to look at it in terms of necessary changes that will happen in the implementation process. We need new laws, and in the area of criminal responsibility the old laws need to be changed so that the legal sanction system is changed (...) if it is established that somebody committed a criminal act his responsibility is individualized, and we need to identify the best way to delegate this responsibility towards judicial institutions, prosecutors' offices, police, and so on.

Statement: Milena Savić, CIPP, Zvornik, BiH, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

RECOM must use its recommendations to influence a change in the education system. Public hearings will lead to a collective empathy.

(...) the commission's responsibility is huge because it has to use its high quality, detailed recommendations to influence, first of all, a positive change in the area of education – the official education system which will be responsible for teaching future generations the difference between right and wrong. I think that public hearings of the commission will result in a collective empathy.

Statement: Ivan Novosel, Legalis, Zagreb, Croatia, Regional Consultation with Civil Society Organizations on the Initiative for RECOM, Skopje, FYR Macedonia, July 3, 2010.

99. National consultation with religious communities on the RECOM Initiative

**Prizren, Kosovo
July 29, 2010**

The consultation in Prizren was organized by the Humanitarian Law Center, Kosovo. The gathering was attended by 46 participants – representatives of the Islamic Community, the Catholic Church, the Serbian Orthodox Church, and the Protestant-Evangelical Church. The discussion was moderated by Bekim Blakaj (Humanitarian Law Center, Kosovo), and the introductory speeches were given by Veton Mujaj (Syri i Vizionit, Peć/Pejë, Kosovo), Nataša Kandić (Humanitarian Law Center, Belgrade, Serbia), and Ismail Hasani, religious sociologist from Priština/Prishtinë. At the beginning of the consultation Ruzhdi Rexha, vice president of the Prizren municipality greeted the participants and expressed his support for the RECOM Initiative. Six media outlets reported from the consultation: RTV Besa, TV Prizren, Koha Ditore, TV Kosova, Radio Kosova, and KTV.

Opinions, Suggestions, and Recommendations of the Participants

Representatives of religious communities must support victims instead of manipulating them.

...I call upon representatives of religious communities to take this last opportunity and show that in the Balkans, in this part of Europe, there are truly people who are willing and capable of... dealing with reality, with what happened here and not to manipulate the victims from the wars waged over the course of the 20th century, for their own interest on religious holidays, anniversaries and so on. We have to make it clear to the victims that we openly support them.

Statement: Ismail Hasani, religious sociologist from Priština/Prishtinë, Kosovo, National consultation with religious communities on the RECOM Initiative, Prizren, Kosovo, July 29, 2010.

There is a real need to hold public hearings. That is how we can learn the truth.

I support Mrs. Kandić's opinion on this and this initiative because there is a need to hold public hearings. People need to tell their stories and it will not take anything away from religious communities,

ethnic communities, or the people. On the contrary, we will be able to look at things from a different perspective, to deal with the situation, and to learn what the reality is.

Statement: Ramadan Shkodra, Presidency of the Islamic Community, Priština/Prishtinë, Kosovo, National Consultation with religious communities on the RECOM Initiative, Prizren, Kosovo, July 29, 2010.

The Initiative for RECOM is really very important.

On behalf of the Supreme Presidency of the Islamic Community, I would like to convey most sincere greetings from the esteemed mufti and the entire presidency of the Islamic Community along with their support for RECOM, which is truly an important initiative.

Statement: Fitim Flugaj, Presidency of the Islamic Community, Priština/Prishtinë, Kosovo, National consultation with religious communities on the RECOM Initiative, Prizren, Kosovo, July 29, 2010.

The RECOM Initiative can raise awareness and help our societies deal with our past.

I believe that the RECOM Initiative can help religious communities, the society, and everybody else raise awareness in our societies and help deal with the events from our past. The Bible says: "You will learn the truth which will set you free! The truth will set you free." No one should be afraid of the truth. Really, only lies should be afraid of the truth... We don't only want to support the Initiative, we want to become one of its active parts.

Statement: Artur Krasniqi, President of the Protestant-Evangelistic Church of Kosovo, Priština/Prishtinë, Kosovo, National consultation with religious communities on the RECOM Initiative, Prizren, Kosovo, July 29, 2010.

All religious communities should be unanimous in distancing themselves from all of the activities that led to the war and to condemn them. Only then can we truly focus on advocating a multi-ethnic and multi-religious life among the various ethnic groups.

...and once more, we openly testify that the Catholic Church is ready for the dialog as it has always been throughout history, and we do hope that such initiatives and forums can help us achieve unity and we think that all religious communities should be unanimous in distancing themselves from all of the activities that led to the war and to condemn them. Only then can we truly focus on advocating a multi-ethnic and multi-religious life among the

various ethnic groups.

Statement: Don Pal Tunaj, Catholic Church in Kosovo, Peć/Pejë, Kosovo, National consultation with religious communities on the RECOM Initiative, Prizren, Kosovo, July 29, 2010.

Religious communities should encourage victims to testify about the crimes.

...I think that as religious communities we should be the stronger side of the RECOM Initiative and use our capabilities and influence to encourage victims to testify about the crimes committed against them.

Statement: Rexhep Lushta, Presidency of the Islamic Community, Priština/Prishtinë, Kosovo, National consultation with religious communities on the RECOM Initiative, Prizren, Kosovo, July 29, 2010.

I don't understand the definition of the term "victim". There must not be an 'equal sign' between a victim and an aggressor.

...I don't quite understand the definition of the term 'victim' and who can be qualified as a victim. This text here calls for peace and, in a way, puts an 'equal sign' between us[ethnic Albanians] and the aggressor, the initiator of war. I think that this must be clarified because this is not going to be a very successful initiative if we are the only ones asked to forgive.

Statement: Nusret Abazira, Supreme Council of the Islamic Community, Orahovac/Rahovec, Kosovo, National Consultation with religious communities on the RECOM Initiative, Prizren, Kosovo, July 29, 2010.

Theologians should carry messages of reconciliation.

...since we are God's servants and theologians of various denominations, we should be the ones to carry messages of reconciliation; we should always tell the truth, we need to believe what we say, and do our best to achieve that.

Statement: Ajni Sinani, theologian, Islamic University, Kosovo, National consultation with religious communities on the RECOM Initiative, Prizren, Kosovo, July 29, 2010.

Discrimination should be included in RECOM's mandate.

In the early 90s I experienced a very unpleasant situation. I was overwhelmed with a feeling of being discriminated against. I think it is a very unique feeling but I have read all these documents, very carefully and there is not a word about discrimination... Discrimination, first of all, with respect

to segregating children... There was discrimination in the pay teachers received. My colleague, Živana, an English language teacher just like I am, earned twice as much I did.

Statement: Greta Kaçinari, Catholic Church in Kosovo, Kosovo, National consultation with religious communities on the RECOM Initiative, Prizren, Kosovo, July 29, 2010.

If we are talking about responsibility, we should begin with ourselves instead of pointing a finger at other people.

... if we are talking about responsibility, we should begin with ourselves instead of pointing a finger at other people because judging others, without previously dealing with our own faults is the main cause of hatred and conflicts.

Statement: Brother Nofont, Serbian Orthodox Church, Visoki Dečani Monastery, Prizren, Kosovo, National Consultation with religious communities on the RECOM Initiative, Prizren, Kosovo, July 29, 2010.

We support the RECOM Initiative

We thank the organizers of this gathering and those who launched this initiative. We will do our best to support this initiative in all the aspects of the project.

Statement: Brother Nofont, Serbian Orthodox Church, Visoki Dečani Monastery, Prizren, Kosovo, National consultation with religious communities on the RECOM Initiative, Prizren, Kosovo, July 29, 2010.

The mandate of RECOM should include psychological torture as well

I want to give another recommendation – to include psychological torture as one of the human rights violations defined by the mandate of RECOM. Many victims in various conflicts were exposed to psychological torture.

Statement: Liridon Kadriu, activist of the Islamic Community in Kosovo, Priština/Prishtinë, Kosovo, National consultation with religious communities on the RECOM Initiative, Prizren, Kosovo, July 29, 2010.

What exactly can we do for the Initiative?

I am asking Mrs. Kandić: "What exactly can we do for the Initiative?" If you can give us instructions for 20 or 30 persons, we can each complete let's say 30 assignments, and if we all finish our assignments it will be 300 assignments checked-off the to-do list. Just give us precise assignments so we know what to do.

Statement: Ramadan Shkodra, Presidency of the Islamic Com-

munity, Priština/Prishtinë, Kosovo, National consultation with religious communities on the RECOM Initiative, Prizren, Kosovo, July 29, 2010.

100. Regional Consultation with Intellectuals on the Initiative for RECOM

Banja Luka, BiH
September 4, 2010

A regional consultation with intellectuals was organized by the BH Journalists Association and the Center for Legal and Informational Assistance from Zvornik. The consultation was attended by a total of 42 participants and guests. Lazar Stojanović from the Humanitarian Law Center, Serbia, moderated the discussion. The consultation was reported on by various media outlets in the country, including BH TV, Nezavisne Novine, ONASA, and BHRT – HT 1. A debate which was aired on ATV was held prior to the consultation and featured the participant guests Arsim Gerxhaliu (Kosovo), Slavko Kukić, Ismet Sejfića, Mladen Mirosavljević, and Srđan Puhalo (BiH), Žarko Puhovski (Croatia), and Želimir Žilnik and Lazar Stojanović (Serbia).

Comments, Suggestions, and Recommendations of the Participants at the Consultation:

The interest of different media outlets in the Initiative for RECOM is directly proportional to the influence of the politicians controlling the outlets.

Most media outlets are under the direct control of certain politicians and they report on RECOM-related events accordingly.

Statement: Dženana Karup-Druško, Coordinator of the Consultation Process on the Initiative for RECOM, BiH, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

Some politicians don't need RECOM because they want to avoid dealing with the past if at all possible.

Why do some politicians think that we don't need this initiative? There's only one answer – they want us all to avoid dealing with the past because they

don't need the truth, they need nationalism.

Statement: Dženana Karup-Druško, Coordinator of the Consultation Process on the Initiative for RECOM, BiH, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

We should conduct research on how the public perceives the Initiative for RECOM.

(...) did we conduct research on how the media perceives the Initiative for RECOM (...) It is irrelevant if the perception is negative or positive, as long as we know what we are up against we'll know how to influence this perception and change it to become positive.

Statement: Mladen Miroslavljević, Professor, NUBL Faculty, Banja Luka, BiH, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

There was no research on the perception of the Initiative for RECOM in the media, but press clippings on the Initiative are being carefully analysed.

We did not conduct any such research (...) because it is very expensive and the results are short-lived. However, we have our PR staff tasked with collecting press clippings on the Initiative for RECOM and we carefully analyse them. We monitor any changes and we have a pretty clear picture if our image in the public is getting better or worse. And to be quite honest with you, I don't think we would be able to do such research in such a short period of time.

Statement: Lazar Stojanović, Regional PR Office and Director of the Media Campaign for the Initiative for RECOM, Serbia, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

Non-governmental organizations should not try to avoid "mines."

Those who want to be followed and loved by the people should go into politics. The job of non-governmental organizations is to be hated by the people. I don't see why we need to know how the media look upon us or if the people like us because it is completely irrelevant. The job of non-governmental organizations is to smuggle certain topics to the centre of public attention.

Statement: Žarko Puhovski, Faculty of Philosophy, Zagreb, Croatia, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

(...) it is still necessary, especially in Bosnia and Herzegovina (...) to stop avoiding certain topics but

to deliberately step on each and every mine and let it explode, hoping that the shock wave will have a positive effect on someone.

Statement: Žarko Puhovski, Faculty of Philosophy, Zagreb, Croatia, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

There are still two "mines" for RECOM in BiH – non-governmental organizations which are seriously influenced by politics, and those who have left the Initiative for RECOM for their own reasons. Those "mines" should be totally ignored.

(...) when we talk about Bosnia and Herzegovina, there are two so-called mines (...) one is coming directly from political influence, because some non-governmental organizations are under the influence of certain politicians who strongly oppose the Initiative for RECOM. Those NGOs are being financed from the budget of their respective governments, which makes them subject to direct forms of control. The second type of "mines" RECOM encounters in Bosnia and Herzegovina are those non-governmental organizations which used to be members of the Coalition for RECOM and then left it for various reasons known to them. The Coalition for RECOM should ignore all those "mines" and continue doing its job in the exact same manner as described by professor Puhovski.

Statement: Tanja Topić, Fridrih Ebert Foundation, Banja Luka Office, BiH, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

A large number of non-governmental organizations left the Coalition for RECOM because of financial reasons, i.e. they expected that the Initiative for RECOM would be a very profitable project for them.

(...) why did some non-governmental organizations that used to support the Initiative for RECOM, or pretended to, decide to distance themselves from the process and fiercely criticize it? With a few honourable exceptions, I quite responsibly claim that some of the non-governmental organizations did it because they realized that they would not be able to profit from their participation in the Initiative for RECOM. A lot of non-governmental organizations in Bosnia and Herzegovina have a history of making profit on such projects.

Statement: Šefika Muratagić, Ključ Budućnosti/Key to the Future Association of Citizens, Ključ, BiH, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

The Initiative for RECOM idea should be “pushed” forward. It needs to be implemented by non-compromising human rights defenders.

(...) I salute the idea of RECOM and I think it is an idea that, regardless of all the obstacles it encounters, all the “mines” and rejections mentioned by previous speakers, should be carried out and pushed forward no matter what. However, what I want to say is that non-compromising human rights activists are needed to carry it out; people who were not even scared during the war to voice their opinion, let alone in the period after the war.

Statement: Radmilo Golijanin, NGO League for the Protection of Private Property and Human Rights, Trebinje, BiH, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

An internet website containing the findings of RECOM’s research should be put up as soon as possible.

I think that we need to put up a website on the internet as soon as possible which contains the results of RECOM’s investigations so that definite and clear findings are made public (...) That should be stage one of our future investigation, to publish everything on a website. It will cause a debate on the one hand, and on the other hand it will draw in individuals who want to make suggestions. Information posted should include the name of the territory and the name of the town/village where the research was conducted - and I am sure there are plenty of territories where investigations have been conducted.

Statement: Želimir Žilnik, Film Director, Novi Sad, Serbia, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

Little truths RECOM will learn in the process of investigations will open the road to the so-called major truths.

(...) we talked about the big truth and the little truths, and those little truths are construed into the collective memory of certain nations in a certain context. They were derived from certain facts, but we should collect all the facts (...) and my children will be able to use the little truths to question the big truth. That’s important for me personally, and that’s a step forward that will count in the future.

Statement: Mladena Tadej, Documenta, Zagreb, Croatia, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

It is imperative to find the missing persons. Individuals need to be prosecuted for the crimes they committed, not an entire nation.

(...) the missing persons need to be located because it is a basic thing, to allow for families to know where their dead ones are. When it comes to war crimes, individuals who are responsible for the commitment of war crimes should be held responsible and prosecuted, not entire nations.

Statement: Tanja Subotić-Došen, Women’s Active SNSD, Banja Luka, Political Academy Banja Luka, BiH, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

I support the Initiative for RECOM.

I am always ready to support this and any other organization working towards the implementation of this goal.

Statement: Milovan Dragojević, student at the Faculty of Political Science, Banja Luka, BiH, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

I like this initiative because I think its long-term results will be quite positive, and I think that today we can’t even grasp the importance of its work.

Statement: Srđan Puhalo, psychologist, Banja Luka, BiH, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

I am very satisfied with this gathering, and I support the Initiative for RECOM.

Statement: San Makarević, ToPeeR, Doboj, BiH, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

RECOM will help us avoid the recurrence of tragic events.

I think that the results achieved during RECOM’s mandate will also help us find the causes of the conflict, and then we can be pretty sure that such tragic things will not happen again.

Statement: Safet Muratagić, Ključ Budućnosti/Key to the Future Association of Citizens, Ključ, BiH, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

It is necessary to commend those who helped members of other nationalities who were in life-threatening situations.

(...) we must not forget the good examples. There are many people who helped members of other nationalities who had to flee or were in any other kind of a

life-threatening situation. Those people should be named and commended. They need to be put on special list because that is quite a contribution.

Statement: Biljana Bjelaković, ToPeeR, Doboj, BiH, Regional Consultation with Intellectuals on the Initiative for RECOM, Banja Luka, BiH, September 4, 2010.

101. National Consultation with Civil Society Organizations on the Initiative for RECOM

Ljubljana, Slovenia
September 11, 2010

The Peace Institute, a member of the Coalition for RECOM, organized the first consultation with civil society in Slovenia on the Initiative for RECOM. The consultation was attended by 24 participants, including representatives of the Civil Initiative of Erased Activists, the Association of Societies of Disabled War Veterans of Slovenia, representatives of the academic community of Slovenia and journalists. Representatives of the Coalition for RECOM from Croatia (Documenta, Center for Women War Victims, and Legalis) offered additional information on the Initiative for RECOM and about the experiences of other states that formed truth commissions.

All participants agreed that Slovenian organizations should be included in the Coalition for RECOM as soon as possible.

Opinions, Suggestions and Recommendations of the Participants

Whether we should have RECOM in Slovenia and why do we need RECOM in Slovenia?

I think it's easy to answer the question whether we need RECOM in Slovenia and why we need RECOM in Slovenia. I will have to talk from the position of erased residents of Slovenia because that is probably the largest group affected by a gross human right violation committed in Slovenia. (...) For those who don't know what it means to be erased, let me just say that it is the same as if someone put your name on a list of non-existing persons and all of a sudden you are completely paralysed, you can't do anything, you are invisible. (...) the 25,000 people in question were targets of the government of Slovenia. Each police officer had a right to take you to the border and throw you

out while your children remained in Slovenia. (...) This should answer the dilemma whether we need RECOM in Slovenia. We most certainly do because we want to deal with the past in a manner that will prevent it from happening again.

Statement: Aleksandar Todorović, Civil Initiative of Erased Activists, Ptuj, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

(...) we don't know all the facts concerning this incident. We don't know how the decision was made and we don't know how those people were erased. We certainly know the basic facts, we know what happened with the judiciary, what happened with internal instructions in the government administration and what was done by state employees who in fact erased them. But the key actors in this whole story are still silent. Every time they are faced with the possibility that they may be asked about it, they either evade the question offering a diplomatic answer or they simply ignore the question. We are still in a position where we can't investigate the true responsibility (...) and that is one of the reasons why we thought in 2008 and why we still think today that researching the issue of the erased, as part of a broader issue of researching gross human rights violations committed on the territory of the former Yugoslavia, is necessary.

Statement: Neža Kogovšek, Peace Institute, Ljubljana, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

(...) RECOM gives us context. We have been erased, here in this nationalistic state we are completely outside of any system. Because Slovenia became a member of the European Union the geographical milieu has been changed (...) People do not recognize us because, contextually, things have been altered. We have lost our roots and our story is not recognized. That is why I am saying that RECOM will give us the chance to find ourselves.

Statement: Dimitar Anakiev, film director, erased resident of Slovenia, Radovljica, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

Slovenia was involved in the process of the breakup of former Yugoslavia.

... Slovenia was a part of the former Yugoslavia for 46 years and consequently it participated in its disintegration. From a formal point of view, the Slovenian community and today's Republic of Slovenia also suffered consequences from the break-up

process. Those consequences are not as terrible and horrifying as those of other post-Yugoslav states (...) the ten-day war in Slovenia had its toll in human lives, too. In addition, some other forms of human rights violations happened as well and they can also be categorized as part of the context of the breakup of the former Yugoslavia (...) and since everything that happened in Slovenia was a part of a large scale disruption that effected the entire region, victims from Slovenia must not be excluded from the process of establishing RECOM. Also, because our state came into being following the break-up of the former Yugoslavia and its very being was marked by the war that engulfed the whole region, it must not be left out from the process of establishing RECOM which is an 'after the fact' process designed to help all affected parties deal with the past and learn valuable lessons for the present and for the future.

Statement: Vlasta Jalušić, Peace Institute, Ljubljana, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

Slovenia is, in a manner of speaking, a product of the break-up of the former Yugoslavia. Contrary to the general belief, the separation of Slovenia did not happen in a situation where the only remaining center of power was a central government making separation possible. What we had in Yugoslavia was a break-up that legally and formally began with Slovenia. In a way, the armed conflict also began following the break-up or the declaration of independence of Slovenia.

Statement: Igor Mekina, journalist, Ljubljana, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

Who are the victims?

When it comes to victims, we have victims in Slovenia. Most victims in our country are the erased residents of Slovenia (...) who still have a very important issue to settle, the issue of reparations. That story is not over yet (...) and in this process of establishing RECOM, I can see an opportunity to find a solution for these people... Then, we have Slovenians who were on tanks and who went to Radgona (...) for me personally, they are also victims of war. They did not want to be a part of it, but they had to. We also have civilian victims who were driven out of the country and whose citizenship was revoked. Those are things that are not easy for our consciousness and we have to make sure everything concerning those events is disclosed.

Statement: Igor Mekina, journalist, Ljubljana, Slovenia, National Consultation with Civil Society Organizations on the Initiative

for RECOM, Ljubljana, Slovenia, September 11, 2010.

(...) widows of those killed in the war for independence of Slovenia – the government tried to save some money on their cases by trying to solve their situation in a few words and offering them a one-time compensation payment and rights to social security payments and a family pension and so on. The law was such that those widows automatically lost a portion of their income (...) in other words (...) the government set a limit (...) beyond which they were not entitled to family disability pensions, which would have solved their financial problems. In other words, the widows of killed veterans in Slovenia have an income which exceeds that threshold by €40 and they don't qualify for income supplements that would allow them to live a normal life. And it is only fair to say that those women as well as their children are victims of the armed conflict.

Statement: Jože Romšak, Alliance of Associations of Disabled War Veterans, Tržič, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

The question of moral responsibility

There is one aspect of this whole situation that has not been dealt with. It is the moral aspect, the aspect of moral responsibility. Because ideologies can easily become apart of that story and it becomes slippery ground, we should nonetheless try to approach it and deal with it.

Statement: Sergej Frere, Faculty of Philosophy, Maribor, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

I think that, in the end, we also have a moral obligation, not only to those who live in Slovenia, but to all those who were victims of violence, atrocities, and crimes committed during the break-up of the former Yugoslavia. We have a moral responsibility to join the Coalition for RECOM in order to help it encompass the entire territory of the former Yugoslavia and become legitimate throughout this region.

Statement: Vlasta Jalušić, Peace Institute, Ljubljana, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

The question of cultural responsibility

(...) there is also the question of (...) responsibility in the area of culture, science, and media. (...) primarily in the area of culture and primarily with

respect to the issue of 'the culture of erasing' which is not only about the destiny of 25,000 people but about the type of behaviour adopted by Slovenian cultural, scientific, and media circles (...) The cultural responsibility of Slovenia could be seen as early as 1991 when they started, let me call it that, cleansing of members of other ethnic communities from higher levels of cultural and scientific institutions. That trend continued as a form of a specific discourse all until 1995. Now we have some sort of testosterone popularity of southern cultures ... I think that there is a lot of racism woven into that. So, I definitely think that the cultural and scientific communities must take a critical look at their role and accept their responsibility.

Statement: Svetlana Slapšak, Institute for Mediterranean and Balkan Studies, Ljubljana, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

Public testimonies are important for the change of public discourse

(...) all court decisions that have been handed down so far in favour of the erased still fly in the face of public opinion. The public is largely against the erased, whatever that means, although they don't even know why they think the way they do. (...) organizing public testimonies is something that could best help people understand other people's situation.

I see another big problem (...) in the fact that the position of the state administration, the government that orchestrated the whole erasing operation, hasn't changed a bit in the past 18 years. They still believe that they acted in accordance with the law, although in reality they carried out orders that were in contradiction to the law, or were not based on the legislation. (...) if you talk to state employees today, they will still tell you, after 18 years, after all the decisions of the Constitutional Court and after the decision of the European Court of Human Rights, that they believe that the entire procedure was conducted in accordance with the law.

Statement: Neža Kogovšek, Peace Institute, Ljubljana, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

Lessons from World War Two

We started this initiative because of our previous experience as well. After World War Two and all the violence and atrocities that it caused, very few facts were documented. Today we are truly convinced that it is important to document all forms

of violence because that can be a starting point for a dialogue on what happened to us, how we live with it today, and what it is that we need to help us move forward...

Statement: Vesna Teršelič, Documenta, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

It is not just about a tragic and horrible past. The wars of the 1990s represent the kind of experience that is at the same time an opportunity (...) for thinking and I believe that we should not miss it, being a part of Europe with a European history which still carries a burden from the Second World War. That burden is evidently becoming more and more obvious in the European memory. At the same time, in an attempt to shape our societies, we - the countries aspiring to join the European political community - can positively incorporate that past into our future in terms of better understanding and awareness of the things that happened. And the least we can do is attempt to prevent similar events from ever happening again (...) If Slovenia is excluded from the RECOM process, we will be excluding not only ourselves but also the generations born after the disintegration of Yugoslavia from the process of understanding those experiences.

Statement: Vlasta Jalušič, Peace Institute, Ljubljana, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

The Commission will prepare a report based on documented facts about war crimes and gross human rights violations which would represent a sound foundation for different interpretations because it is natural to expect that there will always be various interpretations, certainly more than one or two. I hope that together we can build a broader space for understanding each other and that there will be more than one interpretation which is a good thing and to be expected in democratic societies.

Statement: Vesna Teršelič, Documenta, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

National vs. regional research commission

I think we are going to be much stronger and we can do a lot of work together if we do this together with RECOM because in Slovenia there is not enough will or public interest for such an undertaking.

Statement: Aleksandar Todorović, Civil Initiative of Erased Activists, Ptuj, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

If we formed a national commission, it would be, first of all, dedicated to the issue of the erased (...) If it is a regional commission, a Slovenian chapter of the regional commission, then the issue of the erased would be dealt with in a much broader context (...) and the issue of racism would be on the agenda because in some states it has led to mass murders and in Slovenia it has led to the 'erasing' of legal residents of Slovenia. If we limit our effort to a national commission tackling only the issue of the erased, we may end up conducting and researching just a part of the administration. (...) if we opt for a commission dedicated to researching the issue of the erased, the right-wing parties would most certainly oppose it, (...) and the left-wing parties would tolerate it, they would not be openly against it but they would definitely try to marginalize its results ... However, if the issue of the erased is placed in a broader context and if the causes that led to the erasing of permanent residents of Slovenia are given an in-depth analysis, then the acceptance of this whole story here in Slovenia will be even greater. The reason is that such a broader context would open (...) a debate in which the independence of Slovenia, even the very act of erasing would not even be mentioned. (...) until Slovenia achieved independence, its separateness was justified by (...) the fact that we, Slovenians, had nothing in common with those who lived south of Slovenia. That was particularly to the fore at the time the war broke out in those southern republics and the media bombarded us daily with stories that we had to distance ourselves as soon as possible, from those primitive Balkan nations etc. And that very myth about distancing ourselves, the picture of us being completely different to those nations from the Balkans, would be completely destroyed by [placing events in a] broader context within which the issue of the erased would be researched. And it would turn out that it was exactly that myth that made it possible for politicians and state employees to conduct the erasing of citizens with such tranquillity.

Statement: Gorazd Kovačič, Faculty of Philosophy, Ljubljana, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

Possible challenges the Initiative for RECOM will have to deal with

The goal of the Initiative for RECOM is very ambitious although the final result is rather vague. In fact, when the whole process is handed over to politicians, there is a real danger that those good inten-

tions will be somewhat changed. (...) but, irrespective of what the ultimate goal of the Commission is, whether it is going to be formed or not, whether the parliaments are going to give their approval or not, this whole initiative is already a success. (...) even the consultation process will undoubtedly have an impact on the lives of those who take part in it, and as I am sure that it is going to be positive for the entire region of the former Yugoslavia, I know it is also going to be positive for Slovenia. With that in mind, I wish this process the best of luck.

Statement: Jernej Rovšek, Deputy Ombudsman of the Republic of Slovenia, Ljubljana, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

Some satisfaction can also be found in testifying and pointing a finger at those responsible

(...) none of those things happened by accident. It was not a 'computer error'; it happened because somebody planned it. There are various documents; many of us saw those documents with dates and signatures, with names of institutions that set the entire machinery in motion. So, those are real people with real names, members of certain state institutions, ministries and so on. (...) I don't really think that, given the state of civil society, Slovenia is capable of bringing these people to justice and prosecute them properly. A lot has been said about telling the truth about the victims and that is some sort of satisfaction. (...) We must insist on repeating these stories so that one day we can finally point a finger and say 'this person is responsible for that' and I am sure that is going to be a huge satisfaction for all of those who were erased, whose lives have been most brutally invaded.

Statement: Aleksandar Todorović, Civil Initiative of Erased Activists, Ptuj, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

The commission will most definitely ask questions about responsibility and not culpability. That should be left for the courts to determine.

Statement: Vesna Teršelič, Documenta, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

Proposal: One of the functions of the commission should be a clear legal description of the term 'erased'. The participants of the consultation agreed on the following words:

... 'systematically, arbitrarily, or illegally depriving

individuals of their citizenship rights or preventing them from acquiring citizenship and obtaining permanent residency'...

Statement: Neža Kogovšek, Peace Institute, Ljubljana, Slovenia, National Consultation with Civil Society Organizations on the Initiative for RECOM, Ljubljana, Slovenia, September 11, 2010.

102. National Consultation with Local Communities on the Initiative for RECOM

**Podgorica, Montenegro
September 14, 2010**

The National Consultation with representatives of local communities in Montenegro on the Initiative for RECOM was organized by the Center for Civic Education (CGO) in Podgorica. The key-note speakers were Tarzan Milošević, president of the Bijelo Polje Municipal Assembly, Vladimir Mrčević, vice president of the Herceg Novi Municipal Assembly, Tea Gorjanc-Prelević, Human Rights Action, and Dragoljub Vuković, PCNEN. The discussion was moderated by Dubravka Uljarević, Executive Director of the CGO in Podgorica, and Dragoljub Vuković. The consultation was attended by 27 participants – representatives of local communities, politicians, and journalists. A significant number of media outlets from Montenegro reported on the consultation: Antena M, Montenegro Radio, PRO TV, “Vijesti”TV, Mina, Montenegro TV, Radio Free Europe, In TV, the dailies Vijesti and Pobjeda, Atlas TV and MBC TV.

Opinions, Suggestions and Recommendations of the Participants

It is necessary to secure the strong support of the international community, primarily the European Union, because the EU can play an important role in cases where the RECOM process is deadlocked for whatever reason.

So, concerning Article 35, paragraph 2 of the Statute (...) “Such conclusions do not have the effect of a court decision” – what I am worried about here is that the balance between the presumption of innocence and a reasonable doubt that an accused is guilty as charged is possibly destroyed. Therefore, I think that a reasonable amount of time should be allowed for this kind of case before it is made public - the office of the prosecutor should be given

sufficient time to investigate before they react. Let's say (...) a year or two for the office of the prosecutor to react. After that period, the information should be made public. (...) However, on the same note, I think it is necessary to secure the strong support of the international community, first of all the EU (...) because the European Union can be a second-instance organ, so to speak, which will have certain direct, indirect, formal, or informal roles in all of this, so that in case the process is deadlocked, they will be around to pull some strings and unblock it.

Statement: Sergej Sekulović, member of the Municipal Assembly of Podgorica, Montenegro, National Consultation with Local Communities on the Initiative for RECOM, Podgorica, Montenegro, September 14, 2010.

The time period allowed for the work of the Commission should be extended, because it is not possible to make a register of all important events in such a short time. Maybe it is also necessary to include examples of positive behaviour and the personal sacrifices of individuals.

I just wanted to say that I think that the time period anticipated for the work of RECOM must be extended, because it is way too short a time to list all the events of the period in question (...) I agree that we must focus on war crimes and human rights violations, but I also think that we must include examples of positive behaviour and of individual sacrifice against the backdrop of terrible events that took place on the territory of the former Yugoslavia. I think that it would not be a problem for the commission to at least list some symbolic examples.

Statement: Braho Adrović, Vice- President of the Berane Municipal Assembly, Montenegro, National Consultation with Local Communities on the Initiative for RECOM, Podgorica, Montenegro, September 14, 2010.

Are state organs really going to cooperate with RECOM? What makes their cooperation with RECOM mandatory?

I would like to make a comment with respect to Article 8 of the Statute - “Mandatory cooperation of states with RECOM”. I am wondering if the state organs are truly going to cooperate with RECOM? What makes the cooperation of state organs of members states with RECOM mandatory, is there some sort of regulation in place? And also, can RECOM request state organs to provide certain information at any time, so that a proof can be obtained which will help punish perpetrators of war crimes.

Statement: Dragan Ivanović, Podgorica Municipality, Montenegro, National Consultation with Local Communities on the Initiative for RECOM, Podgorica, Montenegro, September 14, 2010.

ative for RECOM, Podgorica, Montenegro, September 14, 2010.

RECOM will help the societies in the former Yugoslavia lose the sense of collective guilt and help them reconcile.

I am glad to learn that there is an initiative such as RECOM, so that we can finally get rid of the theory of collective responsibility. The nations of the former Yugoslavia will not be able to achieve total reconciliation, until there is this notion of collective guilt in the media and in the mind of those running this country.

Statement: Anka Vukićević, member of the Municipal Assembly of Nikšić, Montenegro, National Consultation with Local Communities on the Initiative for RECOM, Podgorica, Montenegro, September 14, 2010.

Is the Statute going to include the bombing of Murina?

I would just like to ask you if those responsible for the bombing of Murina and the killing of children are going to be identified and found responsible.

Statement: Vujica Lalić, member of the Municipal Assembly of Nikšić, Montenegro, National Consultation with Local Communities on the Initiative for RECOM, Podgorica, Montenegro, September 14, 2010.

Representatives of municipal assemblies should be included in the Commission and associated with RECOM.

... all states have associations of municipal assemblies. In Serbia, it is the Permanent Conference of Cities and Municipalities, in Montenegro it is the Association of Municipalities. I think that it would be a good idea to include one representative of the municipalities, not necessarily the president - it can be anyone delegated by the association. If we have representatives of the government and representatives of the non-governmental sector, I think it would be a good idea to include municipalities in this kind of activity (...) The fact here is that you wanted to have a regional approach, but I think that the conflicts that unfolded on the territory of Slovenia and Macedonia are fundamentally different from the conflicts that happened in other parts of Yugoslavia. However, the question remains whether the inclusion of Slovenia and Macedonia can be useful or detrimental for the functioning of RECOM. I know that it gives the whole process a regional dimension and I know that it increases the significance of it all, but I must say that it may very well result in the weakening of the Initiative.

Statement: Tarzan Milošević, president of the Bijelo Polje Municipal Assembly, Montenegro, National Consultation with Local

Communities on the Initiative for RECOM, Podgorica, Montenegro, September 14, 2010.

103. Seventh Regional Forum on Transitional Justice

Working Group IV: Public Advocating for RECOM

**October 17, 2010
Zagreb, Croatia**

The key note speakers at the Working Group IV session were Lazar Stojanović (Humanitarian Law Center, Belgrade, Serbia), Dinko Gruhonjić (Independent Association of Journalists of Vojvodina, Novi Sad, Serbia), and Gordan Bosanac (Center for Peace Studies, Zagreb, Croatia). The Working Group session was attended by 40 participants and two observers: Jonathan Sisson (Swiss-peace, Switzerland) and Admir Duran (Impunity Watch, Serbia).

Opinions, Suggestions, and Recommendations of the Participants

Citizens should be informed about the ideas of the Initiative for RECOM

I would like to comment on something that Mr. Stojanović said earlier – at one point Mr. Stojanović said that it was not important for citizens to have in-depth knowledge about RECOM's ideas, saying that specific target groups were more important. I wouldn't necessarily agree with that because we may end up being in a situation that this whole thing happens, that the Commission is established and that it publishes its final report, but it fails to produce the effects we have been hoping for all along.

Statement: Milan Cakić, Civic Initiatives Committee, Niš, Serbia, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

I think that it is necessary to carefully think it over and explain to the public why the Coalition for RECOM wants to collect one million signatures. People who will be standing in public places collecting signatures will be exposed to all sorts of humiliations and de-motivating moments. They will have to know at all times why they are doing that so that they are able to communicate with people.

Statement: Marina Škrabalo, Center for Peace Studies, Zagreb, Croatia, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

I think we need to properly prepare activists in the "One Million Signatures for RECOM" campaign to be able to use the campaign not only for collecting the desired symbolic number of signatures but to obtain at least a million followers who will tell others about the ideas we are advocating.

Statement: Zlatko Vujović, CEMI, Podgorica, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

There should be two different campaigns – one directed at the public and one directed at decision-makers. The campaigns need to be more aggressive. A lot of attention needs to be paid to strategic planning because the campaigning will be conducted in seven states.

When a campaign is directed at decision-makers, at politicians, it is important that it is accompanied by appropriate messages. A different campaign and different messages should be used in approaching the public.

Statement: Marko Veličković, Center for Development of Civil Resources, Niš, Serbia, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

In my opinion the campaign should be more aggressive. It should be more aggressive in terms of public media presence and also in terms of its contents. The campaign should not be offensive with respect to victims, their families, and other citizens of the war-torn region. Secondly, many of you mentioned young people and I can just add that I think that young people, especially high-school students have been egregiously left out of the campaign.

Statement: Tomislav Dujmović, Center for Peace Studies, Zagreb, Croatia, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

The more I think about your proposals, the more I am convinced that because inter-ethnic relations are at a shockingly low level, the RECOM campaign should be shockingly graphic. Something similar to the traffic safety campaign which was intensely promoted by showing shockingly atrocious pictures of people who were killed in traffic accidents because they ignored traffic safety rules (...) Just an idea – maybe in one of the video-spots for RECOM we should feature a Chetnik inviting Croats to deal with the past and once the whole of Croatia and all associations are driven into a frenzy, we should start explaining what RECOM is.

Statement: Srđan Antić, Nansen Dialogue Center, Osijek, Croatia, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

The organization I come from, Youth Initiative for Human Rights Kosovo, organized an interesting

event on August 30, 2010, the International Day of the Disappeared at the central square in Priština/Prishtinë. We staged 400 pairs of shoes on the square and many passers-by stopped to look at the shoes and sign the petition. All those who stopped were very emotional and it did not take any convincing them to sigh, they just did it (...) That may be an idea to consider. I am sure that a number of provocative events should be included in the signature collecting campaign.

Statement: Raba Gjoshi, Youth Initiative for Human Rights Kosovo, Priština/Prishtinë, Kosovo, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

We seem to be forgetting a very important fact: we have seven different markets to deal with. There are seven different markets that can be divided into segments or, as people in the marketing business like to say, into "x y" target groups. Everybody will express their preference, people from Osijek will say this, those in Slovenia will say that, and Kosovo will say something quite different and we will have to pay attention to that. For that reason I think that in the next two steps we need to pay attention to strategic planning of the campaign.

Statement: Tin Nuić, Risol Media, Zagreb, Croatia, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

Young people are an important target group.

It is much easier to approach college students and therefore I agree that the campaign should be not more aggressive, but more intriguing. It has to provoke a reaction.

Statement: Mladena Tadej, Documenta, Zagreb, Croatia, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

I think that in terms of strategic planning, it may be a good idea to approach younger politicians in the initial lobbying stage, those who are not too influential in the society but who have a certain reputation and influence in their political parties and who are able to approach the true decision makers and convey the message in a way we can't.

Statement: Mladena Tadej, Documenta, Zagreb, Croatia, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

(...) I think that it is necessary to wrap up the story of war crimes in pop culture forms and then present it to young people.

Statement: Danilo Marunović, director, Podgorica, Montenegro, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

It is necessary to produce two video spots. One

of them should be directed at younger audiences. Today, young people do not want to listen about war crimes. The war was over 15 years ago and you can't direct their attention to war crimes stories. They have different opinions and they look at things from a different perspective but it has to be clear to everyone that they are the most significant audience RECOM is turning to (...) What I want to suggest is something that is quite inexpensive and quite feasible: a short film festival which will promote RECOM. It is not a big cost for RECOM. People will do it themselves. Just give them the terms, explain your goals, and they will do it. Also, we need an exhibition of paintings that will be shown throughout the entire region.

Statement: Radomir Jagodić, Izbjegljica/Refugee non-governmental organization from Rudo, BiH, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

(...) What we have to keep in mind is that our priority number one is to deal with young, completely lost, uneducated, uninspired, and unmotivated audiences. And we mustn't forget that they are the majority. People who don't know anything, people who don't read newspapers, they have no vision, and who have completely forgotten what happened in Vukovar.

Statement: Drago Pilsel, free lance journalist, Zagreb, Croatia, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

A public opinion poll on RECOM should be conducted.

(...) a public opinion poll on RECOM can be very significant. It can be a powerful instrument of pressure because in public opinion poll you can ask a question you want if you know that such question will be answered in a manner favourable for you. That is how you can create results much more significant than one million signatures you collected. So, if in each post-Yugoslav state 40% of poll participants say that it is necessary to mention each crime and each victim by name, regardless if it will be done by a commission or some other body, you will create an atmosphere of public pressure that politicians will unmistakably understand.

Statement: Marko Veličković, Center for Development of Civil Resources, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

I am also very much in favour of conducting public opinion polls in post-Yugoslav states. I think it is very important primarily because we will find out how the Coalition for RECOM is perceived throughout the region. I don't think those public opinion polls are too expensive and I am sure that it is pos-

sible to find a socially responsible marketing agency which will do it for a reasonable amount of money. Secondly, we should use the data obtained in the research conducted in Croatia on the need to deal with the past. It should be done in other countries as well because such information can be used as an argument in negotiations with political decision-makers. If you can tell them that 70% of citizens of Croatia are in favour of dealing with the past initiatives and if we obtain similar figures in other states in the region, then we will have a solid argument in our hands to negotiate with those who will be making that decision.

Statement: Borka Rudić, BH Journalists Association, Sarajevo, BiH, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

The OSCE Mission in Serbia is planning to conduct a similar research/public opinion poll with respect to transitional justice issues in the near future. And to the best of my knowledge, several non-governmental organizations, whose representatives are here today, are also planning to do that sort of research very soon. So, I think that those initiatives need to be connected into a joint effort.

Statement: Jelena Stevančević, OSCE Mission in Serbia, Belgrade, Serbia, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

The Campaign for RECOM should be promoted more aggressively on television.

(...) I am afraid that Internet is not so widely used by the broad public in the region. Even in capitals of the states in the region and even among the younger population – it is still not sufficient. For that reason, I still think that television should be used as the most significant media for the promotion of RECOM.

Statement: Nataša Govedarica, Heartefact Fund, Belgrade, Serbia, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

If we want to have a campaign that's going to be visible, we have to make a better video spot, a more attractive and very clear spot and we have to show it on public service TV stations. (...) it is necessary to work with citizens and that is why we need one million signatures. I am deeply convinced that no media, Internet, Facebook, Twitter, or any other virtual campaign will yield results without the support of citizens. We have to earn their trust and make sure they are on our side.

Statement: Suzana Kunac, B.a.B.e., Zagreb, Croatia, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

(...) I strongly support the initiative concerning

public service TV stations because the results of our research in Bosnia and Herzegovina tell us that most people, as much as 90% of the people in some communities use television as the main source of information. Another reason I think that public TV stations are important for our campaign is the fact that our politicians use them heavily and we need to use the same space they are using.

Statement: Borka Rudić, BH Journalists Association, Sarajevo, BiH, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) I think that we need to produce more documentaries which can offer a lot of information about the campaign and explain to people what this Initiative is about and what it is trying to achieve. Because all spots that were aired on television and on other media are very short and not too straightforward, they were not really well-received by viewers. Therefore, I think that a well prepared documentary which will be aired on local and national stations will be much more efficient in reaching much larger audiences.

Statement: Raba Gjoshi, Youth Initiative for Human Rights in Kosovo, Priština/Priştinë, Kosovo, Seventh Regional Forum on Transitional Justice, Zagreb, Croatia, October 17, 2010.

104. Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches

Sarajevo, BiH
November 4, 2010

A regional consultation on the initiative for RECOM with representatives of religious communities and churches was organized by the BH Journalists Association and the Legal Assistance and Information Center from BiH, both members of the Coalition for RECOM from BiH. The consultation was attended by 51 participants, including high religious officials and representatives of religious communities, non-governmental organizations, and academic institutions. The event was observed by representatives of Macedonian and Croatian embassies in Bosnia and Herzegovina as well as representatives of international organizations based in the country, such as the UNDP, the OSCE Mission to BiH, and the Delegation of the European Commission in BiH.

Unfortunately, though invited, representatives from Kosovo, representatives of the Orthodox

Church from Serbia and from Kosovo, and representatives of the Catholic Church from Croatia did not attend the consultation. Further, due to an organizational oversight, organizers of the event had to ask the representative of the Montenegro Orthodox Church, Bishop Mihajlo to leave the consultation as his presence was not approved by the representatives of the Serbian Orthodox Church and the Catholic Church who were in attendance. The consultation was dominated by discussion on the establishment of RECOM. The discussion was exceptionally tolerant and created a positive, constructive atmosphere, which resulted in a conclusion that it was truly necessary for churches and religious communities to cooperate in this process. The media showed a huge interest in this consultation, which was reported on by over 20 journalists from the region. Serbian RTS TV station and Blic daily newspaper sent their teams from Belgrade and Križ Života (the Cross of Life) sent their journalist from Croatia.

Comments, Suggestions, and Recommendations of the Participants at the Consultation:

Do we have the strength to listen to other people's disturbing testimonies? Serbians wounds can hurt, too.

... A tall, young girl missing a leg was among them... She was sweating profusely while practicing her first steps after the amputation. I was deeply upset by her troubled face. That's when I clearly realized that Serbian wounds can hurt, too. I repeat, Serbian wounds hurt, too. That is why we need this regional commission to uncover the facts about war crimes and other serious human rights violations that happened in the states formed by the secession from the former Yugoslavia. It is particularly badly needed by the families of the killed and missing from all three national entities in Bosnia and Herzegovina (...) Do we have enough respect and patience to listen to the testimonies of others, to learn about their painful truth, about the last days of their killed or missing family members?

Statement: Msg. Mato Zovkić, Vrhbosanska Archbishopry, BiH, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

Acknowledging and respecting truth and justice are important prerequisites for support to RECOM.

The Islamic Community will take part in all

RECOM-like projects if truth and justice are acknowledged and respected. Our main requests are:

- 1. The acknowledgment of the genocide committed against the Muslims as stipulated in the International Court of Justice decision, which forbids the denial of the genocide, such as the law prohibiting the denial of the holocaust;*
- 2. The arrest and transfer to the ICTY of all war crimes suspects such as Ratko Mladić and Goran Hadžić;*
- 3. Proper compensation for the emotional suffering and pecuniary damages to the victims of the genocide, which was mostly experienced by Muslims throughout Bosnia and Herzegovina and particularly in Srebrenica.*

Statement: Husein Effendi Smajić, Mufti of Sarajevo, BiH, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

The time has come for religious leaders to finally meet.

Serbian president Tadić is meeting his Croatian colleague Josipović today. But those meetings must be trilateral; they have to include the Bosnian president, too. That would mean something to everyone. Also, it is important for our religious leaders to meet, too. It is true that Patriarch Irinej of Serbia has not met the Archbishop of Zagreb or the Reis-ul-ulema of Bosnia and Herzegovina yet. They have to meet, because such meetings carry a powerful symbolic message.

Statement: Živica Tucić, Religious Analyst, Religious Information Agency, Belgrade, Serbia, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

Further steps towards building RECOM are expected. We have to admit to ourselves the truth about the suffering of others.

Now, the question is how we treat the innocent victims. I think that we must honour them with truth, especially when it comes to recognizing the suffering of victims and counting and acknowledging them. So, in my opinion, truth comes before all (...) I see here that the Statute is being drafted, which is definitely a step further from the declaration on the establishment of RECOM... for that reason it is very important that Christian churches, with the theology of togetherness, redemption, and reconciliation, give their contribution to the establishment of RECOM. We have to admit our own truth, we have to admit the truth about the suffering of others, and we have to, based on that, start building our repen-

tance... I think that the time to do that is now, and that we will do it while searching for ways of how to further build RECOM.

Statement: Andrija Kopilović, Pro-Rector of the Institute of Theology and Catechism of the Catholic Diocese of Subotica, Serbia, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

Establishing the facts about suffering and war crimes has a therapeutic effect on society.

Establishing the facts about the victims of war crimes and their suffering has a significant therapeutic effect. Seeking forgiveness, dealing with our own wrongdoings, trying to disperse hatred, and preventing blindness for the suffering of others and the forgetting of the plight of victims should be in the centre of our efforts. And I must say that we owe gratitude to RECOM for not diminishing the role of religions in the process of equipping people with the tools necessary for finding truth, justice, and forgiveness. Religion makes us alert to other people's suffering and makes us become engaged in the creation of a better world.

Statement: Message from Fra. Mija Džolan, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

It is important to make every nation deal with the wrongdoings of their own members.

... The collection of facts is an arduous and very important job. It is important to create an atmosphere in which it is possible to talk about it. It is important that everybody deals with their own misdeeds, because it helps develop a sense that the wrongdoings committed on our behalf cannot be good for us. Also, victims should be allowed to refuse to speak...

Statement: Boško Teodosić, representative of the Dabro-Bosnian Archbishopry, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

We should create national commissions before establishing a regional commission.

We no longer deny the fact that other people hurt, too, we no longer turn a blind eye on other victims... the regional approach of RECOM implies that the war was regional. I think it was a little bit different... I think that Bosnia and Herzegovina, even more so than Croatia and Serbia, needs to have a national commission which would help us deal with ourselves. From that national level we can make a regional commission. Either way, what

truly matters is that no victim is forgotten. Let's be honest with each other and present the facts. Each victim has a first and last name - and whether it's RECOM or any other organization - they must compile a register of victims, stating the full name of each victim.

Statement: Vanja Jovanović, Priest, Old Church in Sarajevo, BiH, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

A representative of protestant communities should attend consultations like this, enjoying the support of the Interreligious Council of BiH.

We should urge members of the Interreligious Council of BiH to support the idea that at least one representative of all of the protestant communities attends such consultations.

Statement: Radivoj Konstantinović, Christian Adventist Church in BiH, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

The Initiative for RECOM should be understood as beneficial for victims.

The positive, peaceful influence religions have is immeasurable, but only if religions are not subject to political manipulation. RECOM should infiltrate those places where religions exist in the form of faith-based communities, as generators of inner strength, spirituality, and meaning – all of those religious products (...) We believe that all definitions of RECOM should include the principles necessary for building a healthy society, creating reconciliation, and promoting humanity, so that we can make a normal society (...) the most fundamental recommendation is that the Initiative for RECOM is understood as beneficial for victims and useful for their full recovery.

Statement: Prof. Dr. Fra Ivo Marković, Interreligious Service "Face to Face," BiH, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

RECOM must make a special plan for each area.

As religious communities, we should not harbour criminals regardless of whose house or backyard they found refuge. I think that religious communities must play a more significant role, no matter what ideals it may stand up against. If someone took a life or destroyed a family, we must wish for the justice of man and the justice of God to be served. That will ultimately bring reconciliation (...) We must make a separate plan for each area and

adapt it to the conditions of a specific event, the event that turned some people into victims.

Statement: Dragi Kostadinovski, Arch-Hierarchical Deputy, Orthodox Church of Macedonia, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

It is necessary to create an inter-disciplinary theological platform on the causes and consequences of recent wars.

When I was in Belgrade I suggested we make an inter-disciplinary theological platform which would in its discourse deal with the causes and the consequences of recent wars in the former Yugoslavia – a platform that would deal with the so-called contextual political theology which poses an essential anthropological question: where was man during the war in the former Yugoslavia and how did God leave man?

Statement: Nikola Knežević, Faculty of Protestant Theology, Novi Sad, Serbia, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

We should expect religious communities to be the place where the word about the Initiative for RECOM would be spread. We should not expect religious leaders to advocate the Initiative for RECOM.

Religious communities and churches can be the place where the word about this topic is spread, but they should not be expected to advocate for it. I think it is important that RECOM counts on members from various religious communities, on believers who put God before all other things who would support this initiative for that reason.

Statement: Amra Pandžo, Mali Koraci (Small Steps) Association for Dialogue in Family and in Society, BiH, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

We must not make a distinction between small-scale and large-scale crimes.

... There can be no distinction between small and large-scale crimes. We don't want to forget any crimes. We must not forget the crime of the persecution and torture of over 20,000 people in Pešteri, who experienced the most horrific forms of torture during the regime of Slobodan Milošević. I think that this initiative is particularly important and that you can count on the Islamic Community in Serbia, that all our available resources and capacities will be at your disposal.

Statement: Muamer Zukorlić, President of the Meshihat of the

Islamic Community in Serbia, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

We are ready to offer any kind of support to RECOM so that justice is served for each and every victim.

We are ready to support the RECOM in any way we can because we want to do something useful for the victims, help relieve the pain of the survivors, and make sure justice is served.

Statement: Skender Buzaku, Islamic Community in Macedonia, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

RECOM should collect enough facts for the historians to be able to write a generally accepted history of the period in question.

I think that religious communities should become part of the grassroots movement that RECOM should become. I don't agree that RECOM should only be a commission. It has to be a much broader approach which will serve as an encouragement to believers, provide an opportunity to pass their knowledge to other people, and help them to collect the facts. However, it is very important to understand what churches and religious communities expect from RECOM. RECOM should not try to define the character of the war, to articulate it in any way; it should simply collect the facts and information which will be used by future generations, historians, and all those who are going to be involved in writing an acceptable historical account of those events. When I say this, I mean the entire region. RECOM needs to make a significant database which will be relevant for the historians.

Statement: Boris Kožemjakin, Jewish Community in BiH, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

Believers need to develop an emotional approach to others and nurture the type of atmosphere which will allow a life together.

We, as priests, as shepherds, must create a climate in which the mentioning of war crimes and the opening of mass graves will not be understood as a call to revenge ... People need to know all the things that happened, but that should bring them closer together, make them forgive each other, and help them to continue living next to each other.

Statement: Danilo Pavlović, Priest from the Žitomislići Monastery, BiH, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

Pledging our support to the work of RECOM does not mean that we have given any kind of authorization.

If we pledged our support to RECOM it does not mean that we gave it the power of attorney. I will make a report from this consultation and submit it to the church for their opinion. I don't think that any authorizations will be given.

Statement: Boško Tošović, Dabro-Bosanska Archbishopry, BiH, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

It is absolutely indispensable that we now reach a minimum of truth we can agree on.

A minimum of truth we can all agree on must be reached now so that we can carry on this process throughout the region. So, the need is clear and we must get down to work... I think that everybody can see clearly now that we must reach a consensus on at least one segment of truth to be able to continue living like normal people. And I think that there is enough positive energy to accomplish it.

Statement: Prof. Dr. Fra. Ivo Marković, Interreligious Service "Face to Face," BiH, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

Our most important potential is in creating a good climate for the commission among the believers.

I think that we have forgotten that we are believers, too, and that we can help create a positive climate for this commission among the believers.

Statement: Jakob Pfeifer, Priest in Odžaci, Serbia, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

We should support RECOM by prayer.

At the previous consultation in Belgrade I suggested we supported RECOM by a prayer for the victims. Now I would like to add that we should also pray for those who committed the crimes, too.

Statement: Marijana Ajzenkol, Interreligious Center, Belgrade, Serbia, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

Elements for reconciliation will be built into educational programs through religion classes in school.

We need a lot of positive inner energy which can be built into educational programs with the purpose

of achieving reconciliation. We conducted several opinion polls about tolerance and non-violence and the results are extremely bad. We need to use the facts collected by RECOM to educate future generations and to teach them tolerance and reconciliation.

Statement: Marko Antić Brkić, Interreligious Institute of BiH, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

I think that the role of religion teachers (Sunday school teachers, religion instructors, etc.) is very important because we don't want a student to ask his teacher who the Baptist are and receive an answer that they are a sect not worth mentioning. They should be able to educate students about different religions instead of creating confusion and spreading intolerance. Religion instructors should have frequent seminars and consultations with their colleagues from other religious communities because what they teach students is very important – the students should be able to know major holidays observed by other religions and what meaning they have. They should understand that their holidays are equally as worth as ours. Regretfully, I am not sure that all of our religion instructors are educated in the right manner. The same applies to school religion and history textbooks...

Statement: Živica Tucić, Religious Analyst, Religious Information Agency, Belgrade, Serbia, Regional Consultation on the Initiative for RECOM with Representatives of Religious Communities and Churches, Sarajevo, BiH, November 4, 2010.

105. National consultation with civil society groups on the RECOM Initiative

**Skopje, Macedonia
November 20, 2010**

The second consultation with civil society groups on the RECOM Initiative in Skopje was organized by Peace Action from Prilep, Macedonia. The gathering was attended by 40 participants from Macedonia. The discussion was moderated by Gordana Duvnjak (member of the Coordination Council of the Coalition for RECOM from Macedonia) and Boro Kitanoski (national coordinator of the consultation process in Macedonia). Representatives of almost all major associations of victims in Macedonia, both Macedonian and Albanian, were present at the consultation.

TV Kanal 5, A1 TV, Alsat-M TV, TELMA TV, Sitel

TV, and MRTV reported from the forum.

Opinions, Suggestions, and Recommendations of the Participants

One of the main issues a regional commission like this should solve is the issue of forcibly displaced persons.

I fully support the work of this regional commission and the ZORA Association, regardless of how the commission is going to function or who is going to be in the presidency... will put the entire written and electronic documentation that we have collected in the last 10 years... at the disposal of the commission. With respect to internally displaced persons, I would like to reiterate that there were 76,000 internally displaced persons and now, 10 years later, that number is down to some 600 Serbs, Macedonians, and Roma who are unable to return to their houses. I understand that according to the Preamble of the Draft RECOM Statute this issue is considered to be a serious human rights violation, regardless of the number of displaced persons – individuals or groups that suffered psychological, physical and emotional damages from forced displacement, etc.

Statement: Jana Petruševska, ZORA Association of temporary displaced individuals, Aračinovo/Skopje, Macedonia, National Consultation with civil society groups on the RECOM Initiative, Skopje, Macedonia, November 20, 2010.

The mandate of RECOM should include the war and conflict related events from the period after 2001.

In part IV of the mandate, the Goals and the Assignments of the Commission, Article 12, it states there that the period from January 1, 1991 until December 31, 2001 will be investigated. I don't know who and why chose those dates, but I want to remind you that a person who returned home after being displaced was killed in Aračinovo in 2001 and in 2007 24 houses belonging to ethnic Macedonians were burned to the ground. Also in Aračinovo, 50 or so houses were robbed, and 80% of the houses were sold at way below market value. So, this means that in December 2001 the crisis was not over for those forcefully displaced from Aračinovo, Matejče, Lipkovo, and so on.

Statement: Jana Petruševska, ZORA Association of temporary displaced individuals, Aračinovo/Skopje, Macedonia, National consultation with civil society groups on the RECOM Initiative, Skopje, Macedonia, November 20, 2010.

The next important thing is to make a note of the fact that some individuals became victims at the

time of the Ohrid negotiations and some became victims after the Ohrid negotiations. I support those who think that the facts need to be investigated. I was a military commander myself, and for the life of me I cannot understand why the conflict happened.

Statement: Ilija Nikolovski, Association of veterans for defence and security of the Republic of Macedonia, Skopje, Macedonia, National consultation with civil society groups on the RECOM Initiative, Skopje, Macedonia, November 20, 2010.

RECOM should not prevent former members of security agencies from becoming members of the commission.

... I would personally like to say that I think it is contradictory to prevent former members of security agencies from becoming members of the commission. Some members of security agencies were honest individuals, fostering high moral standards and I think that this exclusion is an injustice to them.

Statement: Strašo Gligorov, Dostojanstvo Association of Veterans, Skopje, Macedonia, National Consultation with civil society groups on the RECOM Initiative, Skopje, Macedonia, November 20, 2010.

Even if RECOM decides to define the causes (of the war), it does not mean that war crimes are justifiable.

So, in other words, there is no justification for war crimes even if RECOM decides to define the circumstances of the war in the former Yugoslavia. It will not necessarily lead to a political debate or a labyrinth. The circumstances were there, they resulted in all those terrible crimes and human rights violations that happened. There is no amnesty, no causes, no justification. So, if we focus on future generations and make sure that the facts are established, I think it will help them set themselves free from the burden of the war. And the commission should definitely focus on the victims of the war.

Statement: Dragan Zmijanac, First Children's Embassy, Medaši, Skopje, National consultation with civil society groups on the RECOM Initiative, Skopje, Macedonia, November 20, 2010.

RECOM could help us establish an accurate number of victims by providing official recognition to all sides in the conflict.

Some people here had a hard time establishing who the victims were in the former Yugoslavia. I would quite responsibly say that the all citizens of former Yugoslavia were victims, especially the poorest ones. There were other issues as well, concerning the number of the victims, and therefore I say that I

believe everyone who lived in Yugoslavia at the time of those wars was a victim. One side in the conflict claims that they know the number of the killed and accuses the other side for hiding the number of victims. I guarantee that the other side also has all the necessary information, first and last names and everything else. It takes two sides for a conflict. The Albanian side to the conflict in Macedonia still does not have an institutional treatment from the government. All until that happens, I don't know how these numbers will be treated and I urge the commission to solve this issue.

Statement: Raim Limani, ONA (UÇK) Association of veterans Raduša, Macedonia, National consultation with civil society groups on the RECOM Initiative, Skopje, Macedonia, November 20, 2010.

106. National Consultations with Educators on the Initiative for RECOM

Belgrade, Serbia

November 27, 2010

A national consultation with educators was organized by the Humanitarian Law Center. The gathering was attended by 21 participants and the discussion was moderated by Nataša Kandić (Humanitarian Law Center). Key note speakers were Maja Mičić, (Youth Initiative for Human Rights), Živica Tucić (Religious Information Agency), and Marijana Toma (member of the Draft RECOM Statute Working Group). Radio Television Serbia, Tanjug, and Fonet reported from the consultation.

Opinions, Suggestions, and Recommendations of the Participants

Religious communities will support ideas of the Initiative for RECOM.

All those who thought that religious communities would not support the ideas of the Initiative for RECOM are very wrong. The principal ideas of the Initiative for RECOM are the essence of religion and humanism.

Statement: Živica Tucić, Religious Information Agency, National Consultations with Educators on the Initiative for RECOM, Belgrade, Serbia, November 27, 2010.

Ideas from the Initiative for RECOM can be

included in official seminars organized by the Ministry of Education.

(...) what you just said about informal education models, the entire concept you have and the things that need to be done, everything should be included in seminars organized for educators or it should be included in the list of seminars approved by the Ministry of Education and marked as high priority seminars (...) because you can't just enter a school unofficially, you need to be accredited, someone has to stand behind the Initiative for RECOM and say that the program of that organization or institution is in compliance with our standards and then you will find it possible. There are two possible ways. One is to be on the list of seminar-organizing institutions of the Ministry of Education, which is a big catalogue, and the other one is to submit your candidacy for the list of seminars directly organized by the Cabinet of the Minister of Education.

Statement: Želimir Popov, Ministry of Education of the Republic of Serbia, Assistant Minister of Education, Department of Elementary Education, National Consultations with Educators on the Initiative for RECOM, Belgrade, Serbia, November 27, 2010.

RECOM findings should be included in textbooks for elementary schools and high schools.

I think that as much information as possible from RECOM's findings should be included in textbooks for elementary schools and high schools. High school students already have their opinions formed on the basis of information they pick up randomly, from their parents, from the media, from their teachers whose views and personal experiences may have also been prejudiced. So, we mentioned it here today, everybody talked about it and that leads me to conclude that it is not too early to discuss this topic. We have to find an acceptable way to present these facts to them and to determine the scope of information to be included in the textbooks. I think that it should be first of all be included in history books and civic and religious instruction books, but that it could also be in other books, as well.

Statement: Melita Randelović, Second High School of Economics, civic education instructor, Belgrade, Serbia, National Consultations with Educators on the Initiative for RECOM, Belgrade, Serbia, November 27, 2010.

(...) with respect to your dilemma whether to introduce the findings of the commission into the elementary school curriculum, I personally think it is not too early. Once they enter high schools, these children often have already formed very radical opinions on many issues, not only based

on what their families think, but unfortunately also based on what their teachers in elementary schools taught them. For that reason I think it is important to teach them about the events of our recent past through an age-appropriate curriculum which will make it easier for them to accept the truth about what happened in this region in the recent past.

Statement: Siniša Vukadinović, Mihajlo Pupin Tenth Belgrade High School, civic education instructor, Belgrade, Serbia, National Consultations with Educators on the Initiative for RECOM, Belgrade, Serbia, November 27, 2010.

It is imperative to learn the circumstances that led to the conflict.

(...) I support the initiative to explore the circumstances that led to the conflict because I am sure the people in the areas engulfed by war did not just start killing each other for no reason at all. I am sure that a warmongering context existed that turned them against each other.

Statement: Tatjana Matijaš, civic education instructor, Traffic and Transport Technical High School, Zemun, Serbia, National Consultations with Educators on the Initiative for RECOM, Belgrade, Serbia, November 27, 2010.

RECOM should compile a list of individuals who saved lives during the conflict.

(...) a list of individuals who saved other people's lives in the conflict should also be made, just like the list of victims.

Statement: Nada Đuričić-Banjanin, Railway Technical School, civic education instructor, Belgrade, Serbia, National Consultations with Educators on the Initiative for RECOM, Belgrade, Serbia, November 27, 2010.

Youth offices should also be included in the activities of the Initiative for RECOM.

(...) it seems like a good idea to include youth offices in every town in the activities of the Initiative for RECOM. Our youth office in Sombor is very active. They are very influential in schools, because their members are teachers in many high schools.

Statement: Jasmina Borić, Economics High School, civic education instructor, Sombor, Serbia, National Consultations with Educators on the Initiative for RECOM, Belgrade, Serbia, November 27, 2010.

RECOM should make a movie about its findings.

(...) I think that it would be very useful to make a movie about RECOM's findings which we can play to students in class. I am not sure if it should be a 45 minute long movie or three 30 minute long movies so that there is at least 15 minutes for discussion after each part is played.

Statement: Jasmina Borić, High School of Economics, civic education instructor, Sombor, Serbia, National Consultations with Educators on the Initiative for RECOM, Belgrade, Serbia, November 27, 2010.

107. Consultation with the local community on the RECOM Initiative

Bratunac, Bosnia and Herzegovina
November 27, 2010

The Consultation with the local community in Bratunac was organized by the Information and Legal Support Center (CIPP), a member of the Coalition for RECOM. The gathering was attended by 35 participants – victims, members of non-governmental organizations, members of a range of associations, journalists, and experts who work with victims. Introductory speeches were given by Milena Savić, CIPP, Zvornik, BiH and Amir Kulagić, BiH, member of the Coordination Council of the Coalition for RECOM.

Opinions, Suggestions, and Recommendations of the Participants

There will not be enough living witnesses to testify about all of the victims. RECOM should make sure that a moral and human standard is upheld in convicting perpetrators even after the death of the witnesses.

I believe that this Initiative should be supported and I think that the more it is postponed the worse the impact will be on the overall result of the efforts to sentence as many war crimes perpetrators as possible. There will not be enough living witnesses to testify about all of the victims and most family members will not live to see the justice done in the cases where their family members were victims of war crimes. RECOM and all those associations, different organizations and the like should continue working in this direction to at least satisfy moral or human standards. Victims should be compensated in a way that will ensure the punishment of war crimes perpetrators even after the death of the victims. Let's take the example of the war crimes trial conducted in Belgrade for approximately 1,500 victims from the area of the Zvornik municipality. The main defendant was sentenced to five years in prison, which is a pitiful example of the exercise of justice. All those courts trying war crimes are incompetent and I believe that RECOM's activity

will help improve them. For that reason, as president of the Association of Returning Residents of the Zvornik Municipality I will do my best to support this initiative and I will consider it moral support to the victims.

Statement: Omer Selimović, Association of Returning Residents of the Zvornik Municipality, Zvornik, BiH. Consultation with the local community on the RECOM Initiative, November 27, 2010, Bratunac, Bosnia and Herzegovina.

Children are the true victims of the war. One of the suggestions for RECOM is to replace monotheist religious courses in schools with courses teaching comparative religion so that the children can understand other religions.

There are 276 children with disabilities in our Leptir Association in Srebrenica from the municipalities of Srebrenica, Bratunac, Vlasenica, and Šehovići. Out of this number, 30% of those disabilities were directly caused by the armed conflict. And it is safe to say that children are the true victims of the war. We all talk about children's rights. Many non-governmental organizations receive financial aid to support children's rights while in reality we witness the abuse of children's basic rights on a daily basis. And I think that in addition to the children born during the war, the children born after the war should also be considered victims. Our association will support RECOM, but it is our duty to support the truth... Also, I would like to make a recommendation for RECOM to advocate for the replacement of monotheist religious courses in schools with comparative religion so that each child can understand and appreciate other religions. Religious communities should (continue to) do whatever it is that they do [outside of schools]...I hope that the five members of the commission from BiH will be properly educated to be able to take statements [from victims and witnesses to war crimes] in an appropriate manner. My message here is also that we should see to it that persons we interview as victims do not remain victims after the hearing... they should not be left alone. When victims show up for a public hearing, when they are ready to talk about their suffering, we know they want to do it, but we also know that it is not going to be easy for them or their families and they are going to suffer for days...

Statement: Željka Katanić, Leptir Association of the Families of Children and Youth with Disabilities, Srebrenica, BiH, Consultation with the local community on the RECOM Initiative, November 27, 2010, Bratunac, Bosnia and Herzegovina.

Let's come closer together, let's love each other, and let's not dig too deep. It is not good to investigate too much and put too much energy into it.

I'd like for us to work and get closer together... Let's love each other and let's not dig too deep into the past because that can hurt us too... Don't think that I don't empathize with those who lost their loved ones. I can understand them quite well, but I think that as a society we should not put too much energy into investigating what happened in the very distant past. I am professionally involved in bringing people closer together and helping them reconcile... I work at a psychological and marriage-counselling center... Also, if we listed the countries formed on the territory of the former Yugoslavia, we can't list Macedonia as a province ... Undoubtedly, that's a mistake. It should have been left the way it was written previously: without Kosovo, or 'Kosovo and the Autonomous Province of Vojvodina'. On the form in front of me, I solved that problem by adding 'Autonomous Province of Vojvodina' in front of Kosovo.

Statement: Dr. Cvijan Đapanović, EGO Association, Zvornik, BiH, Consultation with the local community on the RECOM Initiative, November 27, 2010, Bratunac, Bosnia and Herzegovina.

It is always the same group of organizations that keeps boycotting such gatherings. Representatives of the local community can't be excused for not showing up today.

We are going to understand each other somehow (non-governmental organizations, mothers, sisters, brothers), but I think that our local communities will not understand us. And the very fact that they are not here today clearly tells us that they neither support us or RECOM... I think it is about time (if we want to join RECOM and if RECOM is supported by the town of Bratunac, the local community and the non-governmental sector) that we are able to tell such stories and not feel uncomfortable about it. Regardless of which side the stories are coming from... Also, it is interesting that it is always the same group of non-governmental organizations that keeps boycotting such gatherings, or they start a story and then they leave the meeting. What I want to say is that for me the representatives of the local community and all those associations cannot be excused for not being here today. The fact is that if I am the only representative of my association here, then it should not be considered an association. My specific suggestion is that, when it comes to Bosnia and Herzegovina, we take January 1, 1990 as the date marking the beginning of the period that needs to be investigated. The first multi-party election was held in 1990 and we got a multi-party system. I think that as early as 1990 some individual killings took place in Bosnia and Herzegovina.

Statement: Hiba Ramić, Mezarje Foundation, Bratunac '92, Bratunac, BiH, Consultation with the local community on the RECOM Initiative, November 27, 2010, Bratunac, Bosnia and Herzegovina.

Kosovo was not a republic in the former Yugoslavia. Why do we want to give one million signatures for something that was not recognized by our state – Bosnia and Herzegovina and Republika Srpska?

I believe that it was an unintentional mistake - in the second last paragraph of RECOM's Admission Document, there is a list of former Yugoslav republics and Kosovo appears as one of them. I want us to understand each other here. Kosovo was not a republic in the former Yugoslavia. Why do we want to give one million signatures for something that was not recognized by our state – Bosnia and Herzegovina and Republika Srpska? I want the organizers of this meeting to pay attention to this and change this paragraph as I am sure they can do it. You said that this document needs to be ratified and I definitely want to see it ratified, but it will not be ratified in Serbia unless it is changed. I just don't want the whole thing returned to us for such an obvious reason.

Statement: Spasoje Mladenović, journalist, Večernje Novosti, Bratunac, BiH, Consultation with the local community on the RECOM Initiative. November 27, 2010, Bratunac, Bosnia and Herzegovina.

108. Consultations with female victims of war for the establishment of RECOM

**Rahovec/Orahovac
Kosovo 4. December 2010.**

The Center for Research, Documentation and Publication (CRDP) from Kosovo, a member of the Coalition for RECOM, conducted its first local consultations on the RECOM initiative (for the establishment of a Fact Finding Regional Commission related to war crimes and other human rights violations committed within the period of 1991- 2001 in the territory of former Yugoslavia), with female war victims, on December 4, 2010 in Rahovec/Orahovac. Thirty-two women participated in these consultations. They were from the ethnic Albanian, Kosovo Serb and Roma communities from the villages of Hoqa e Madhe/Velika Hocha and Krusha e Madhe/Velika Kruša.

A large number of the media did not respond to the invitation to attend because of the parliamentary elections that were due to be held at the time in Kosovo. However, a Journalist from 'Lajm', a daily

newspaper, was present and wrote a good article on the consultations and the RECOM initiative.

Participation of female relatives of the victims from the municipality of Rahovec.

During the presentation of the RECOM initiative, members of the panel and the moderator tried to explain RECOM's concept given the relatively low level of education of the women. Moreover, the women still suffer from the consequences of their losses and needed to talk more than to listen. They spoke directly about their suffering, about how they were facing the past, and how to find the perpetrators of the crimes as well as just how to continue in the coming days. They gave very clear answers to questions such as: How would you react if you faced the killer/perpetrator of your husband/brother? Would you face the killer/perpetrator? Would you pardon the killer/perpetrator? Do you believe in the justice system? Would you like to know who committed the crimes? Would you like to know where the mass graves are?

Discussions lasted for some time because the women felt a need to speak about their history, their suffering and they demanded that perpetrators should be found and the whereabouts of missing persons to be established.

In the course of discussions, the women expressed their need to share their experiences of the events from the period 1998 - 1999. They insisted that war criminals should be caught. When members of the panel asked direct questions about how would they would react if the perpetrators of crime were established, reactions were different. Svetlana Velikić demanded that the criminals who abducted her brother in 1999 to should be prosecuted. However, some women gave evidence of Serbian police who saved several Albanian individuals during the war in Rahovec/Orahovac.

At the end of the meeting, the 27 female victims, present for these discussions, signed a statement for participation attesting to their participation in the RECOM Coalition and expressed their willingness to participate in other similar meetings, either nationally or regionally, and in any search for the truth for war crime victims.

Review of proposals, thoughts and recommendations

Truth should be known regardless of ethnicity

The truth should be established. What happened happened. It happened in 1999 for us and for the Serbian side. Regardless of that, we should sit again around the table and identify our problems and the persons who we really miss every single day... What hurts me is that 12 years after the war we still want the people to be identified and their grave sites to be known. Let us leave compensation to one side because money means nothing for a dead human being. It would be a big help to us if our children knew the whereabouts of their fathers, mothers or their relatives. This would be as an appeal for the municipality as well.

Statement: Fahrije Hoti, Association Mothers from Krusha e Madhe/Velika Kruša, Krusha e Madhe/Velika Kruša, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

Truth for the sake of future generations

Nobody can ever return the people who have gone missing. They do not exist today, not even in the past, but we should at least deal with the accusations, or the future generations will accuse us.

Statement: Shukrije Gashi, Partners Kosova, Prishtinë/Priština, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

Financial reparations are not important, I want to know the whereabouts of the remains of the missing

... it will be 12 years now, in March. I want to know and to find him, to know where he is, to bury him in his grave, nothing else is important to me, I only want to know where he is because after 12 years I do not know anything about him...

Statement: Stana Todić, victim family member, Hoqa e Madhe/Velika Hoça, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

Mutual communication would help the establishment of a commission to find the truth for both sides

However, to establish a commission, we must have eyewitnesses who really testify the truth, both from our side and their side. Then we could solve this problem and search for war crime cases relating to both the missing and of those killed. Therefore, as long as we have no communication between ourselves, we won't find those who have really committed crimes and both from the Albanian and from the Serbian side, we will never find missing persons or missing victims.

Statement: Fahrije Hoti, Association of Mothers from Krusha e Madhe/Velika Kruša, Krusha e Madhe/Velika Kruša, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

... Witnesses who know of those who have worked, have killed people, have participated in the missing of persons and who have exact information, not fictitious information, in cooperation with the commission that will be established, can help search and solve those problems, can shed light on the fate of the missing persons, can establish the war crimes. Otherwise, this is how we make ourselves busy with conferences and for the period of 12 years, that I have been dealing with missing persons' conferences, we have had no results.

Statement: Fahrije Hoti, Association Mothers from Kruša e Madhe/Velika Kruša, Kruša e Madhe/Velika Kruša, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

There is no forgiveness for crime!

...He will never deserve forgiveness. It is never possible to forgive Nenad, because I know, they were my father's neighbors, we went out together. He was a friend of my brother-in-law and so he destroyed our family, there will never be a pardon for him. He should pay for the crime that he has committed, to the whole of Rahovec/Orahovac...

Statement: Xhemile Sylka, victim family member, Rahovec/Orahovac, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

RECOM should be formed because (we need) a register of all victims, of the killed and of those who have gone missing and which will stop the manipulation of the data.

Why the RECOM Commission? Because a range of cases has been raised so far, information has been distributed, but if all that is not officially stated in a structural way, then there always seems to be a tendency to change them, to give them another shape, to increase, to falsify. Therefore, the creation of a commission is needed to deal with proving and confirming cases. Also, due to the fact that the war occurred all over Yugoslavia, there are similarities everywhere. Apart from that, perpetrators of these criminal acts often were the same people, and this is precisely the reason why RECOM - a regional commission should be created, so that family members of missing persons, of the victims, of war veterans, all the groups that have been attacked the most can come to the commission and testify about war crimes. Why RECOM? ... also for the reason that it will compile a register of all the victims and the missing persons, so that once and for all manipulation (of the truth) can be stopped. As one of the participants mentioned before, she told us that she sometimes receives information that her husband and son are somewhere and that she hopes for their return some day.

Statement: Shukrije Gashi, Partners Kosova, Prishtinë/Priština, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

There's no room for forgiveness!

I hope God returned it to him[the pain and suffering], his parents and sisters should feel like I have felt... 'I only wish he told us the reason why they killed him, why was he killed. He was married, he had a daughter three months after that. He did not see his first child. He was thirty-six. It is difficult for everyone, everybody cries over their own...

Statement: Vesna Manitašević, Women's Association Jefimija, Hoqa e Madhe/ Velika Hoča, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

If someone came and told you "I know who killed your father" would you pardon the perpetrator?

... Never! ...He should get what he deserves, he should be punished.

Statement: Brankica Milić, victims' family member, Velika Hoča/Hoqa e Madhe, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

Every victim and every perpetrator has a name and a surname

... Every victim has a name and a surname, and that should be same for every perpetrator - to have a name and a surname, and not the name of the whole community... The perpetrator is not known yet, I wish I knew him or her. All I am interested in is the reason why my father was killed.

Statement: Tatjana Kolašinac, victim's family member, Rahovec/Orahovac, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

Would you like to face that killer?

I am also only interested in ... I know that nothing can return him. My mother died with that wish but I would only like to know why... No. He should be put on trial, I would not like to face him at all....I have said thousands of time, If they had killed him there, in front of us, we would know whom we buried, but like this, we still wonder if it is really him. ...but you know, you cannot give up ... I would not be able to face him. No! Simply, only the law should finish the job for such people. Nothing can bring back my brother... I wish I knew who he was and that he had been punished, based on law, of course. I would never be able to judge anyone or to do anything like that.

Statement: Svetlana Velikić, victim's family member, Rahovec/Orahovac, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

Communication and exchange of information should be mutual

Now, please, I ask of all the Serbs who are present here, that we take further steps for your people, but you should also take steps for our people. Let those who have gone missing appear and let us know where their mortal remains are, because it is enough. Almost twelve years have passed. Children have been waiting, young wives have been waiting for their remains to appear, because we know what has happened. But, please, if you have information share it with us, here where we have gathered. And also, we for your people. If we know anything we will share information, but if you know anything, share the information with us because enough is enough. Twelve years have passed, it is not easy for a mother to raise seven children (alone).

Statement: Miradije Ramadani, victim's family member, Krusha e Madhe/Velika Kruša, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

I would take my revenge on the criminals

... Let me talk to the lady Miradije. How would you feel if it was revealed that a criminal who has killed your husband has been unmasked? Would you forgive or punish him? For example, I would neither forgive nor punish him. If I was given an opportunity, I would take my revenge on him. I would not leave him alive, just like the father of my children who is not alive any longer.

Statement: Fahrije Hoti, Association of Mothers from Krusha e Madhe/Velika Kruša, Krusha e Madhe/Velika Kruša, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

No forgiveness

On the next 21-st, twelve years and 5 moths. Last time... now I know nothing about him...

Statement: Sheribane Ukshini, victims' family member, Rahovec/Orahovac, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

But personally, I will never forgive him. He should forget all thoughts that I will ever forgive him because when my husband was killed he was only thirty-three years old... Yes, yes, he should be put into prison for life.

Statement: Bademe Duraku, victims' family member, Krusha e Madhe/Velika Kruša, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

... I just wanted to give a short answer to Bademe. It has been mentioned that Boško has committed war crimes. As an NGO, as a village council, we have contacted him, we have met him, he is completely

innocent [although] as we were not witnesses we couldn't testify to that.

Statement: Fahrije Hoti, Association Mothers from Krusha e Madhe/Velika Kruša, Krusha e Madhe/Velika Kruša, Local consultations with female victims of war, Rahovec/Orahovac, Kosovo, 4 December 2010.

109. Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM Initiative

Međugorje, Bosnia and Herzegovina
December 11, 2010

A local consultation with representatives of associations of former detention camp inmates and victims' family members on the Initiative for RECOM and the Draft RECOM Statute was organized by the Association of Former Detention Camp Inmates of the Homeland War and the BiH Journalists' Association. The consultation was attended by 20 participants: former detention camp inmates, human rights activists, politicians, journalists, members of non-governmental organizations, and members of the Coalition for RECOM. Introductory speeches were given by Mirko Zelenika (president of the Association of Former Detention Camp Inmates of the Homeland War in BiH), Ivo Jerkić (Chief-of-Staff of the Čitluk Municipality, BiH), Anđelko Kvesić (Busovača Association of Former Detention Camp Inmates, BiH), and Milena Savić (National Coordinator for the consultation process in BiH).

Opinions, Suggestions, and Recommendations of the Participants

It will be impossible to create RECOM while some members of the Bosnian government are the same people who were behind the war and the repressive state apparatus in the 1990s. It is humiliating for the victims.

I think that this Initiative proceed more slowly. You should work on improving the Statute and so on. When I say this, I am exclusively thinking of the Parliament of Bosnia and Herzegovina. Parliament should (first) adopt a resolution, a declaration, give an opinion or make a statement that the armed conflict took place and that there were camps. The

most important thing for Parliament to do is to name those people who are serving as members of the executive branch of the government and who are suspected to have committed wrongdoings. Parliament should call upon them to resign from their government positions... So, it is impossible to go any further with this until this is done. We cannot allow those who were behind the whole war and repression machinery to be participants in this initiative. They built the camps, took people to an unknown fate, and now we are discussing RECOM while they are still sitting in their offices. That is truly humiliating for the victims... not to mention the number of missing persons, which is an indisputable fact. What is also undeniable is the fact that if you pay, you can learn where the bodies are. The sad thing is that the competent state organs aren't doing anything about it... there are still no records on former detention camp inmates on any level – not in our local communities, in the municipality, the town assembly, in the county, in the entity, or at a state level. And the reason we are in this situation is that no one wants to deal with it. That's where the government should step in, that's a job for the government. Without it, this whole initiative makes no sense. We can't expect the Bosniaks or the Croats to establish the facts about crimes until individuals from my own nation decide to speak. We have to accept the fact that we are going to be frowned upon and criticized. I did, 15 years ago, and now I'm at peace being here with you.

Statement: Mirko Zelenika, President of the Association of Former Detention Camp Inmates of the Homeland War in BiH, Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM Initiative, Medugorje, Bosnia and Herzegovina, December 11, 2010.

Bosnia and Herzegovina should provide three or six members of the Commission so that each nation has an equal vote.

I would like to say something about Article 22 of the Draft RECOM Statute, with respect to the proposal to elect five members from Bosnia and Herzegovina onto the Commission. Did you intend to elect two Bosniaks, two Serbs, and one Croat? When I think about Croatia and Serbia, I even think that they can elect one member instead of three, but for Bosnia and Herzegovina I don't think that's the right number. I would like to hear some opinions on this... So the idea is to choose three or six members so that every nation has an equal vote.

Statement: Josip Drežnjak, Association of the Families of the Missing from Grabovica, BiH, Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM Initiative, Medugorje, Bosnia and Herzegovina, December 11, 2010.

Only a debate on the facts can lead us to a better quality life.

I want to see that there is an equal number of members from each nation in the commission, and because RECOM will not elect its members – the executive branch of government will do it for RECOM – this kind of arrangement is a sure way to establish the truth. Whether it going to be Option A or Option B depends on the agreements people reach. But, the fact is that without the truth, without a debate we can't do a thing... We need (to do) everything that can help us make a record of everything that happened, to record every fact – that can help us make a better life for ourselves.

Statement: Anđelko Kvesić, Busovača Association of Former Detention Camp Inmates, BiH, Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM Initiative, Medugorje, Bosnia and Herzegovina, December 11, 2010.

It is necessary to adopt a law prohibiting the denial of war crimes and the existence of detention camps. Witnesses need to be well prepared for testifying.

We can't just let people say that there were no detention camps... when we are talking about laws, it is necessary to adopt a law prohibiting the denial of war crimes in public... If a detention camp was registered by the Committee of the International Red Cross and if individuals have been sentenced for running such detention camps, no one should be allowed to publicly deny their existence... We need to make a proposal for the Parliament of Bosnia and Herzegovina showing how to draft a law prohibiting the denial of any detention camp.

...I am a witness for 21 missing persons from Bogojane. But, when you appear before a public prosecutor 17 years after the crime, you can't even remember what happened three months ago, let alone almost two decades ago. For that reason, I don't think very highly of the court, it looks like a circus to me. You sit there, people record your testimony, they ask you questions and you lose it... Witnesses must be very well prepared for their testimonies. That is extremely important. Also, there are already descriptions of events during which people suffered disabilities. Those descriptions and lists exist for military personal and for the civilian victims or war, too. So, those lists already exist.

Statement: Željko Vladić, Association of Former Detention Camp Inmates, Mostar, BiH, Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM Initiative, Medugorje, Bosnia and Herzegovina, December 11, 2010.

A meeting should be convened between members of the Coalition for RECOM and former detention camp inmates so that a list can be made of all former inmates.

I think that the Bosniak side already has a list of all detention locations. We should organize a meeting between representatives of the Coalition for RECOM and those who were in detention camps of the Army of Bosnia and Herzegovina, who were in detention camps of the Croatian Defence Council, those who were in Serbian detention camps. Let's get together and, although not all of us will accept the invitation, there will be a lot of people willing to start [to make a list of all former detention camp inmates].

Statement: Zlatko Prkić, Association of Prisoners, Vareš, BiH, Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM Initiative, Medugorje, Bosnia and Herzegovina, December 11, 2010.

RECOM must be strong and expand its activity, giving its opinion on which individuals responsible for wrongdoings are still holding public office.

RECOM must be strong within because there are going to be three nations, represented by members of the Presidency, who have a vote – they are able to offer a negative opinion on those politicians (responsible for wrongdoings). We need to exert as much pressure as we possibly can through the media, through political parties and so on, so that those individuals are no longer elected to important government positions. The same applies to people denying various forms of suffering caused by the war as well as the existence of detention camps... RECOM must expand its activity to give their opinion on individuals who committed wrongdoings in the past war. If RECOM declares itself competent to do it, the success of the Commission will be directly proportional to their willingness to point a finger at those individuals.

Statement: Gordan Zeljko, County Chapter of the HDZ, Mostar, BiH, Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM Initiative, Medugorje, Bosnia and Herzegovina, December 11, 2010.

Former detention camp inmates from all sides should get together and discuss their needs.

I support the initiative to organize meetings for former detention camp inmates, from all sides, in the armed conflict in municipalities where they were imprisoned. So, all those who were held captive on the territory of the Mostar municipality, regardless of the nation they belong to, should get together and exchange their stories. Prisoners from Vareš should

meet with other prisoners from Vareš, from all three sides in the conflict, and so on.

Statement: Željko Zovko, Association of former detention camp inmates, Mostar, BiH, Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM Initiative, Medugorje, Bosnia and Herzegovina, December 11, 2010.

Each prospective member of RECOM should first obtain endorsement from associations of victims.

... The Statute of RECOM should stipulate the method for the appointment of RECOM members in a way that will enable associations of victims to black-ball potential members of the Commission.

Statement: Davor Pehar, Town of Mostar Chapter of the HDZ, Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM initiative, Medugorje, Bosnia and Herzegovina, December 11, 2010.

Associations of victims from BiH should have their own representative in the Coordination Council of the Coalition for RECOM.

No one is claiming that the Coalition for RECOM can create miracles. But, if the commission is able to disclose 10 or 15% of all those war crimes and human rights violations committed during the war, we can say that the Commission was successful. It is considered a success to bring only one perpetrator to justice. I think that all associations will agree that in addition to Anđelko Kvesić, we should have another representative from Bosnia and Herzegovina on the Coordination Council of the Coalition for RECOM. That can be changed at the first Assembly and I hope that it should not be a problem for Mrs. Nataša Kandić or the Humanitarian Law Center for us to have another qualified man to represent us. It does not matter what organizational pattern we are going to adopt, it is important that everyone tells the truth.

Statement: Radmilo Golijanin, The League for the protection of private property and human rights, Trebinje, BiH, Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM Initiative, Medugorje, Bosnia and Herzegovina, December 11, 2010.

110. Regional consultation with non-majority communities on the Initiative for RECOM

**Skopje, Macedonia
January 29 2011**

A regional consultation with representatives of

non-majority communities held in Skopje was attended by 50 participants from the entire region of the former Yugoslavia. The gathering was opened by Gordana Duvnjak (Coordination Council of the Coalition for RECOM, member from Macedonia), Ratko Gajica (National Parliament of the Republic Croatia), Shaip Kamberi (president of the municipality of Bujanovac, Serbia). Nataša Kandić (Humanitarian Law Center, Serbia) was one of the speakers and the consultation was moderated by Boro Kitanoski (Peace Action, Prilep, Macedonia). Macedonian and Kosovo news media reported from the consultation.

Opinions, Suggestions and Recommendations of the Participants

It is necessary to adopt a law on missing persons in all states of the region. RECOM should help the nations of the former Yugoslavia to interpret [recent] history in a unified manner.

If you look at textbooks used by school and college students in the Balkans, you will see that they are presented with the same facts but different interpretations. For example, if the fact is that the Balkan Wars began in 1912, and that the Serbian Army entered, let's say, Skopje, the connotation of that fact in Serbia is completely different from the Macedonian interpretation. Liberation or renewed occupation? (...) I can't say that those things are the causes of the war, but they certainly are fruitful soil for the kind of conflict that happened recently in the former Yugoslavia. The Initiative for RECOM is therefore indispensable. (...) Another thing, I think that a law on missing persons should be adopted. That is the most painful issue, not only for the families of the missing but also for all society. The same law should be adopted throughout the territory of the former Yugoslavia. I agree that the law should provide an option for sentenced war crimes perpetrators so that their sentences can be reduced if they provide information useful for locating mass graves or for solving the fate of the missing.

Statement: Nexhmedin Spahiu, RTV Mitrovica, Kosovo, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

The essential question is what led people who were otherwise normal and responsible to create such havoc and commit such horrendous crimes.

I honestly believe that the Balkans region can be a 'normal' environment, where we can have a

responsible approach to history and that history will not be manipulated for political purposes. In order to achieve that, and in my opinion that is the idea of RECOM, we have to learn the facts. We must not be afraid to point a finger at those who committed crimes, regardless of whether they are in power and whether they come from Serbia, Bosnia and Herzegovina, Sandžak, Croatia, etc. So, generally, the Bosniak National Assembly gives its support to RECOM. Also, I would like to know if RECOM is going to research the causes and the consequences. I think that is the most essential question to answer – what led those who were expected to be normal to cause such havoc and without any sense of responsibility, commit such horrible crimes.

Statement: Samir ef Tandir, Bosnian Cultural Community, Prije polje, Serbia, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

All states in the region should adopt the same law providing for identical criminal processing of all war crimes perpetrators.

... when it comes to this very sensitive issue that has been bothering the entire region for almost two decades now, it is clear that a solution must be found soon. The Initiative for RECOM needs much broader support among civil society. (...) Now, the question we must answer is whether we can have a joint platform for creating equal conditions for criminal processing of war crimes perpetrators and identical sentencing criteria. War crimes trials are still being conducted routinely, while I believe that they should be given more importance in terms of demonstrating the fact that war crimes perpetrators are brought to justice. I think that in such an atmosphere it would be good to have a law that is identical in all states. Do post-Yugoslav states have laws with unique elements of justice when it comes to this kind of problems? It could create problems if one state accepted one set of criteria, one platform, [because] then the rest of the region is under a certain amount of pressure to accept it.

Statement: Riza Halimi, member of Parliament, National Assembly of the Republic of Serbia, Preševo, Serbia, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

Organ trafficking cases should be investigated by RECOM.

Each crime must be condemned, including organ trafficking crimes. I haven't heard anyone making that suggestion. That is a horrible crime.

Statement: Ivana Cvetković, National Council of the Macedonian National Minority, Leskovac, Serbia, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

We have to be very persistent because this is not going to be easily accomplished.

I think that RECOM is our future and this Initiative should enjoy as much support as possible. This is not going to be easy because all of the things that happened need to be carefully examined and clarified and that's the hard part in this region. However, we need to continue doing that and we need to persevere. Maybe not very soon, maybe not in two years, but it will all have to fall into place sooner or later.

Statement: Stojanča Arsić, Municipal Assembly Bujanovac, Bujanovac, Serbia, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

How do we open up the question of responsibility for burnt homes, persecution, intimidation, and mental and emotional suffering in Sandžak?

We need to establish responsibility for crimes that have not been investigated so far, even for individuals who have been sentenced already. In some cases, some people have even been promoted or otherwise rewarded for a series of extremely heinous crimes that happened in Sandžak. Those crimes have never been processed. Also, no one in the Balkans has ever been held responsible for mental and emotional suffering. How do we tackle the issue of killed souls, persecution, burning of homes, etc.? It is quite obvious that victims are not only those who died, because we have a history of repression and intimidation in Sandžak. Some 17,000 people were either illegally arrested or taken in for police questioning. What do you make of the fact that the people responsible for abusing and forcefully relocating the residents of Sandžak still live right next to us?

Statement: Redžep Škrijelj, Bošnjačka Riječ, Novi Pazar, Serbia, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

We must find a way to make politicians accept the establishment of RECOM.

One of the goals of this Initiative is to achieve reconciliation. Since reconciliation itself is a process that will take a lot of time, I think that we cannot expect our national parliaments or the so-called political elites to reach a consensus on this issue without the influence of the international community. We have

to find a way to approach the public and once the public has is in favour of this idea, they can influence politicians who will not otherwise change their policies, which are not the same policies that led to all of this and these are not the same politicians who led to all of this.

Statement: Mato Groznica, Croatian National Assembly in Vojvodina, Serbia, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

How can we win over members of minority and majority communities to talk about the crimes committed by individuals from their own communities?

We have mostly talked about crimes committed against members of our own minority communities. However, no one so far spoke about the crimes committed by members of our community against members of other communities. (...) But the question is how to motivate a member of a majority community to speak about the crimes committed against members of minority communities? We have to find instruments to motivate those people to talk. In Bosnia and Herzegovina we have a specific problem: in one area, or even one street we are a majority while in the next, we are already a minority.

Statement: Smajil Žlibanić, Association of Citizens of Gradiška, Gradiška, Bosnia and Herzegovina, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

We have to conduct an inquiry into possible crimes committed by members of the Roma population.

I would like expert people to conduct an inquiry into possible crimes committed by Roma people on the territory of the former Yugoslavia. I would like to have a finger pointed at any Roma person guilty of committing a war crime so that we can too, like other communities, admit that we have also committed crimes. I want to find out if we caused other people to transgress against us and I want to know what we did wrong. At this point, we don't have any information on whether the Roma community committed war crimes. I didn't conduct any investigation personally and I don't know if anyone else did.

Statement: Dervo Sejdić, the Council of Roma People in BiH, Sarajevo, BiH, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

We should pay special attention to those who testify against 'their own' perpetrators.

There is a young, dedicated man, Blaž Stevović, from Trebinje, who testified against members of his own community and he ended up being excommunicated from his own community. Now it is very difficult for him to be re-socialized. It is hard to imagine that you can motivate someone to testify against the members of their own group without providing sufficient protection mechanisms. (...) Are there any such mechanisms on an international level that we can use, since it is obvious that the ones we have locally are insufficient? Maybe that ought to be investigated further and maybe [we should] organize a consultation on this topic.

Statement: Senad Nanić, Cultural Society of Bosniaks in Croatia, Zagreb, Croatia, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

Media outlets are crucial for creating a positive climate for the establishment of RECOM.

I believe that in order to change the climate in any state it is necessary to secure the cooperation of the media. Without the media, the Initiative for RECOM cannot be successful. I am not being sceptical, but I really think that without support from the media it will be much more difficult to achieve our goals. (...) If this Initiative is not present in the media and if the broader public is not familiar with the Initiative, it will not be possible to change anything.

Statement: Michael Spevak, Association of Montenegro-Slovenian Friendship, Podgorica, Montenegro, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

Countries aspiring to join the European Union should demonstrate a high level of respect for human rights.

So, we should create this commission and select candidates who are willing and capable of doing the job in a transparent, honest, and proper manner. They should be fairly selected candidates, not mine, not yours, or somebody else's. In that respect, I support RECOM. (...) RECOM needs to be established and given credibility. The RECOM Statute has probably been written by people who are trying to make it as good as possible. If there are any major objections to the Statute, it can always be improved to be better. But, the thing is, I would insist on joining the European Union, but under clear conditions: human rights, human rights, human rights.

Statement: Mile Marčeta, Association of forcefully displaced residents of Drvar municipality, Bosnia and Herzegovina, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

RECOM must be careful to collect precise information in order to avoid manipulation.

It is quite clear to me that we need to have both first and last name, date of birth, and father's name in order to document that Mitar Mirić, was killed in such and such village of the Drvar municipality. Why? Because I know that some lists are being made today, and this is common knowledge, according to which a number of Serbs were killed in a village along the Drina River, but it later turns out that they died of natural causes. We must do absolutely anything in our power to avoid that.

Statement: Fahir Gutić, Cultural Society of Bosniaks in Slovenia, Ljubljana, Slovenia, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

There were many examples of people saving their fellow countryman belonging to other ethnic groups.

I know that there are many examples of people who saved members of other ethnic groups during the war and those people are neglected. They should be mentioned as often as possible as positive examples because many families were saved at the last moment by someone from a different ethnic community. There are many such people and we should just look for them so that we can take their statements as well as the statement of those who were saved.

Statement: Radomir Mičić, Democratic Initiative of Serbs from Sarajevo, Bosnia and Herzegovina, Regional consultation with non-majority communities on the Initiative for RECOM, Skopje, Macedonia, January 29, 2011.

111. National Consultation With Representatives of the Kosovo Policy Action Network on Initiative for RECOM

February 21, 2011
Gračanica/Gračanice, Kosovo

A national consultation with representatives of the Kosovo Policy Action Network (KPAN) on the Initiative for RECOM was organized by the Centre for Research, Documentation, and Publication (CRDP) in Gračanica/Gračanice, Kosovo, on February 21, 2011. Nora Ahmetaj (CRDP and the Coalition for RECOM Coordination Council, Kosovo) moderated the discussion and Bekim Blakaj (HČK Kosovo), Sonja Radošević (Coalition for RECOM Coordination Council, Montenegro),

Snežana Zdravković, and Marinko Đurić (Association of Family Members of the Kidnapped and Killed in Kosovo and Metohija, Serbia) gave introductory addresses.

The national consultation gathered 41 participants, 18 of whom were representatives of the Kosovo Policy Action Network, 10 monitors, 2 representative of media agencies, 5 panelists, and 6 organizers and members of the Coalition for RECOM.

Reports on the consultation were made by Albanian media, but also by Serbian media, KiM Radio and Media Centre from Čaglavica.

The discussion was dynamic and focused. Participants were informed about the Draft RECOM Statute. Most had not previously been involved in this process. Most participants were very active during the debate. Participants were very interested in joining the Initiative for RECOM, and six participants signed the statement of accession to the Coalition for RECOM.

Suggestions, opinions, and recommendations of participants:

My organisation supports RECOM

My support for RECOM is both individual and collective because the Association of Victims' Families, whose member I am, gave its support to the Coalition for RECOM. We saw that this, this Coalition, is primarily in our interest and I should say that the interests of both the Coalition and our interest is particularly to establish facts about war crimes, to establish the truth about all of the victims.

Statement: Snežana Zdravković, Association of Family Members of Kidnapped and Killed in Kosovo and Metohija, Prokuplje, Serbia, National Consultation With Representatives of the Kosovo Policy Action Network, Gračanica/Gračanić, Kosovo, February 21, 2011.

Opponents of the Idea of RECOM are afraid of the truth.

When our association joined this Coalition, we decided to support it; everyone had some motive, and my greatest motive was the feeling that victims are not being treated equally in all areas, and that was the reason for us victims, or victims' families, to present some of our arguments so that we could equally participate in the fact-finding processes (...) It seems to me that opponents of such an initiative and idea are mainly people who are afraid of the truth. We, victims' families and victims, do not

have a reason to be ashamed because our family members were killed on their doorsteps and we have no reason for these facts not to be established and revealed.

Statement: Marinko Đurić, Association of the Killed and Kidnapped in Kosovo and Metohija, Belgrade, Serbia, National Consultation With Representatives of the Kosovo Policy Action Network, Gračanica/Gračanić, Kosovo, February 21, 2011.

The Commission should deal with establishing political and command responsibility.

To establish the truth in Kosovo means to establish command and political responsibility. I am very glad that there are persons in central Serbia who are being prosecuted at different levels from the police, military, and political structures within the authorities of the Republic of Serbia for the crimes committed in Kosovo during 1998 and 1999. However, I am really disturbed by the fact that no one has been found responsible in a final verdict or in a moral and ethical or any other sense for the crimes committed against the non-Albanian population or against Serb people in Kosovo in the period from 1998 to 1999 and 2000. So, it was not determined... but I think that the Commission should, among other things, deal with establishing political and command responsibility.

Statement: Nenad Maksimović, Centre for Peace and Tolerance, Gračanica/Gračanić, Kosovo, National Consultation With Representatives of The Kosovo Policy Action Network, Gračanica/Gračanić, Kosovo, February 21, 2011.

It is impossible to establish the political and social circumstances that led to the conflict.

Article 13, 'the objectives of the commission are as follows; a)... I am not sure why political and social circumstances were taken into consideration? I think that it is impossible today even for a group of experts to determine the political and social circumstances leading to a particular crime or human rights violation (...) If we took Bosnia and Herzegovina, Croatia, and Serbia, or any other state in the region, we would see that everyone has their own opinion regarding the political and social circumstances, therefore, it is too early, even for a group of international and neutral experts, to point to political or social circumstances and to take a stance which would not be different from all other stances, because everyone has their own opinion regarding the political and social [circumstances]... This is a very broad idea, just like other broad ideas, like when Yugoslavia broke up, when the break-up of Yugoslavia happened.

Statement: Saša Ilić, Kosovo Policy Action Network, Gračanica/Gračanić, Kosovo, National Consultation With Representatives of the Kosovo Policy Action Network, Gračanica/Gračanić, Kosovo, February 21, 2011.

RECOM's Mandate should be broadened to cover the period through to 2004.

The request to include the year of 2004 into the mandate is entirely justified (...) this represents a violation, great violations of human rights, and this period should be investigated.

Statement: Marinko Đurić, Association of Killed and Kidnapped in Kosovo and Metohija, Belgrade, Serbia, National Consultation With Representatives of The Kosovo Policy Action Network, Gračanica/Gračanicë, Kosovo, February 21, 2011.

We do mind this timeline, because in 2001 human rights were still being violated. I mean families are still separated [Serb families], they still cannot return here, they cannot use their property, there is still a feeling of insecurity, and there is no freedom of movement.

Statement: Gordana Đorić, Kosovo Policy Action, Gračanica/Gračanicë, National Consultation With Representatives of The Kosovo Policy Action, Gračanica/Gračanicë, Kosovo, February 21, 2011.

It is a civilized act to support the idea of establishing RECOM and stand behind it.

We have been following the activities of RECOM for years now and we are glad that we have reported this story in this area and, of course, I think it is a civilized act to support this idea and stand behind it by giving our signature or to support this idea in some other way. Honestly, I doubt that we will produce great results in three years, considering the situation and the lack of trust that can be felt even in this discussion among us, or that we will be able to make much significant progress.

Statement: Žarko Joksimović, a journalist from the Link Production, National Consultation With Representatives of the Kosovo Policy Action Network, Gračanica/Gračanicë, Kosovo, February 21, 2011.

Ethnic balance is necessary for the selection of members of RECOM

I care for balance; I think it is very important; your said three commissioners, one of whom should be a woman. It is very important to have some balance here and I think that four commissioners would be an ideal number [enabling us] to include all nationalities, so that we could build up some credibility.

Statement: Jelena Miličević, Mission of Good-willed People, Mitrovica/Mitrovicë, Kosovo, National Consultation With Representatives of The Kosovo Policy Action Network, Gračanica/Gračanicë, Kosovo, February 21, 2011.

(...) Two [ethnic] Albanians and one Serb, I think this is really (...) I think there has to be one more Serb. We need to have balance.

Statement: Snežana Perić, Centre for Promotion of Youth Rights, Novo Brdo/Novo Bërdë, Kosovo, National Consultation With Representatives of the Kosovo Policy Action Network, Gračanica/Gračanicë, Kosovo, February 21, 2011.

Presidents should not make final selection of RECOM commissioners.

When you said that the President makes the final decision on Commissioners. I find this absolutely unacceptable. This is the issue that non-governmental organizations and individuals, I mean associations, should deal with and they should choose their representatives and the President of the state should not decide on this (...) in Kosovo in particular, in all these, so to say, political forums, there are only people who took part in wars. And certainly these persons will propose a member who will not try to see his crimes, but the crimes committed by the other side.

Statement: Gordana Đorić, Kosovo Policy Action Network, Gračanica/Gračanicë, Kosovo, National Consultation With Representatives of the Kosovo Policy Action Network, Gračanica/Gračanicë, Kosovo, February 21, 2011.

It is really unbelievable that the Statute gives so much authority to governments to control its work and control the appointment of commissioners ... in Kosovo, the present regime still consists of persons who are in a way responsible for the crimes committed and I find it quite unbelievable that we use the Statute to tie our own hands and limit our own freedom. If this was, or is, a painful process, which needs to be undertaken in order to obtain political support, I understand, if it is so and I believe that you will tell me if it had to be this way, but if not, I find it unbelievable that we limited our own freedom.

Statement: Nenad Maksimović, Centre for Peace and Tolerance, Gračanica/Gračanicë, Kosovo, National Consultation With Representatives of the Kosovo Policy Action Network, Gračanica/Gračanicë, Kosovo, February 21, 2011.

Serbs from North of Kosovo should be included in the RECOM process.

I absolutely support this initiative wholeheartedly and what I wanted to say and underline, is that if you are planning to include the north of Kosovo in the Initiative, you have to be very, very objective on both sides. If you are thinking of acting in the north of Kosovo, do you know what your campaign has to be like? It has to be objective and unbiased ...

Statement: Snežana Perić, Centre for Promotion of Youth Rights, Novo Brdo/Novo Bërdë, Kosovo, National Consultation With Representatives of the Kosovo Policy Action Network, Gračanica/Gračanicë, Kosovo, February 21, 2011.

There will be no success in society and no one

will be able to move forward until we establish responsibility for what happened.

There cannot be reconciliation without you, without victims, without the ones who paid the highest price. In this sense I see this as an opportunity not only to find the truth, which is very important, but also as an opportunity to trigger new processes. They will be hard, they will not be trusted, however, the most important thing is that the ones who paid the highest price, victims, are ready to talk, and I think that this is the greatest capital. If this initiative, as it rises to a higher level and becomes

institutionalized as defined in the Statute (...) I am also a lawyer and I understand all this, all these proposals, and I think this will be an opportunity for everyone who lives in the region. And this is the reason why I give you my support and I want you to succeed in this. You will succeed; you certainly will succeed because there cannot be any success in society and no one can move forward until we establish responsibility for what happened.

Statement: Momčilo Trajković, Čaglavica/Çagllavicë, Kosovo, National Consultation With Representatives of The Kosovo Policy Action Network, Gračanica/Graçanicë, Kosovo, February 21, 2011.

VI Consultation Process on the draft RECOM Statute Report

May 2010 – January 2011

USE OF TERMS

Use of Terms

Opinions of participants:

(...) the first thing I don't like here is that you call it a Statute, because statutes are supposed to be adopted by a body that has already been formed to regulate its operation. I think that [a body] is the main prerequisite because of the number of countries standing behind the document, which will be an international agreement to be ratified by the national parliaments of member states. According to the Constitution of all of these countries, that document will become a law, i.e. an international agreement to which national law is subordinate. So, in my opinion, it should not be called a statute (...) In my opinion this basic document, whatever it's called, should contain the mandate of the Commission, including the scope of its work and the competences of the Commission, and maybe some other items. However, this basic document must be carefully drafted because it will be expected both to be legally relevant and at the same time it will have to be written in a language that both victims and the general public can understand. Once it becomes law, the law of the state and this document have to be separate from a second document stipulating the

technical details [of the Commission] such as the election procedure, and so on.

Statement: Ivan Novosel, Legalis, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

GENERAL PROVISIONS

Definition

- 1. The Regional Commission for Establishing the Facts about War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia is an international regional organization established by this Agreement.**
- 2. The abbreviated name of the Commission is RECOM.**

Opinions of participants:

(...) there is a difference between the term 'territory' and 'region'. I think that the word 'region' should be changed to the word 'territory'.

Statement: Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

'... international regional organization formed by the states formed following the break-up of former Social Federal Republic of Yugoslavia.' I think this sentence needs to be rephrased because of the ongoing dispute between Serbia and Kosovo. Even if all other post-Yugoslav states accept Kosovo as one of the signatories to the Agreement, both Serbia and Bosnia and Herzegovina will refuse to sign and we will fail our very first test.

Statement: Zaim Elezi, Council of Bosniak NGOs from Kosovo, Peć/Pejë, Kosovo, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

I would like to say that in this whole project, the basic starting point should be the preparation and the signing of an international multilateral agreement between relevant states which would constitute this commission, this body – RECOM. I strongly believe that without such an international agreement, there can be no fast and efficient solution. If the international community helps create such an international agreement - it's an idea I don't think I should keep to myself - then that agreement may represent the basis for further activity. After such an agreement is ratified by national parliaments, member states would make necessary adjustments to their judicial systems in order to secure the implementation of the agreement, and only then should the necessary changes be made in the RECOM statute with respect to all of the issues which were very precisely and in detail laid out in this draft. (...) This is exactly why this should be understood as a starting point for further activity. However, as a jurist, I have a problem understanding why we are at the same time neglecting to discuss the starting point for that international agreement as well. Therefore I think that in future consultations we should use the term 'starting point' because the term 'draft' in reality only implies a specific, technical preparation of a legal act.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I think that here we need, first of all, to start from the fact that this statute should be preceded by a ratified international agreement on the creation of RECOM, which is a document establishing that member states, by adopting that document, are adopting the statute at the same time, because a significant part of the statute, the part presented here, must by its nature be contained in that document in order to have legal effect. This document here is defined and referred to as a 'contract' although it's not really a

contract but an international agreement based on which, RECOM is going to be created.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

If we decide that the statute is going to be exclusively adopted by the commission, then all issues of cooperation of the states in the region, the ratification of competent state bodies and so on, are going to be entirely redundant because they will automatically be implied by such an international agreement and we will then be free to devote our attention to issues relevant to the work of the commission. If a certain provision is contained in an international agreement, there's no need to repeat it in the statute. Those areas of the statute regulating the method of work, the election of members, etc. will refer to the international agreement. If the international agreement is meant to define the election criteria and if it needs to be ratified by the competent body, how can we deal with that? I think that it should not be included in the international agreement or in an annex to the international agreement. We will only create an unnecessary problem and this excellent idea will in the end be rejected by national parliaments.

Statement: Munib Halilović, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

In a strictly legal sense, there are no impediments to the statute not being of equal legal effect to an international agreement. That international agreement may have two articles: article one should refer to article two, and article two should be the contents of this statute.

Statement: Ivan Jovanović, legal adviser at the OSCE Mission to Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

There are many other models that may be acceptable to all countries in the region. For example, in all of the states in the region, the Framework Convention for the Protection of National Minorities is either being enforced or has been ratified. It is possible to create a document within the Council of Europe, the United Nations etc. which could later be signed up to by everybody interested in the project.

Statement: Goran Miletić, legal advisor for human and minority rights, Civil Rights Defenders, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...)Article 1 gives a definition of RECOM which must be an integral, basic, and primary part of the international agreement which will be ratified at the same time that the creation of the commission

is approved. The statute does not form the commission, nor does it define the commission. So, Article 1, the definition of the commission, should remain, but it must be in compliance with the methodology [of the international agreement]. After that, the statute defines issues such as the logo, etc.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) This is only the first draft now, of course, but we could maybe agree on a somewhat different wording – instead of ‘the regional commission for establishing the facts on war crimes and other serious violations of human rights committed on the territory of the former SFRJ is an international regional organization formed by the states created after the break-up of the former Socialist Federal Republic of Yugoslavia’ it should read ‘the regional commission for establishing the facts on war crimes and other serious violations of human rights committed on the territory of the former SFRJ is an international regional organization which will be formed in the future on the basis of this international agreement.’

Statement: Zoran Pusić, Citizens’ Committee for Human Rights, Zagreb, Croatia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

In my opinion RECOM can collect relevant information, it can compile its report based on the collected information, it can send the report to each member states’ judiciary, and it can cooperate with them in such a manner. However, Article (...) reads ‘regional cooperation for establishing the facts,’ although facts can only be established by a court in a legally binding decision.

Statement: Goran Rodić, attorney at law, Podgorica, Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) in some places it says ‘region,’ in other places you use the word ‘territory,’ and there is also the word ‘area.’ I think that only one of these words should be used here and changes should be made to all articles accordingly.

Statement: Vasil Sinishtaj, member of the City Assembly Tuzi, Montenegro, Regional consultation with multi-ethnic communities on the Initiative for RECOM, Mostar, BiH, August 28, 2010.

(...) the names of those states should just be listed, and also, for Kosovo, the official name should be used, the Republic of Kosovo not just Kosovo.

Statement: Visar Demiri, Association of former political prisoners, office in Vitina/Viti, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Priştinë, Kosovo, September 15, 2010.

RECOM is an auxilliary, supporting body designed to help the judiciary make proper judicial decisions. That has to be included in Article 1.

Statement: Salih Rasovac, Corridor, BiH, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

What languages are going to be the official languages of the Commission? If all of the languages we have mentioned here are going to be the official languages of the Commission, I think we may have a problem, because these languages don’t necessarily have the same meaning for some concepts. For that reason, I think it is best to include English as a neutral language, as an additional language that can help us avoid possible misunderstandings.

Statement: Milan Brglez, Professor, Faculty of Social Sciences, University of Ljubljana, Slovenia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

It is very precisely stated here that RECOM is ‘an international organization founded by this legal act.’ Having in mind the existing international legal standards on the establishment of international organizations, you must know that such an international organization cannot be established by a statute (...) I think that this formulation must be removed and perhaps included in the international agreement, which would be the founding legal act for RECOM.

Statement: Ibro Bulić, Prosecutor, Prosecutor’s Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) the original text should be written in English, as is the case with most international agreements.

Statement: Margarita Nikolovska, Human Rights Institute, Skopje, Macedonia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

The question here is whether an international organization can be founded by such an act. Secondly, if it is founded, who underwrites this legal act, having in mind the fact that a number of states appear as founders? So, in my opinion, the entire founding process should be at least ratified by national parliaments.

Statement: Margarita Nikolovska, Human Rights Institute, Skopje, Macedonia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) it is possible to use a statute for the establishment of an international organization such as, let’s say, the Charter of the United Nations or the Rome Statute of the International Criminal Court.

Statement: Milan Brglez, Professor, Faculty of Social Sciences, University of Ljubljana, Slovenia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) 'on the territory of the former Socialist Federal Republic of Yugoslavia (SFRJ)' should be replaced with (...) 'state party to the agreement.'

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

I agree with this suggestion. As far as I understand it, a participant at the consultation in Croatia suggested the word 'region' be replaced with the word 'territory'. The difference is that the word 'territory' is more commonly used in international covenants while the word 'region' refers to a portion of the territory of a state.

Statement: Ivan Jovanović, OSCE Mission in Serbia, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

Identification Signs

The Commission shall decide on its own visual identity, including its symbol, logotype, and seal.
Opinions of participants:

I think that it is very important to define the name and the location of the commission in the first part of the statute, to include it in the introductory provisions along with the logo. The regional commission should also have a round seal.

Statement: Vesna Simović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

Main Office and Executive Secretariat

1. **The Main Office of the Commission shall be in Sarajevo, Bosnia and Herzegovina.**
2. **The Executive Secretariat, located at the Main Office of the Commission, shall provide support for the work of the Commissioners.**

Opinions of participants:

RECOM's Main Office is in Sarajevo, and I salute that. It's great.

Statement: Tin Gazivoda, Human Rights Center, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

The gravity of the project imposes a responsibility on those deciding where the main office is going to

be located. I think that main office should be in the state with the most stable political situation, and we all know that at the moment Bosnia and Herzegovina is very unstable.

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

I think that it would be a just solution to locate RECOM's main office in Kosovo because Kosovo has experienced unimaginable suffering in the last few decades, maybe even centuries.

Statement: Bali Dervishi, Association of former political prisoners, president of the office in Vučitrn/Vushtrri, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Prishtinë, Kosovo, September 15, 2010.

Timeframe of Operation

1. **The timeframe set for operation of the Commission shall be three years.**
2. **The timeframe set for operation of the Commission does not include the preparation period, which begins at the constitutional session and may last no longer than six months.**
3. **The Commission may extend its operational timeframe for up to six months.**

Opinions of participants:

The mandate of RECOM must be longer than two years with a possible change of definition of roles after two years, but it must definitely be longer than two years. RECOM will be the body in charge of monitoring the implementation of recommendations.

Statement: Jelena Miljanić, Youth Office at the Ministry of Sports, Culture and Media of the Republic of Montenegro, Podgorica, Montenegro, Regional Consultation with Young People and Youth Organizations on the Draft RECOM Statute, Podgorica, Montenegro, May 20, 2010.

Two years is too short a time for this whole job to be done, to collect all the facts about war crimes and other serious human rights violations.

Statement: Mevludin Lupić, Association of the Families of Imprisoned and Missing Individuals from the territory of the Zvornik municipality, BiH, National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

Maybe we should analyse the experiences of other truth and reconciliation commissions in terms of

the timeframe for RECOM. Or we can allow six months for preparations and a mandate that lasts two and a half or three years. There is no need really, to impose such limitations.

Statement: Tin Gazivoda, Human Rights Center, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I think that this timeframe is too short. It is two years plus six months, (...) we should definitely keep point 2 – only I'm not sure if we should stipulate that RECOM can extend its own mandate.

Statement: Ivan Novosel, Legalis, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I think we should extend the timeframe as much as we can and that we should not limit it to two or two and a half years. That might become a huge problem later on.

Statement: Slaven Rašković, Documenta, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I think that maybe the founders of RECOM should be allowed to extend RECOM's mandate, but not for longer than six months.

Statement: Vesna Teršelič, Documenta, Zagreb, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

Based on this stipulation, it may be concluded that this mandate also includes the period of preparations. So, it should be clearly stipulated that the mandate begins once a six-month preparation period is completed, to be clear that the mandate does not encompass the preparation period.

Statement: Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I think that RECOM itself should decide on an extension to its mandate, and not its founders.

Statement: Mario Mažić, Youth Initiative for Human Rights, Zagreb, Croatia, National Consultation with Civil Society Organization on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

We also support the idea of a longer mandate – at least three years – and an additional six months for the creation of the final report.

Statement: Katarina Kruhonja, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I think that the timeframe of two years is too short and it should be extended primarily because the government in BiH, even if the best candidates

are elected, is not very much inclined to consider the victims or this process, and they are also expected to be 'partners' in the RECOM process. We also have victims who are still segregated, in spite of RECOM's efforts to unite people, and in spite of RECOM's clearly set goals, there are still many divisions between the victims. And the third argument in favour of extending RECOM's mandate is that we still have a very unprofessional administration. I understand that the commission will be asking government and state agencies to provide wartime related documents and I know it is going to take forever to get just one document.

Statement: Borka Rudić, Association of BH Journalists, Sarajevo, BiH, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

As for the time mandate of the commission, it must be strictly defined by the international agreement and all parties should unanimously agree on it. That is not an issue for the statute.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

This is a serious job and I don't think it should be limited to a specific period of time. We can do that in the beginning, but we are not going to accomplish anything significant in two years.

Statement: Miodub Vitorović, Prosecutor, Office of the Prosecutor of the Republic of Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I would at least allow four or five years for the mandate, with the possibility of extending it for an additional two years. This is a regional commission, it is designed to encompass a number of states, and it deserves a much longer mandate.

Statement: Goran Miletić, legal advisor for human and minority rights, Civil Rights Defenders, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) I fully agree with a two-year mandate for the work of this commission, and I do not think we should give it a five-year or longer mandate, simply because two years is more than enough to yield at least some preliminary results and the time mandate of RECOM can be extended based on a later assessment of the work of RECOM.

Statement: Tomislav Višnjić, attorney at law, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I think that a two-year long mandate is too short a time to conduct hearings of witnesses and other individuals who may be interested in testifying

before the commission about all these acts, especially if we take into account the fact that statements will be taken concerning the armed conflicts, waged throughout the former Yugoslavia, from Slovenia all the way to Macedonia. I believe that RECOM's mandate should not be shorter than three years.

Statement: Ivan Jovanović, legal adviser to the OSCE Mission to Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I am afraid that not even a three-year-long mandate will be sufficient. So, we need to be more flexible here, maybe by a three-year-long mandate and allowing an extension if necessary.

Statement: Dušanka Džakula – Tušup, Movement for Changes, Herceg Novi, Montenegro, National Consultation with Politicians on the Initiative for RECOM, June 30, 2010, National Parliament of the Republic of Montenegro, Podgorica, Montenegro.

I am afraid that we are going to face a lot of obstacles in our ongoing activity and therefore I believe that a two-year mandate for the work of the Commission is too short. The mandate should be extended to a longer period of time because we all know that even 11 years after United Nations Resolution 1244 was adopted, there are still thousands of people from all corners of the former Yugoslavia whose fate is unknown.

Statement: Olgica Božanić, Secretary of the Association of the Families of Kidnapped and Missing Persons in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

So, this material, this job we are supposed to be doing, I think it requires a lot of time and therefore my suggestion is to extend RECOM's mandate to five years plus one year.

Statement: Đorđe Popović, Association of Refugees from Daruvar, Croatia, and a member of the Coalition for Refugees, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

I think four years is the minimum timeframe for such a project, especially having in mind the time needed for the compilation of the Final Report.

Statement: Dragana Jeckov, Joint Municipal Assembly, Vukovar, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, July 14, 2010, Vukovar, Croatia.

I think we should edit it to read: (...) 'to extend the mandate of the Commission to enable the Commission to finish its job, but for no longer than 12 months.' An extension of six month is really too short. Or, we should simply think about mandating the Commission for a longer period of time with a possible six-month extension.

Statement: Vasil Sinishtaj, member of the City Assembly Tuzi, Montenegro, Regional consultation with multi-ethnic communities on the Initiative for RECOM, Mostar, BiH, August 28, 2010.

I am a little confused because the mandate of the Commission is so short– only two years. I think it cannot be done in two years. I thought it was going to be a continuous process and now I am pretty sure that this problem cannot be solved in just two years.

Statement: Dušan Cvjetković, Serbian Democratic Forum, Knin, Croatia, Local Consultation with Civil Society Organizations on the Initiative for RECOM, Knin, Croatia, September 2, 2010.



Regionalne konsultacije sa veteranima, Skoplje, Makedonija, 18.12.2010.

When speaking about the duration, I also think that two years is too short for such an undertaking, but I also think that the mandate of the Commission should not be too long, three years at the most.

Statement: Boris Milošević, Serbian National Council, Zagreb, Croatia, Local Consultation with Civil Society Organizations on the Initiative for RECOM, Knin, Croatia, September 2, 2010.

(...) I don't think we can do much in three years.

Statement: Zijad Nuhanović, Association for Sustainable Return of Refugees to Zvornik and Podrinje, Zvornik, BiH, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

Representation and Acting on Behalf of the Commission

1. **The Commission shall be represented by its Chairperson.**
2. **The Commission may decide to be represented by another Commissioner.**

Opinions of participants:

Article 6 reads: 'RECOM will be represented by a Chairperson of RECOM'. I think that the statute should also regulate how the Chairperson of RECOM is relieved of his or her duties in the event that they don't fulfil the listed goals.

Statement: Sabit Maliqi, attorney at law, Kosovo, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) we need to determine in what kind of situations the commission can be represented by persons other than the President of the Commission.

Statement: Amir Kulagić, Srebrenica, BiH, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

The Use of Language

1. **The Commission shall make equal use of the Albanian, Bosnian, Croatian, Macedonian, Montenegrin, Serbian and Slovenian languages, and of the Cyrillic and Latin alphabets.**
2. **The use of language and alphabet by the Commission shall be further regulated by the Rules of Procedure, having regard to the principles of efficiency and cost-effectiveness.**

3. **In communication with the Commission, each person can use his or her language and alphabet.**
4. **During public hearings participants shall use their own language.**
5. **In the Commission's offices in each Party to the Agreement, the official language shall be the language of that Party.**

Opinions of participants:

(...) RECOM's official languages should be all the official languages of member states. And the final report should also be translated into all of those languages. On a different note, RECOM will be interacting with international observers, partners, experts, and so on, from, let's say, Switzerland, Sweden, or The Netherlands, and this document should by all means include a clause allowing RECOM to communicate in all languages spoken by RECOM's partners.

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

When we say 'official languages' we may have a problem (...) We will have to take into consideration various dialects, even those limited to a small area, because it is much easier for victims to speak about their traumas and suffering in a language they are comfortable with.

Statement: Veselinka Kastratović, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

The RECOM Statute which is written in several languages, should be interpreted, commented on, and edited in one main language, and it is necessary to establish a procedure in case some translations are conflicting.

Statement: Ylber Topalli, former political prisoners, office in Uroševac/Ferizaj, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Priştinë, Kosovo, September 15, 2010.

Principles of the Commission

Commissioners and personnel shall act in accordance with the following values and principles:

- (a) Respect for human dignity;
- (b) Independence and impartiality;
- (c) Dedication to truth;
- (d) Equality and the respect for human rights and freedoms;
- (e) Accountability, accessibility, and openness;
- (f) Rigorous inquiry and procedural fairness;
- (g) Integrity, resoluteness, and the maintenance of the highest standards of professional ethics;
- (h) Special care in providing protection for victims of sexual violence as well as persons who were underage during the period within the mandate of the Commission; and,
- (i) Protection of confidentiality.

Opinions of participants:

(...) for me personally, (h) this is not a principle, for me this can only represent a goal or an objective of the Commission.

Statement: Margarita Nikolovska, Human Rights Institute, Skopje, Macedonia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

OBLIGATION TO COOPERATE WITH THE COMMISSION

Obligation to Cooperate with the Commission

1. All Parties to the Agreement are required to cooperate with the Commission and facilitate its efficient work in accordance with the Statute.
2. At the request of the Commission, all competent government bodies in Parties to the Agreement must respond to the Commission's requests to provide timely access to information and data, including requests to take statements from representatives of

state institutions and conduct field inquiries, unless it violates the law on protection of confidential data of the Party to the Agreement.

3. Information or documents detailing war crimes or other gross violations of human rights or containing information on possible perpetrators, as well as documents designed to conceal the commission of war crimes or human rights violations shall not be considered confidential.
4. If any Party to the Agreement believes that disclosure of information or a document requested by the Commission would violate the law on protection of confidential data, all reasonable measures shall be taken by the Commission and the Party to the Agreement to resolve the matter by cooperative means. Such measures may include, but are not limited to:
 - (a) A statement issued by the Commission explaining the relevance of the required document or information; and
 - (b) An agreement on conditions for information disclosure, including, among other things, partial disclosure of the contents of the document, restrictions with respect to publishing the information, or other protective measures.

Opinions of participants:

So, if that's the case, then we have to insist on the cooperation of state organs – if facts become evident from a victim's testimony, we have to ask the authorities to confirm whatever information they can confirm and duly note if they refuse to do so. That in itself would be a fact [in the case].

Statement: Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute with Civil Society Organizations, Zagreb, Croatia, June 1, 2010.

A statute adopted only by RECOM cannot regulate the obligations and undertakings of the states, nor can it claim that the state organs are in any way required by the statute to cooperate with RECOM. No one will accept that. That is an issue of political

will, and such a request would be legally and technically unsustainable.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Podgorica, Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I am wondering if the state organs are truly going to cooperate with RECOM? What makes the cooperation of state organs of members states with RECOM mandatory? Is there some sort of regulation in place? And also, can RECOM request that state organs provide information at any time, so that proof can be obtained which will help punish perpetrators of war crimes?

Statement: Dragan Ivanović, Podgorica Municipality, Montenegro, National Consultation with Local Communities on the Initiative for RECOM, Podgorica, Montenegro, September 14, 2010.

We cannot use the Statute to compel the states to cooperate (...) the Statute's main purpose is to regulate the work of the Commission and not to determine the responsibilities of states. So, that issue should be tackled by an international agreement.

Statement: Vesna Simović, Association of Legal Professionals of Montenegro, Podgorica, Montenegro, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) I think it is a very bad idea to carry on with option B. [Option A, Option B]¹ because in that case state organs could always step in and say – please, we cannot give you access to such and such data because it may jeopardize criminal proceedings which are underway.

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

I think that it would be wise for the Commission not to cooperate directly with individual state organs, courts, and other bodies who have data at their disposal, but instead, to request the states – by a clause contained in the international agreement – to form a body, an office for the cooperation with the Commission maybe, or something like that. Someone who will be able to secure faster accesses to the required information.

Statement: Žarko Marković, Belgrade Center for Human Rights, Belgrade, Serbia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

(...) the cooperation of state bodies with the Commission must be mandatory, and there must be sanctions for non-compliance.

Statement: Gabriela Banić, attorney at law, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'The

Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

(...) certain sanctions should be stipulated by law if state institutions fail to cooperate with the Commission...

Statement: Nikola Bešenski, judge, County Court of Vukovar, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

State institutions should communicate with the Commission in writing and provide the requested information, because you don't want to drag in their heads of departments and question them about the information they have at their disposal.

Statement: Jasminka Biloš, attorney at law, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

Information and documents never have any purpose. Information and documents are what they are and they can be used to cover up events and so on. So, it requires a different approach.

Statement: Miroslav Alimpić, judge, High Court in Novi Sad, Serbia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

If we want to establish facts that are 100% accurate, there can be no secret files.

Statement: Jovana Ramović, Faculty of Law of the University of Podgorica, Podgorica, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

(...) my suggestion is to change this paragraph to request that the Commission is allowed to have timely access to information – here I should add: 'and documents.' Firstly because all other paragraphs mention information and documents and secondly because we don't want the governments to invoke this paragraph in situations when they only want the Commission to obtain information but not to see the actual documents.

Statement: Tomislav Višnjić, attorney at law, Belgrade, Serbia, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

(...) Since it was originally planned that RECOM would have a three-year mandate, it is important to realize that any delay in communicating with state institutions when requesting information and documents may result in inefficiencies in the work of RECOM and ultimately may be an obstruction to the adoption of any kind of conclusion. Therefore, I think that we should set a deadline which the

1 A provision of the previous version of the Draft RECOM Statute: All government bodies in member states will respond to the Commission's requests to provide timely access to information, including the option for the Commission to take statements and conduct field investigations.

[OPTION A: in compliance with the legal provisions of that member state] or [OPTION B: unless it violates legal regulations of the member state concerning the confidentiality of information or if it jeopardizes a criminal prosecution. Information or documents marked as classified for the purpose of protecting perpetrators of war crimes or other serious human rights violations cannot be considered a state, military, or official secret.

states must abide by when responding to requests submitted by RECOM.

Statement: Bojan Gavrilović, Belgrade Human Rights Centre, Belgrade, Serbia, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

(...) I just want to comment on what Bojan just said. It says right here 'timely access to information.' That conveys a sense of urgency. I think that there is nothing more precise than this that we can say here. It would be pointless. It may take longer for some documents to be accessed.

Statement: Tomislav Višnjić, attorney at law, Belgrade, Serbia, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

I think that in paragraph 4, the introduction that is followed by these two points, should be changed to read: 'these measures may include' instead of: 'these measures include' because that will not limit us to the measures listed in points a) and b). This change opens up an opportunity to introduce other measures as needed, or other options to solve the existing problem.

Statement: Ivan Jovanović, legal adviser to the OSCE Mission to Serbia, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

OBJECTIVES AND FUNCTIONS OF THE COMMISSION

Objectives

The Commission shall have the following objectives:

- (a) **To establish the facts about war crimes and other gross violations of human rights committed on the territory of the former SFRJ in the period from January 1, 1991 until December 31, 2001, the political and societal circumstances that led to the commission of these acts, and the consequences of the crimes and human rights violations;**
- (b) **To acknowledge injustices inflicted upon victims in order to help create a culture of compassion and solidarity with victims;**
- (c) **To contribute to the fulfilment of victims' rights;**

(d) To help political elites and society in Parties to the Agreement to accept the facts about war crimes and other gross violations of human rights;

(e) To help clarify the fate of the missing persons; and,

(f) To help prevent the recurrence of war crimes and other gross violations of human rights.

Opinions of participants:

[Comment on a previous version of the Draft RECOM Statute:] 'At the beginning of the Initiative for RECOM, we talked about the victims of war crimes being in the focus of its work. We said we would make a register of all victims and a register of war crimes and gross violations of human rights. So, we have never in our previous discussions mentioned that our goal would be to research the facts'

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

(...) it would be a smart idea to separate specific goals, such as establishing the facts, because in addition to conducting field research RECOM will also be organizing public hearings and similar things with political implications.

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

(...) point b) – to help clarify the fate of the missing – I think it's very important. I would like to keep it under goals, and we obviously need to make a distinction between what goes into the Preamble and what's listed under goals.

Statement: Vesna Teršelić, Documenta, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

(...) that this Article should be rephrased to reflect more specific and clear goals (help clarify the fate of the missing, establish the facts about war crimes and other gross human rights violations, etc.) which will make it easier to state the duties of the commission, and this romantic, so to speak, part concerning 'establishing a feeling of confidence between the nations in the region, etc.' (... establishing mechanisms and building strategies for developing a sense of compassion and solidarity with the victims) which should be moved to the preamble.

Statement: Mario Mažić, Youth Initiative for Human Rights, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

I agree with what Mario said and we have said earlier in Zagreb that this sounds like a wish list and it is more suitable for a mission or a vision, if we can agree on that. I think that Article 20 better reflects the idea of what the goals should be - I know we haven't reached that part of the text yet... Please look at points b, c, d, e that, as Mario said, should be moved to the preamble.

Statement: Mirjana Bilopavlović, Center for Civil Society Development Delfin, Pakrac, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

I would also like to make this part more specific: b) 'To help clarify the fate of the missing by discovering mass graves.'

Statement: Borka Rudić, Association of BH Journalists, Sarajevo, BiH, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) all this time we have been talking about victims and still we don't have a definition of a victim. We need to define what a victim is.

Statement: Zaim Elezi, Council of Bosniak NGOs from Kosovo, Peć/Pejë, Kosovo, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

In the sentence beginning with 'RECOM has the following goals,' I would like to include in point a) something that is now in points c), d), and e) – a definition of a method for establishing the facts for the purpose of building confidence, mutual understanding, and a sustainable peace.

Statement: Vesna Teršelić, Documenta, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) It means that RECOM can rightfully establish those facts and I think that this should be the focal point of its activity; that is the essence of RECOM's mandate in my opinion, when it comes to the facts about war crimes and other serious violations of human rights.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

The working group should explain why the commission intends to deal with 'other gross human rights violations,' because in the course of the consultation process it was agreed that the commission would investigate murders, disappearances, and kidnappings in Kosovo that happened in the period after June 9, 1999.

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

It says: 'contributions' at the beginning, and I remember somebody had a comment about the fact that only courts can establish facts. I think that in order to avoid that comment, we can simply say 'contribution to establishing the facts about wars' etc.

Statement: Zoran Pusić, Citizens' Committee for Human Rights, Croatia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) the first two stated goals of RECOM [establishing the facts and helping solve the fate of the missing] should be elsewhere in the text, while the rest [of the explanations] sound more like preamble material. To be quite honest, everything else, the practice, compassion, solidarity, contribution to a lasting peace, etc., sounds good, but is it really that important?

Statement: Dragan Popović, Youth Initiative for Human Rights, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

My comment has to do with the fact that in each of the member states there are minority groups of all other nations, which is not clearly stated in this text.

Statement: Sabit Maliqi, attorney at law, Kosovo, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I don't know if RECOM should strive to build mutual confidence between the states, or rather confidence between nations, national minorities, and individuals. So instead of 'states' I would rather say 'national minorities.'

Statement: Zoran Pusić, Citizens' Committee for Human Rights, Croatia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

The goals of RECOM should be listed at the very beginning of the text, and then the functions of RECOM should be defined.

Statement: Vesna Simović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

The functions of RECOM belong in the general provisions section, right after the goals.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) I think that we should all ponder about what the ultimate purpose of the creation of RECOM is. Is it to make a register of all victims, whether we refer to them as human losses, civilian casualties, or any other way, or is to reach the ultimate goal which we discussed earlier, which is national reconciliation? I am afraid that if we only focus on a register of the victims, we will never reach the other goal.

Statement: Vesna Simović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

What does it mean when you say facts? What facts? Are these going to be the facts about the beginning of the war, the beginning of the aggression? Because there are still many people here who think that we had a civil war and not wars between sovereign states on the territory of the former Yugoslavia. Even today, there are many who truly believe that different nations just went on killing each other. Of course, that makes no sense at all. For that reason, we should probably define more precisely what kind of facts we are going to be determining and how we are going to approach the whole matter.

Statement: Mehmet Bardhi, Democratic Union of Montenegro, Ulcinj, Montenegro, National Consultation with Politicians on the Initiative for RECOM, June 30, 2010, National Parliament of the Republic of Montenegro, Podgorica, Montenegro.

The goal has been clearly defined but it is somewhat overwhelming, overly ambitious, and it requires competent people. It demands that members are properly qualified for the type of investigation that needs to be conducted and it definitely requires a much longer time period.

Statement: Milosav Stojković, Association of Centers for the Protection of Victims' Family Members in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

I wanted to ask you to extend the time period examined by RECOM, as we have discussed previously, at least until 2006. It does not have to be to the present time, but it must definitely include March 17, 2004 when major ethnic conflicts broke out. These events should without question be investigated.

Statement: Nataša Šćepanović, Association of the Families of Kidnapped and Missing Persons in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

I am against motions to forget Second World War. We are not asking for the victims to be identified using DNA. We know it is impossible. We are only asking for the victims to be exhumed from whatever mass graves they are in, and we want to give them a proper burial. We want to be able to have a place for them where we can light a candle and hold a religious service.

Statement: Dane Škorić, Coalition of Associations of Refugees, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

I think that in addition to clarifying the fate of the missing, one of the goals of RECOM should be to

help former detention camp inmates exercise their legal rights.

Statement: Miodrag Linta, President of the Coalition of Associations of Refugees, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

Former detention camp prisoners are a group that deserve attention. Their fate should also be clarified. I would like to include it under b) or c).

Statement: Veselinka Kastratović, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Osijek, Croatia, July 13, 2010.

(...) The most sacred rights of the Albanian people were violated, the right to self-determination which is a right guaranteed by international law.

Statement: Ali Lajci, former political prisoners, Peć/Pejë, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Prishtinë, Kosovo, September 15, 2010.

(...) in point a) it is necessary to define the consequences of war crimes and human rights violations.

Statement: Amir Kulagić, Srebrenica, BiH, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) we need to establish who is responsible for everything that happened (...) who is the highest ranking individual responsible for the crimes, 'who started the war on my island' as they say. Without that, we will leave options open to once again manipulate the number of victims, the number of those killed – as happens now, and I am only talking about my country.

Statement: Murat Tahirović, Association of Former Detention Camp Inmates of Bosnia and Herzegovina, BiH, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) causes, the establishment of the causes – i.e. all those who insist upon the Commission dealing with the causes of the conflict, put the Commission in an absolutely impossible situation by giving it a task it cannot fulfil. It would also mean that from the beginning we have to agree that the Commission will be unsuccessful and that's something I ask you to consider (...) What I think is relevant is that the Commission is capable of offering a platform for establishing the motives for the commission of many crimes, i.e. the crime of genocide or crimes against humanity.

Statement: Zoran Pajić, Professor, King's College, London, UK, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) working groups and legal professionals are slowly moving away from the concept of victim, although I cannot understand why, and I also have tro-

able understanding why it is impossible to include in the initial definition the following category: 'to establish the facts about the victims of war crimes and serious human rights violations.'

Statement: Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Croatia, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) to rephrase point a) of this Article to include as one of the sub-goals, raising awareness in member states of the need to accept the facts about war crimes and serious human rights violations. I think it should be more clearly stated that the goal is to build a culture of solidarity and compassion.

Statement: Vesna Simović, Association of Legal Professionals of Montenegro, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) something for the writers of the Draft Statute to think about is if there are any real differences between what we call goals and functions of the commission.

Statement: Zoran Pajić, Professor, King's College, London, UK, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

Let's establish the facts, and the truth about the beginning of the war and its consequences should be left to some other commission to establish - a commission of historians or philosophers, or someone else.

Statement: Dr. Zdravko Grebo, the Faculty of Law of the University in Sarajevo, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

I think that the term 'elite' is inappropriate, and I think instead of 'political elites' we should use 'political leadership'.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Montenegro, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

My suggestion here would be that this sentence should read: 'To help make the people of the member states accept the facts about war crimes and human rights violations,' without the term 'political elites'. I think that by giving them too much importance, we simply put them in a position to continue making decisions about our lives, while we continue to play the role of passive bystanders.

Statement: Siniša Štimac, attorney at law, Croatia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) someone has already mentioned political elites. I also don't like that phrase and I think that a much better phrase is the one used in the preamble of the Draft Statute: 'national elites'. Maybe even 'political structures'...

Statement: Miroslav Alimpić, High Court in Novi Sad, Serbia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) the word 'destiny' should be used in its plural form.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Montenegro, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

This is intended for the general public and I think it should read: 'acknowledge injustices inflicted upon victims in order to build strategies for developing a sense of compassion and solidarity with victims'.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Montenegro, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) 'to acknowledge injustices' – this will happen automatically once the commission establishes the facts – because point a) of this Article reads: 'to establish the facts'. And what will we gain by establishing the facts and who do we think of when we say 'to acknowledge injustices'? Is the commission itself going to establish that, or should all those who suffered injustices or caused injustices come forward and present their case or admit that they inflicted an injustice, so that we can proceed to build a culture of solidarity and compassion?

Statement: Margarita Nikolovska, Human Rights Institute, Skopje, Macedonia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) when we start establishing the circumstances and causes, then it would be a good idea to define the goal in a positive sense – the support, or the reinforcement, of peace and of course the dignity and respect for human rights.

Statement: Ivo Grga, attorney at law, Croatia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) there are still no records on former detention camp inmates at any level – not in our local communities, in the municipality, the town assembly, in the county, in the entity, or at a state level. And the reason we are in this situation is that no one wants to deal with it. That's where the government should step in. That's a job for the government. Without it, this whole initiative makes no sense.

Statement: Mirko Zelenika, President of the Association of Former Detention Camp Inmates of the Homeland War in BiH, Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM Initiative, Medugorje, Bosnia and Herzegovina, December 11, 2010.

What I believe is missing in Article 12 of the Draft Statute is the way RECOM perceives politicians who bear the responsibility for the events that are to be investigated. It seems to me that by defining

the goals and functions we are taking this story to the level of individual responsibility and individual guilt, which I absolutely salute, but I have a feeling that there is a missing link between that story and the so-called political responsibility (...) In other words, they are not the ones who should accept the facts, they created the facts and therefore they need to be held responsible for their actions.

Statement: Marija Vuksanović, Center for the Development of Non-Governmental Organizations, Podgorica, Montenegro, National Consultation with Young People on the Draft RECOM Statute, Podgorica, Montenegro, December 15, 2010.

Article 12, point b) reads: 'To help make political elites and society in the member states accept the facts about war crimes and human rights violations' – I find 'acceptance' a subjective idea and I think that the Commission will not be able to make anyone accept anything. I believe that it should read: 'to make them aware of the facts about war crimes and human rights violations' instead.

Statement: Jovana Ramović, Faculty of Law of the University of Podgorica, Podgorica, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

'To acknowledge injustices inflicted upon victims of war crimes' – I think that something is wrong here. Who do we expect to acknowledge the injustices – us or those who are going to be in the Commission? Those who are in the Commission, those who support it, clearly they do not need any convincing to acknowledge the crimes. I think it's important to change this part to read: 'governments of member states are expected to acknowledge the injustice inflicted upon the victims.'

Statement: Edin Smailović, Faculty of Philosophy of the University of Ljubljana, Slovenia, Graduate School, Biljelo Polje, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

I think it should read: 'to collect information necessary to establish the facts,' because facts can be established by competent institutions.

Statement: Željko Špelić, Croatian Officer Corps, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

Functions

The functions of the Commission shall consist of:

- (a) Collecting information on war crimes and other gross violations of human rights, providing a detailed account of the crimes and other violations, and describing patterns of abuses and their consequences;

- (b) Collecting information pertaining to the fate of missing persons and cooperating with competent bodies of the Parties to the Agreement conducting the search for the missing;

- (c) Compiling registers of human losses related to wars or other forms of armed conflict, to include:

- i. Civilians whose loss of life or disappearance was caused by the war or other form of armed conflict;

- ii. Combatants whose loss of life or disappearance was caused by the war or other form of armed conflict;

- (d) Collecting information on places of confinement connected to the war or other form of armed conflict, individuals who were unlawfully confined, tortured or subjected to inhumane treatment, and compiling a comprehensive list of the places and victims, with the application of identity protection measures where necessary;

- (e) Researching the political and societal circumstances that decisively contributed to the outbreak of wars or other forms of armed conflict as well as to the commission of war crimes and other gross violations of human rights;

- (f) Holding public hearings of victims and other persons about war crimes and gross violations of human rights;

- (g) Recommending measures to help prevent the recurrence of human rights abuses and to ensure reparations to the victims; and,

- (h) Compiling, publishing, and presenting its Final Report in a manner that will facilitate broad access to the Report by the citizens of the states on the territory of the former SFRJ.

Opinions of participants:

The register of human losses will require a revision. Here's one example: many victims from the community I come from, who lost their lives while having lunch or while looking for food and water, were listed

as fighters, veterans, and homeland defenders, while in reality, they were killed as civilians.

Statement: Fikret Grabovica, Association of Families of the Children Killed During the Siege of Sarajevo 1992 – 1995, Sarajevo, BiH, National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

From the very beginning I have kept urging the initiators of this process to personalize each victim, to create a file for each victim which will contain basic information such as their first and last name, father's name, their Unique Master Citizen Number (JMBG), date of birth, place of birth, the individual's occupation before the war, marital status, and if the individual had any children – all very important criteria. Next – if the individual belonged to an armed formation or if he/she was a civilian, and, also very important – how that person died. That allows us to make a distinction between those who lost their lives in combat and those who lost their lives in another way. Finally, a very critical piece of information – was that person found, identified, and properly buried?

Statement: Amir Kulagić, Srebrenica, BiH, National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

(...) I think that RECOM should not be bothered too much with the context, and that it is going to be a huge thing if RECOM indeed does what it is expected to do – establish the facts. When discussing the context and the years, my first reaction is that it is properly determined, so, [I suggest] the 1980s for the context and the framework and from January 1, 1991 to the end of 2001 for the armed conflict.

Statement: Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

We have already established in the course of various consultations that we cannot identify victims of war crimes alongside individuals who lost their lives in armed operations during the same period. Those who died in military operations have a separate register, and war crimes victims must be listed along with at least two independent sources verifying the crime, providing information about the time and place where the war crime took place.

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

(...) that our fundamental idea is to make a contribution to a better understanding of the events in the 1990s, or to arrange for our governments to meet and agree on the number of victims – killed and missing, and on the number of serious war crimes (...) That's what we want, and that will help us estab-

lish all other facts concerning the armed conflict – what the nature of the armed conflict was and what exactly happened, so it should not be there (...) and we are really worried about suggestions of exploring the context of the war, the motives, and everything that led to the armed conflict starting from the 1980s. I think that if we research the context, the causes, and the motives from as early as 1980 that led to the armed conflict, it will definitely shift the focus to many things on which we are not going to be able to agree upon. However, if we are going to be establishing the context, I think that it is quite all right to start with the year 1980, which coincides with the time we can identify as the time the disintegration began, but we want to see a more chronological approach, more turning points, without interpretation. I think this would be too demanding and we don't think that the Commission should be dealing with that.

Statement: Katarina Kruhonja, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

(...) '... collecting information on detention locations, places of confinement' (...) what's missing here is a register of unlawfully confined individuals, because we have all witnessed that all former detention camp inmates insisted on that. I know that when it comes to Bosnia and Herzegovina, we don't have an official register of unlawfully confined individuals. We don't know who was confined, where and by whom and I think that we definitely have to add that.

Statement: Dženana Karup-Druško, Association of BH Journalists, Sarajevo, BiH, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) there are many sentences in the text reading ... 'establishing the facts about war crimes' and I think we need to add 'and other gross human rights violations (...) paragraph 5. – indicate guidelines, specify how, how broad, and how in-depth, etc. Establishing motives is a demanding task, it is also extremely time-consuming and I am not sure that it would be at all possible for the commission to establish the motives behind all the important events that happened from 1980 and which led to the armed conflict.

Statement: Mario Mažić, Youth Initiative for Human Rights in Croatia, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) I also have a problem with paragraph 5. It makes me wonder if the commission will have sufficient capacity to deal with the motives, because exploring motives can be quite challenging, especially gi-

ven the fact that the historical context starting from 1980 is very extensive. I am truly concerned about the capacity of the commission.

Statement: Tanja Topić, political analyst, Banja Luka, BiH, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

With respect to paragraph 5, I also think that establishing the motives for the conflict may in fact be too much [for the Commission]. And we have all heard individuals charged with war crimes defending themselves by saying that they had read newspaper reports about the crimes and then committed the crimes themselves. So, they were motivated by news reports to commit war crimes. If we are going to follow that avenue of research, I really don't know where we would end up, and I must say I am very much in favour of exploring the context and the motives (...) because that is very important for all victims, as we have had an opportunity to hear at many consultations held so far, especially the consultations with associations of victims.

Statement: Borka Rudić, Association of BH Journalists, Sarajevo, BiH, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

I think we must keep the motives because they will continue to be present in the testimonies of victims themselves and we cannot eliminate them from the picture.

Statement: Nela Pamuković, Rosa, Center for Women War Victims, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

About Article 20, I would like to ask if it's possible to separate the part speaking about establishing the facts in paragraphs 1 through 4 and group those tasks into one task defined as establishing the facts and listed under point a) and then introduce point b) exploring the context. These tasks require two different methodologies and, as such, they should be separated.

Statement: Vesna Teršelić, Documenta, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

Paragraph 5 (...) I would put a question mark next to motives (...) but I think that paragraph 5 must definitely stay. I agree that the context should be explored starting from the year 1980 (...) and I also agree with Vesna that the first four paragraphs should be separated from paragraph 5 because they require two different research methodologies.

Statement: Ivan Novosel, Legalis, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) I would like to go back to paragraph 2 for a moment: 'Collect information on the destiny of the mis-

sing' This is exactly what Nataša was talking about – a lot of information has been collected by the International Red Cross and in the meantime in Croatia, for example, the book of the missing which is joint enterprise of the International Red Cross and the Office for the Missing and Unlawfully Confined of the Government of the Republic of Croatia, has been published twice. For that reason I think it would be a good idea to edit this paragraph to read that the commission will publish that data again in cooperation with institutions tasked with collecting information on the missing. So, it is important to emphasize that it is not going to be completely new research as will be the case with the research concerning other human rights violations. We need to remove the doubt expressed by many government agencies and missing person commissions that there is going to be a lot of overlap. We need to make it clear that there won't be any overlap in this area.

Statement: Vesna Teršelić, Documenta, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

Generally, all these states already have lists [of victims and veterans] ready; I can certainly speak for Bosnia and Herzegovina, all three ethnic groups. So, are we now going to revise existing official government lists? Those lists include members of the Army of BiH who were killed and whose families are receiving family pensions, members of the Croatian Defence Council (HVO), and members of the Army of Republika Srpska, all of whom are on official lists used by the government for the payment of pensions. There are lists of civilians who were killed too, although they may not be so precise since their families are not receiving any compensation.

Statement: Munib Halilović, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I think that we should definitely make a register of all losses according to the categories: veteran, victim, civilian victim - I think that if we don't do that, this entire process is going to be worthless. Victims should be on that list because they are going to be very important for establishing the facts. They will be the starting point for scientific research and analyses; they will serve as historical material and people will in the future use this. In the end, if the agreement is ratified, I don't see any reason why states should not make these lists available to anyone who is interested.

Statement: Mira Smajlović, judge, the Court of Bosnia and Herzegovina, War Crimes Department, Sarajevo, BiH, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) don't say 'compile a register of human losses,' don't say 'human losses,' just say 'a register of a) civilians, b) veterans.' Paragraph 5 should read: 'investigate the context, the causes, the motives, and the acts.' Also, choosing the year 1980 [a provision of the Draft RECOM Statute version from June 2010] as the starting date for the investigation is unreasonable. You can't investigate a motive for a criminal act such as murder while at the same time being limited to a certain time frame. Legally, it's a mistake. There can be no limitation in this area. It is a very dangerous thing, which has political implications, not legal.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) the creation of an individualized register of the killed, the victims of war crimes, and the missing - that is one of the most important functions of the regional commission. If we don't do it, then I am afraid that we are going to have the kind of political interpretations and numbers that we still have in use from the First World War, the Second World War. (...) [we should] not spend time discussing what has been established as definite in all truth commissions so far... the only difference is that some compiled a register of victims of war crimes and some made lists of human losses, basically a register which in addition to victims of war crimes included a list of killed veterans, and members of all armed forces, both regular and units of volunteers... because they all add up to what we refer to as 'human losses'.

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) whether it is our responsibility to establish the facts about armed conflicts or just the facts about war crimes... is a legitimate dilemma, and I personally think that the facts about the armed conflicts should also be established. I think it is very important to establish both kinds of facts. However, the Statute does not allow RECOM to collect relevant information or a detailed description of human rights violation cases. RECOM is tasked, although that is questionable too, but it's there, with compiling a register of human losses, but it does not say anywhere in the statute that RECOM should collect any facts at all about the war or conflicts waged throughout the region. It is not listed under the functions but it is listed in the definition and in the goals of RECOM.

Statement: Dragan Popović, Youth Initiative for Human Rights, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I believe that there are two arguments against researching the context of the wars waged on the territory of the former Yugoslavia. One reason is, as I just said – that there will be an explanation of the context of the war in the introduction to the report. There is no reason whatsoever for the commission members to do the job of other specialists. The causes stemming from society will be determined by sociologists, they will deal with that, historians will draw their own conclusions, socio-culturalists will analyse it all from the point of view of a cultural platform of our respective societies, meaning a lot of various professionals will process the facts established by RECOM, they will write books and scientific reports about it.

Statement: Dragan Popović, Youth Initiative for Human Rights, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

When it comes to the facts about armed conflicts, I don't see that RECOM should be dealing with the facts from various battles. In order to establish the facts about war crimes, the commission will be using a method of war crimes documentation (from at least two independent sources) which helps decide whether the killing of a member of regular or volunteer units, or members of armed forces, has elements of a war crime – i.e. whether it is the death of an imprisoned soldier or is it a soldier who was killed in combat, which has no elements of a criminal act, of course. These things are quite clear and the truth is that the facts about armed conflicts would lead us into military theory, military doctrines, however, by exploring the facts about armed conflicts, we do not automatically obtain the facts about the war crimes and members of armed forces killed. I suppose that you [addressing Dragan Popović] keep insisting on getting the facts about the armed conflicts (...) the Working Group recently looked into this issue, and this has to do with your understanding that those facts are necessary for the creation of a register of human losses. The Humanitarian Law Center has been working on a register of human losses for quite some time now and we do not research the facts about armed conflicts, I mean battles, military planning, etc. because the documentation method we have been using can very precisely determine whether someone was killed in, for example, the battle for Paštrik, and in that case we clearly see that the individual was not a victim of a war crime but a member of the armed forces who was killed in combat. It was professor Bassiouni who first submitted to the United Nations in 1992 a report that clearly documented the distinction between cases of war crimes and legitimate military actions where there were casualties

but where there were no human rights violations or violations of the Geneva Conventions.

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

In that context we should reconsider the functions of RECOM, with respect to what was just said – the events up to 1989 or the events from 1980 – and decide to what extent they should be investigated. That, of course, depends on how important the context of the war is for this project. I suppose the context of the war is important but I cannot say how important it is, having in mind the main functions and everything else, and also as somebody just said, human rights violations must be the main issue here, war crimes and crimes against humanity.

Statement: Toma Višnjić, attorney at law, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) I agree that researching the context and the causes, the motives of the armed conflicts in the former Yugoslavia is too big a task for such a commission, if not even a major stumbling block. I understand that most of you and especially the various victims' associations want to see some findings from the commission in that direction, and that's perfectly legitimate and understandable, and I would like that myself, but I am sure that it would be an impossible task. The entire work of the commission would be sabotaged because members of the commission would choose for themselves what events to investigate, and along the way they would be overwhelmed by information and all kinds of offers of various experts to explain what was going on before the war and I am pretty confident that the commission would fall apart working on this (fifth) function.

Statement: Ivan Jovanović, legal adviser to the OSCE Mission to Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

If we don't have a register of human losses and if the governments don't agree that these are really victims of war crimes and serious human rights violations, I am asking you how we can help the children of the killed or missing persons, i.e. the surviving victims – and we have made a list and we have a definition adopted in international legal acts who is considered to be a victim of war crimes and serious human rights violations – how are they going to be able to get any satisfaction whatsoever after all these horrific events.

Statement: Veljko Vičević, Association of volunteers and veterans of the Homeland War, Zagreb chapter, Croatia, Regional consultation with legal professionals, Zagreb, Croatia, June 11, 2010.

I would also like to recommend the creation of a register or mapping of all locations where crimes were committed, both actually – the mapping of crime locations and a register of court processes.

Statement: Fahrudin Hadrović, Democratic Party of Socialists, Podgorica, Montenegro, National Consultation with Politicians on the Initiative for RECOM, June 30, 2010, National Parliament of the Republic of Montenegro, Podgorica, Montenegro.

[A comment concerning the register of human losses]...I just wanted to make an amendment and add, if possible point c) reading: 'before the NATO bombardment' or 'before the war,' whatever wording you prefer, and 'during and after the signing of UN Resolution 1244,' because our Association is actively searching for those who went missing in the period from January 1, 1998 to the present day.

Statement: Olgica Božanić, Secretary of the Association of the Families of Kidnapped and Missing Persons in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

We think that it is exactly your approach, the regional approach, that is the right way to make a list of all detention camps and former detention camp inmates, and that afterwards we should take stage three into consideration – how to mark these locations properly.

Statement: Miodrag Linta, President of the Coalition of the Association of Refugees in the Republic of Serbia, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

If the context of war is included in this process, I am afraid that it is going to be a distraction from our main goal – to make a register of victims. In view of that, I think that it would be a long time before we were able to reach a consensus on the character and causes of the wars waged on the territory of the former Yugoslavia. It is very difficult for the Serbs in Croatia to accept a proposition about the Homeland War which portrays the Serbs in Croatia as aggressors and the Croats as freedom fighters. I think that's something we will never agree on and the inclusion of the causes of war and the background to war will only distract us from our main purpose, which is to finally establish an individualized register of victims. So, we should seriously consider if we really want to include the causes of war as one of the goals and functions in this draft Statute.

Statement: Miodrag Linta, President of the Coalition of the Association of Refugees in the Republic of Serbia, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

RECOM must have a mandate to explore that topic, as well as to examine the responsibility of nati-

onal policies that led to an enormous exodus of people - not a humanitarian relocation, but the mass exodus of people in this region.

Statement: Dragan Pjevač, Association of the Families of the Killed and Missing from Krajina and Croatia, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

You mention here, under point b), veterans whose death or disappearance is a direct consequence of the armed conflict/wars. I understand it in terms of the Convention on the Prevention and Punishment of the Crime of Genocide, so I think it would be better to rephrase it to read combatants.

Statement: Slavko Kecman, Association for Peace and Human Rights, Bilje, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, July 13, 2010, Osijek, Croatia.

(...) forced mobilization should also be included in the list of crimes to be investigated. Also, what happens to those responsible for covering up war crimes? (...) and as suggested by the participants from Kosovo, we should also mandate RECOM to investigate the kidnappings that happened after the armed conflict.

Statement: Nada Berkuljan, Member of the Pančevo City Council, Pančevo, Serbia, Regional consultation with multiethnic communities on the Draft RECOM statute, Mostar, BiH, August 28, 2010.

I believe that the Statute should dedicate at least on article to stipulate that the destruction of property is a crime and that perpetrators of such crimes should also be sought.

Statement: Miladin Jakovljević, Serbian National Minority Council, Pakrac, Croatia, Regional consultation with multiethnic communities on the Draft RECOM statute, Mostar, BiH, August 28, 2010.

We have a group of people here with no rights whatsoever. They are refugees from Croatia. Some members of that group are in Republika Srpska. They don't have personal documents to prove their identity. We need to deal with that category separately... In addition to all other problems they have – they lost members of their families – now, they can't even prove their identity to obtain citizenship.

Statement: Željka Prša, Struga, Bosansko Grahovo, BiH, Regional consultation with multiethnic communities on the Draft RECOM statute, Mostar, BiH, August 28, 2010.

I support the idea to keep an open mind and initiate discussion on the issue of responsibility of journalists and I even think it would be a very good thing to make it one of the tasks of the Working Group.

Statement: Dženana Karup-Druško, Association of BH Journalists, Sarajevo, BiH, Regional Consultation with Journalists on the Draft RECOM Statute, Ljubljana, Slovenia, September 10, 2010.

(...) I agree that we must focus on war crimes and human rights violations, but I also think that we must include examples of positive behaviour and of individual sacrifice against the backdrop of terrible events that took place on the territory of the former Yugoslavia. I think that it would not be a problem for the commission to at least list some symbolic examples.

Statement: Braho Adrović, Vice- President of the Berane Municipal Assembly, Montenegro, National Consultation with Local Communities on the Initiative for RECOM, Podgorica, Montenegro, September 14, 2010.

We cannot eradicate the consequences of the war, if we don't establish what caused it in the first place (...) When talking about the former Yugoslavia, it is important to note the consequences, the genesis, and the cause.

Statement: Gani Krasniqi, Association of former political prisoners, office in Mališevu/Malishevë, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Priştinë, Kosovo, September 15, 2010.

(...) the causes belong to history and those who research history.

Statement: Reshat Gashi, Association of former political prisoners, office in Štimlje/Shtime, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Priştinë, Kosovo, September 15, 2010.

Victims are civilians who were not armed, who had no weapons at all, and I think that in its final report RECOM should include two different categories – victims and veterans of war, because war veterans cannot be considered victims. Veterans were armed, they went to the combat zone, they were killed and injured, that's true, but that's a different story.

Statement: Munira Subašić, Association Mothers of Enclaves of Žepa and Srebrenica, Sarajevo, BiH, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

(...) I am a little disappointed with the work of the Working Group because I participated in three consultations on the Draft Statute, two of which were consultations with victims of war crimes, we talked about genocide, explained why we wanted to have 'establishing the facts about the genocide' included as one of the functions of RECOM but that proposal was denied.

Statement: Amir Kulagić, Srebrenica, BiH, Seventh Regional Forum on Transitional Justice, Working Group: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) the explanation that in the course of a three-year-long mandate the Commission would not be able to establish who the victims are in terms of establishing a definition of a victim and so on, I think that if the whole thing is victim-centred, then the mandate must be dedicated to that instead of

wasting time on establishing the political and societal circumstances that led to the commission of the crimes. Although it is very important, I think it is highly unlikely that such a mission can be accomplished and defined within a three-year-long mandate, whilst at the same time we all have numerous and different criteria for defining a victim.

Statement: Ljiljana Alvir, Mothers of Vukovar, Croatia, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) not all veterans can be considered victims and it should be very precisely defined when a veteran becomes a victim as stipulated by the Geneva Conventions.

Statement: Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Croatia, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) we also have to make a distinction between the terms 'human loss' and 'victim' (...) RECOM must set its own standards to be used in compiling a register of the killed (...) we want all victims to be categorized according to a unique methodology so that they have a precise definition and categorization in the register.

Statement: Amir Kulaglic, Srebrenica, BiH, Seventh Regional Forum on Transitional Justice, Working Group: Goals and Functions, Zagreb, Croatia, October 16, 2010.

We don't really understand why RECOM decided to deal with human losses. It is the responsibility of the state to establish how many living and how many dead each state has. The fundamental goal of RECOM according to the Draft Statute is to establish a register of human losses. I can't emphasize enough – victims should be the focus of RECOM's activity.

Statement: Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Local Communities on the Draft RECOM Statute, Pakrac, Croatia, October 22, 2010.

I second the proposal made by Ljiljana Canjuga and I am, too, convinced that it should read 'victims of war crimes'. Victims must be the focal point of our investigation and that is the only thing that is keeping me interested in this initiative and motivated to participate.

Statement: Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Local Communities on the Draft RECOM Statute, Pakrac, Croatia, October 22, 2010.

(...) I would like the commission only to focus on war crimes, and the fact is that war crimes are the most serious form of human rights violation.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) 'to demonstrate patterns of human rights violations' – I am afraid that in the Macedonian language it does not mean anything (...) it even opens up the opportunity for it to be interpreted arbitrarily.

Statement: Margarita Nikolovska, Human Rights Institute, Skopje, Macedonia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

'...a register of human losses' – I don't think it is an appropriate term. To make a register of losses, without personalizing each victim, seems unfair to me and it certainly isn't why victims and victims' families want such a mechanism (...) For that reason I would like to replace this with the word 'review' but to have in mind that we want all victims to be individually identified.

Statement: Amir Kulaglic, Srebrenica, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

I just wanted to make one intervention here that has more psychological than legal meaning. In Article 13, point c), 'the civilians who lost their lives' – I think a more appropriate phrasing would be, when speaking about the victims – 'the civilians who were killed or executed'.

Statement: Robert Adric, the County Court in Osijek, Victim/Witness Counselling Department, Croatia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

Point c) of the same Article, 'to collect information on all detention locations' – I am talking about the Macedonian language again, when it is put like this, it does not really mean anything, we need to say who was detained. We need to point to the individuals who were victims.

Statement: Margarita Nikolovska, Human Rights Institute, Skopje, Macedonia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) this is a very ambitious idea, to explore all the political, societal and other circumstances that directly led to the armed conflict. That is basically the same as establishing the causes of the war. It's a function that has been given to various institutions and I am not sure if the commission should be tasked with such a serious role. Also, I am not sure I understand what it means to only explore those circumstances. Maybe the commission will be able to establish or rather identify the political and societal circumstances, and some other institution might then deal with it in an analytical way.

Statement: Miroslav Alimpić, High Court in Novi Sad, Serbia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

[referring to point g)]: I think a much better idea would be to divide it into two separate points, and

then to re-write it to read: 'to recommend measures to be taken with respect to the recurrence of human rights violations,' and: 'to recommend measures to be taken in providing reparations for the victims of war crimes.' I think that these two items should be separated.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Montenegro, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) 'reparations for the victims' should be a separate point, even before point g).

Statement: Nikola Bešenski, judge, County Court of Vukovar, Croatia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

Also, there are already descriptions of events during which people suffered disabilities. Those descriptions and lists exist for military personal and for the civilian victims or war, too. So, those lists already exist.

Statement: Željko Vladić, Association of Former Detention Camp Inmates, Mostar, BiH. Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM Initiative, Medugorje, Bosnia and Herzegovina, December 11, 2010.

Article 12; point g) "To recommend measures to help prevent the recurrence of such human rights violations in the future" – I think the Commission should elaborate a complete set of recommendations concerning, first of all, changes in the education programs. By this I mean changes in history textbooks, where changes are really badly needed.

Statement: Edin Smailović, Faculty of Philosophy of the University in Ljubljana, Slovenia, Graduate School, Biljelo Polje, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

(...) I am in favour of a register of all losses, which would include both civilians and those in the military, and that list must inevitably include foreign nationals who participated in those conflicts. How are we going to register them? We should include them in the same register, together with the members of international forces. And a separate register should be created for victims, primarily victims of war crimes.

Statement: Veljko Vičević, Association of Volunteers of the Homeland War, Zagreb, Croatia, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

All those who were killed or lost their lives due to war-related situations must be registered.

Statement: Nermin Karačić, war veteran, Sarajevo, BiH, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

(...) it is very hard to make a distinction between those who died as civilians and those who were killed

as soldiers. However, all victims need to be registered.

Statement: Mevludin Plančić, former Yugoslav National Army officer, war veteran, Vršac, Serbia, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

COMPETENCIES OF THE COMMISSION

Temporal and Territorial Scope of Inquiry

The Commission shall establish the facts about war crimes and other gross violations of human rights committed in the period from January 1, 1991 to December 31, 2001 in the states formed on the territory of the former Yugoslavia, inquire into the political and societal circumstances that decisively contributed to the outbreak of wars or other forms of armed conflict and to the commission of war crimes and other gross violations of human rights, and inquire into the consequences of the crimes and violations, including those which became manifest after 2001.

Opinions of participants:

In the context of everything that has been said here, I like the idea of going as far back as the 1980s. We don't want to start with consequences and ignore the causes. That is very important from the point of view of future generations.

Statement: Jasmin Imamović, Chief-of-Staff of the Tuzla Municipality, BiH, National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

I don't agree with this and I have already said so on several occasions. It is not a good idea to start from the 1980s because between the 1980s and the 1990s people lived well but all the while, the three major ethnic groups were strengthening their national bodies and nationalist cores. That began in 1941. Just remember 1971 and what happened to us in Bosnia and Herzegovina. What could have happened? Do you know about it or do you want me to tell you about a group of people tasked with breaking-up the Social Republic of Yugoslavia. And those are the nationalists that existed in all three ethnic bodies that wanted the former Yugoslavia to be destroyed.

Statement: Dragoslav Mijanović, Association of War Veterans, Zvornik, BiH; National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

I think it is all right to start with January 1, 1980 but I don't agree that it should end on December 31, 2001 because of the fact that in Bosnia and Herzegovina human rights are still being seriously violated because there are approximately 10, 000 missing persons. The human rights of the people in Bosnia and Herzegovina are being seriously violated even today, because information on the location of numerous mass graves is being withheld. Therefore, I think that the time mandate of this commission should be as short as possible in order to find information on mass graves. That's the reason the organization I represent believes that December 31, 2001 is the last possible date for an investigation into documentation of the facts.

Statement: Mevludin Lupić, Association of the Families of Imprisoned and Missing Individuals from the territory of the Zvornik municipality, BiH, National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

As for the objections to the time-period of RECOM's mandate, I agree with my colleagues here that the indicated period is not a good solution. There should be no limits to the time-period that will be investigated, because there are terrible cases of human rights violations of victims and their families by individuals and state institutions who are obstructing discovery and identification of victims, as well as the punishment of perpetrators.

Statement: Goran Dražić, Together to the Truth Association, Banja Luka, BiH, National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

Designating 1980 as the beginning of the time period to be investigated [for the purpose of establishing political and societal circumstances] by the commission could cause a lot of new conflicts.

Statement: Mirko Šimunović, Association of Families of the Killed and Missing Veterans, Žepča, BiH, National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

(...) for Croatia it is questionable if it should be January 1, 1991, because we have a law in Croatia defining June 1990 as the date the Homeland War began. The first victims fell in Croatia in 1990 and not in 1991, and that is the reason we insist that the investigation period includes the year 1990.

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

(...) we don't want the starting point of the investigation period to be the year Josip Broz Tito died.

That would be a political act because it is hard to determine with certainty if the death of a political figure could have indeed led to a change in the relationship between nations of this proportion. We can accept a political act, such as the year 1974, when the Constitution was adopted, as a milestone in political relations because that is when the former Yugoslav republics were granted the right to self-determination and sovereignty. It is a much more powerful act than the death of any person, no matter what that person represented in this region.

Statement: Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I think that the period to be investigated should start from January 1, 1990 and include the entire year, because we all know that during that year crimes with a very strong ethnic background happened in Croatia. Those crimes may not have been listed as war crimes, since they obviously happened before the war, but they may have very well influenced the events that followed. If we designate January 1, 1991 as the beginning of the war period, it will mean that we have decided that everything that happened before that was an act of terrorism. That may mean a huge difference in legal consequences for the victims and everybody else.

Statement: Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I think that the January 1, 1980 compromise [for investigating political and societal circumstances] is a good thing.

Statement: Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I am more in favour of compiling a list of historic facts going as far back into the past as January 1, 1980, with very little or no interpretation, because any interpretation may pose a risk of disagreement.

Statement: Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

(...) we believe that we should really remove the facts about the armed conflicts of the 1990s. Who will do that anyway? Once we start talking about political and societal circumstances, victims will no longer be in the focus of our activity and they will soon be forgotten.

Statement: Nikoleta Poljak, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

(...) 'the facts on war crimes' – I am afraid that it is going to be too wide. The Commission will have to deal with the warmongering media, the war propaganda, journalists, counterfeit information, and so on. I think that it is just going to be too much because it will also have to include not only the media campaign but the politics, information on various battles, who attacked whom, who shelled a city or a village and so on. It will be time consuming and it will completely waste the capacity of the Commission.

Statement: Igor Roginek, Documenta, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

(...) some people, especially members of associations of homeland defenders, are not able to accept January 1, 1991 as the date of the commencement of the armed conflict, as was accepted by the International Criminal Tribunal for the Former Yugoslavia. They insist that the Declaration on the Homeland War in Croatia is not a legally but politically founded decision and they insist that the conflict start date should be mid 1990 when the armed conflict in the Republic of Croatia took place.

Statement: Mirjana Bilopavlović, Center for Civil Society Development Delfin, Pakrac, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

The part containing general provisions should also contain a provision stipulating the time period and territorial scope of investigation to be conducted by RECOM.

Statement: Vesna Simović, Association of Legal Professionals of Montenegro, Regional consultation with legal professionals, Zagreb, Croatia, June 11, 2010.

Article (...), defining the time period and territorial scope of investigation to be conducted by RECOM - there is more about establishing the facts about war crimes. I think it is a bit pretentious and complicated for the entire situation, just like the second assignment of RECOM with respect to socio-political circumstances contributing to the outburst of the conflicts.

Statement: Goran Rodić, attorney at law, Podgorica, Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

Now, a very debatable issue is what method and what instruments to employ to get answers. We all agree that we should establish and collect the facts concerning war crimes but the question remains what methodology should be used to determine the socio-political circumstances that led to the conflict.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

So, Article 21 now stipulates that RECOM establishes the facts about war crimes. There is no mention of armed conflicts waged 'in the period from January 1, 1991 to December 31, 2001' and we add also 'as well as the political and social circumstances from January 1, 1980'. So, now we don't have the motives, the causes, the context, or the actions, we now only have political and social circumstances.

Statement: Dragan Popović, Youth Initiative for Human Rights, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) I think that we need to do our best to justify the need to mandate RECOM with establishing the facts about war crimes and also about the armed conflicts. When I speak about establishing the facts about the armed conflicts, I don't think of all of those numerous battles that took place, I only think of the general character of the armed conflict. There is an internal armed conflict, the so called 'civil war', and there is an international armed conflict. On the territory of Bosnia and Herzegovina especially, we witnessed a combination of such conflicts, and we need to make an effort to establish the facts relevant to that particular situation.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

It is quite clear why you want the period of RECOM's investigation to start with January 1, 1991 – this is roughly the time when the conflict broke out, and I understand why the end of 2001 – but we want to include the events in Macedonia, and I can't understand why we are not including the events of 2003 and 2004 and the ethnic cleansing and pogrom in Kosovo and Metohija, because I believe that it was a bad end to an entire bad period starting from 1991 on the territory of the former Yugoslavia.

Statement: Aleksandar Damjanović, Socialist National Party, Podgorica, Montenegro, National Consultation with Politicians on the Initiative for RECOM, June 30, 2010, National Parliament of the Republic of Montenegro, Podgorica, Montenegro.

Of course the question is whether we should use January 1, 1991 as a starting point for our investigation. We all know that certain things happened in Croatia even before that date.

Statement: Miodrag Linta, President of the Coalition of the Association of Refugees in the Republic of Serbia, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

However, I think that the most critical years for this war were 1987, 1988, 1989, and 1990. Why? Because

somebody had a plan in mind and in order to implement that plan they created this whole nationalistic euphoria and put it at a level where it should have never been. I think I can call this affirmation. National identity was affirmed and wherever nationalistic euphoria was created, hatred was soon there. When hatred is generated, it is easy to instigate a war.

Statement: Ekrem Hadžić, President of the Association for the Protection of the Rights of Displaced and Forcefully Relocated Residents of the Priboj municipality, Priboj, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

(...) I would also like to see the context of the war, the causes, and the motives of the war beginning from the year 1980 investigated by RECOM. I think that there was a mother from Srebrenica, at the consultation in Novi Sad, who also asked that the year 1980 be included in our investigation. I don't remember her name but I do remember her asking that and I fully agree with her.

Statement: Nataša Šćepanović, Association of the Families of Kidnapped and Missing Persons in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

We should definitely include March 17, 2004, when large scale ethnic conflicts broke out in Kosovo and Metohija.

Statement: Nataša Šćepanović, Association of the Families of Kidnapped and Missing Persons in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

For us from Republika of Croatia the period to be investigated by RECOM is not acceptable because the year 1990 is very significant for us and I think for all other countries in the region, too, in the context of everything that happened.

Statement: Mirjana Bilopavlović, Center for Civil Society Development Delfin, Pakrac, Croatia, Regional consultation with multiethnic communities on the Draft RECOM, Mostar, BiH, August 28, 2010.

This Statute needs to have a preamble, some sort of introduction that will represent a short description of the purpose of the Statute, specifying the beginning of the period RECOM is mandated to investigate. It is my personal opinion that the period to be investigated should start with the year 1912.

Statement: Ylber Topalli, former political prisoners, office in Uroševac/Ferizaj, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Prishtinë, Kosovo, September 15, 2010.

(...) 1912 (...) that is the year that should be mark the beginning of the process to be investigated.

Statement: Bislim Bislimaj, Association of former political prisoners, office in Vitina/Viti, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Prishtinë, Kosovo, September 15, 2010.

The time period to be investigated by this Commission, I think it would be a smart idea to start from the end of the Balkan Wars and the occupation or the repeated occupation of the Kosovo and Albanian territory.

Statement: (Naim Bujupi, Association of former political prisoners, president of the office in Glogovac/Gillogoc, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Prishtinë, Kosovo, September 15, 2010.

So, we decided we did not want to include year 2004. Wasn't that the year when massive human rights violations happened in Kosovo under the auspices of the United Nations?

Statement: Dragislav Mijanović, representative of the Association of Differently-abled War Veterans of the Zvornik Municipality, Zvornik, BiH, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

Why can't we take the year 1990 as the start year for our investigation? We should definitely do it because we have been having problems in Croatia since that year. We had the 'log revolution' (balvan revolucija), our flow of goods, people, and capital were blocked, we had sporadic armed conflicts in 1990, we had victims, etc. If we apply these criteria, those people are automatically excluded.

Statement: Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'Composition and Election of RECOM Commissioners, Zagreb, Croatia, October 16, 2010.

(...) for us it is much more important to take 1974 as the beginning of the period to be investigated [for political and societal circumstances] because that's when the Constitution of the SFRJ was changed influencing a change in the constitutions of the republics (...) which gave them the right to self-determination and secession.

Statement: Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Local Communities on the Draft RECOM Statute, Pakrac, Croatia, October 22, 2010.

We have for centuries allowed ourselves to vilify the other side. Even today, and especially during the time of war, people would often say: 'what they did to us in that war. Do you think that maybe, because of that, we should go further into the past?

Statement: Nermin Karačić, Center for Non-Violent Action, Sarajevo, BiH, National Consultation with Local Communities on the Draft RECOM Statute, Pakrac, Croatia, October 22, 2010.

My specific suggestion is that, when it comes to Bosnia and Herzegovina, we take January 1, 1990 as the date marking the beginning of the period that ne-

eds to be investigated. The first multi-party election was held in 1990 and we got a multi-party system. I think that as early as 1990 some individual killings took place in Bosnia and Herzegovina.

Statement: Hiba Ramić, Mezarje Foundation, Bratunac '92, Bratunac, BiH, Consultation with the local community on the RECOM Initiative, November 27, 2010, Bratunac, Bosnia and Herzegovina.

(...) I am personally in favour of a broader approach – to deal with specific causes without any time limitations.

Statement: Milan Brglez, Professor, Faculty of Social Sciences, University of Ljubljana, Slovenia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) In order to better understand why such terrible things happened in this region, we must look at the historic, societal, and political aspects, and I think that imposing limitations on the time period that needs to be investigated is wrong, because it significantly narrows down the scope of the investigation.

Statement: Amir Kulagić, Srebrenica, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

I would like to say that I think we should start with a few years before 1991, but no earlier than 1980.

Statement: Nikola Bešenski, judge, County Court of Vukovar, Croatia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

Personally, I would like to give my support to Option A, because it does more than just depict the minute before the first gun was fired in this region.

Statement: Zlatko Kulenović, the Supreme Court of Republika Srpska, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) it says here that RECOM will investigate the events that took place on the territory of the former Yugoslavia in the period from January 1, 1991 until December 31, 2001. I have heard on the news that some people in Serbia and Montenegro think that the time mandate of RECOM should be extended to include the March 2004 violence in Kosovo which resulted in the destruction of a large number of churches and the creation of a new wave of refugees of non-Albanian origin from Kosovo.

Statement: Stevan Kandić, student, Faculty of Law, member of the Association of Legal Professionals of Montenegro and the European Association of Law Students of Montenegro, Podgorica, Montenegro, National Consultation with Young People on the Draft RECOM Statute, Podgorica, Montenegro, December 15, 2010.

I think that we should start investigation from the year 1918. That's the time the Kingdom of Serbs, Croats, and Slovenes was formed, which was later renamed to become Yugoslavia. We all originate from that state.

Statement: Damir Nikočević, Faculty of Political Science, Herceg Novi, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

I am talking to my colleague next to me and we want to suggest a third option: remove the first two options. The Commission must not be mandated to evaluate political and societal circumstances.

Statement: Timčo Mucunski, Justinijan Prvi Faculty of Law, Skopje, Macedonia, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

(...) the time period starting from 1980 is probably the right choice and (...) that is the only period that has any significance for the context of the war. Why? Because we can't blame historical circumstances for a bad turn of events – it is individuals who create evil.

Statement: Edin Smailović, Faculty of Philosophy of the University in Ljubljana, Slovenia, Graduate School, Biljelo Polje, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

(...) I have another suggestion – maybe the Statute of the Commission should contain an article specifying the obligation of the Commission to form, within a suggested period of time, a working body tasked with dealing with this particular issue [the investigation of political and societal circumstances].

Statement: Aleksandar Đorđević, Faculty of Law of the University in Niš, Youth Initiative for Human Right, Belgrade, Serbia, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

I don't think that we should start investigating events from the year 1980. I think we ought to go back all the way to 1941, although it will be an additional workload for the Commission.

Statement: Seid Burić, Faculty of Law of the University of Sarajevo, Sarajevo, BiH, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

With respect to the dilemma over what time period should be investigated by RECOM, I think that it should be limited to the period between 1980 and 2001 for many reasons. I think that a very complex and extensive task, a very important task is being imposed on RECOM – establishing the facts, and I am afraid that this period [from 1991] is going to be short for all the facts that need to be established (...) So, I think that RECOM will have much more important things to do than going into the very distant past, especially because it is very difficult to establish the facts from events that took place so many years ago.

Statement: Fikret Grabovica, Association of the parents of the children killed during the siege of Sarajevo 1992-1995, Sarajevo, BiH, Regional Consultation with victims and victims' family

members of the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

I think I would rather opt for an unlimited approach when it comes to investigating societal circumstances.

Statement: Aleksandar Todorović, Civil Initiative of Erased Residents, Ljubljana, Slovenia, Regional Consultation with victims and victims' family members of the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

(...) I think it is a good idea not to limit the time period when it comes to investigating societal and political circumstances.

Statement: Ružica Stasić, Association of the families of the missing and forcefully taken individuals of Serbian nationality, Vukovar, Croatia, Regional Consultation with victims and victims' family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

(...) there should absolutely be no time limitation with respect to investigating societal and political circumstances.

Statement: Atdhe Berisha, non-governmental organization Kalaja, Peć, Kosovo, Regional Consultation with victims and victims' family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

(...) I think we should investigate the period starting let's say in 1985. But I can also accept 1981, too.

Statement: Ekrem Hadžić, Association for the protection of the rights of banished and displaced residents of the Priboj municipality, Priboj, Serbia, Regional Consultation with victims and victims' family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

(...) I think that going back into the very distant past where there are no more living witnesses would be going too wide and it would prevent RECOM from focusing on establishing the relevant facts. For that reason I am in favour of investigating the past events only to the extent of their relevance for the events to the period 1991-2001.

Statement: Anđelko Kvesić, Croatian Association of former detention camp inmates in the Mid Bosnia Canton, Busovača, BiH, Regional Consultation with victims and victims' family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

With respect to the circumstances, if the time period is limited, it may create serious obstacles for the commission.

Statement: Prentk Gjetaj, president of the Government Commission for the Missing, Prishtinë/Priština, Kosovo, Regional Consultation with victims and victims' family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

With respect to the period that needs to be investigated – if we want to deal with the victims and war crimes perpetrators, we really should not go into the very distant past. Those who are responsible for all those horrible events are no longer alive.

Statement: Lozanka Radoičić, Parent Association Vera, nada, ljubav (Faith, Hope, Love), Belgrade, Serbia, Regional Consultation with victims and victims' family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

tation with victims and victims' family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

I am convinced that the time period should not be limited when it comes to researching political and societal circumstances.

Statement: Shaban Terziu, non-governmental organization Lansdowne, Gnjilane, Kosovo, Regional Consultation with victims and victims' family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

The time period which is the subject of investigation of the commission should be limited to 1981.

Statement: Marinko Đurić, Association of the families of the kidnapped and missing in Kosovo and Metohija, Belgrade, Serbia, Regional Consultation with victims and victims' family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

For us it is very important that [the statute recognises that] wars were waged in the period starting from 1990 instead of 1991 because the first victims in Croatia fell as early as 1990.

Statement: Bruno Čavić, Association of Volunteers and War Veterans of the Homeland War, Zagreb, Croatia, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

(...) not until 2001, it should be until 2002 because most crimes in Macedonia happened in 2001 in spite of the signing of the Ramkovniot Agreement and the adoption of the amnesty law.

Statement: Predrag Petruševski, Bingo, Association of Defenders, Kumanovo, Macedonia, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

(...) if we want to make something good out of it, we really need to get rid of all restrictions preventing us from exploring the political and societal circumstances of the armed conflict. Why? Simply because certain things had happened in the very distant past.

Statement: Bruno Čavić, Association of Volunteers and War Veterans of the Homeland War, Zagreb, Croatia, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

(...) there should not be a timeframe for the process of exploring political and societal circumstances of the armed conflict.

Statement: Nikola Grkov, Association of Military Veterans, Kavadarci, Macedonia, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

We should not put a cap on the process of exploring political and societal circumstances of the armed conflict.

Statement: Veljko Vičević, Association of Volunteers of the Homeland War, Zagreb, Croatia, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

I think that the time period for investigating political and societal circumstances of the armed conflict should be limited.

Statement: Anđelko Kvesić, Croatian Association of former detention camp inmates of the Mid Bosnia Canton, Busovača, BiH, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

(...) we should not impose any static restrictions. Instead, we should focus on securing opportunities for additional activity. So, I think that in order to be more efficient and focused, RECOM's mandate should be limited as stipulated in the Draft RECOM Statute.

Statement: Lush Krasniqi, Association of the Families of the Missing 'April 27, 1999', Đakovica/Gjakovë, Kosovo, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

I am in favour of a limited timeframe of RECOM's mandate to investigate political and societal circumstances of the armed conflict.

Statement: Predrag Petruševski, Bingo, Association of Defenders, Kumanovo, Macedonia, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

(...) the timeframe for investigating what happened in the period between 1990 and 2001 should not be strictly limited (...) the war that happened on the territory of the former Yugoslavia was caused by many different events and situations that happened a long time before the war broke out.

Statement: Rrahim Limani, Association of War Veterans of the Liberation National Army, Skopje, Macedonia, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

The commission should not discuss the political and other causes of the war at all. It should focus on the facts testifying about the origin of the crime.

Statement: Željko Špelić, Croatian Officer Corps, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

Violations of Human Rights under the Mandate of the Commission

The Commission establishes the facts about war crimes and other serious human rights violations listed in Article 1 of the Statute.

Opinions of participants:

(...) there is a list of certain human rights violations and war crimes [a provision of an earlier version of the Draft RECOM Statute: 'Violations of human

rights investigated by RECOM include but are not limited to execution of civilians and prisoners of war, enslavement, unlawful confinement, deportation, forcible transfer of civilians, rape and other forms of gross sexual abuse, torture and other forms of inhumane treatment, deliberate causing of great suffering, forced disappearance, appropriation and extensive destruction of property, hostage-taking, destruction of religious, cultural, and historic monuments, use of civilians and prisoners of war as 'human shields']. I am speaking from my own experience and from my own point of view, without any desire to enter into an argument with any of you, that something is missing in this article and that is the crime of genocide. I don't know if it is going to be qualified as a mass execution crime etc. – that's an option, of course. But, having in mind that I come from Srebrenica and the Criminal Tribunal at the Hague ruled that the crime committed in Srebrenica was genocide, I think it would not be fair to leave it out of the list of crimes RECOM will be dealing with.

Statement: Amir Kulagić, Srebrenica, BiH, National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

(...) I don't understand why kidnappings aren't included especially when we know that a huge number of kidnappings happened in Kosovo after the end of the armed conflict on June 9, 1999. That should also be one of the tasks of RECOM.

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

Just an idea to be considered by the Working Group – what happens with deliberate covering-up of crimes?

Statement: Vesna Teršelić, Documenta, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) maybe as a form of perfidy, something should be anticipated in the context of violation of human rights abuses.

Statement: Milena Savić, Legal Aid Center, Zvornik, BiH, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) the issue of concealing evidence of war crimes [should be added].

Statement: Teki Bokshi, attorney at law, Đakovica/ Gjakovë, Kosovo, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

...the violation of the right to be a conscientious objector [should be added].

Statement: Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I would like to add an amendment and ask you to insert it here, under whatever point it should go. Cases where after a victim had been killed, the victim's body was mutilated. We have buried all the bodies we have received so far, but I am talking about the victims from Kosovo and Metohija. We have received body parts and all of those bodies were decapitated. All those bodies were buried headless. It was all done on purpose, this systematic destruction. Those bodies were deliberately destroyed, burned, and relocated in order to make it more difficult to establish the cause of death and identify the victims.

Statement: Nataša Ščepanović, Association of the Families of Kidnapped and Missing Persons in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

(...) in addition to all of these stipulations, I understand there was also an idea to include acts of covering up evidence and war crimes... I believe it is very important and I am speaking from the point of view of the personal experience of my father and several other victims.

Statement: Marinko Đurić, Association of the Families of Kidnapped and Missing Persons in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

(...) forced mobilization should also be included in the list of crimes to be investigated. Also, what happens with those responsible for covering up war crimes? (...) and as suggested by the participants from Kosovo, we should also mandate RECOM to investigate the kidnappings that happened after the armed conflict.

Statement: Mirjana Bilopavlović, Center for Civil Society Development Delfin, Pakrac, Croatia, Regional consultation with multiethnic communities on the Draft RECOM statute, Mostar, BiH, August 28, 2010.

I did not see the word 'genocide' in the list of crimes to be investigated by RECOM. Why was it left out?

Statement: Esad Kočan, editor-in-chief, Monitor, Podgorica, Montenegro, Regional Consultation with Journalists on the Draft RECOM Statute, Ljubljana, Slovenia, September 10, 2010.

It is unacceptable to say that establishing the commission of the genocide cannot be a part of RECOM's mandate. The crime of genocide is the worst form of war crime. It is not a collective crime, it is a systematic crime, and if we want to establish all the facts about war crimes, even the worst ones, we have to understand the role of institutions. (...) Sooner or later, RECOM will have to tackle the issue of the responsibility of institutions. If we don't undertake the task of establishing their responsibility, we will reduce ourselves to individuals and we will ultimately lose the [collective] sense of the essence of RECOM.

Statement: Amir Kulaglič, Srebrenica, BiH, Regional Consultation with Journalists on the Draft RECOM Statute, Ljubljana, Slovenia, September 10, 2010.

The period to be investigated by the Commission should be longer and if it is longer, then it has to include other issues such as massive lay-offs of workers.

Statement: Ylber Topalli, former political prisoners, office in Uroševac/Ferizaj, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Prishtinë, Kosovo, September 15, 2010.

(...) I am deeply disappointed that (...) the Working Group failed to include the crime of all crimes – genocide – in Article 14 (...) I think we must include genocide in RECOM's mandate, and that the judgments handed down in court proceedings with respect to the genocide must be considered in the process of establishing the facts and in the Final Report writing process.

Statement: Amir Kulaglič, Srebrenica, BiH, Seventh Regional Forum on Transitional Justice, Working Group: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) if there are any indications in the Draft Statute that RECOM will not be dealing with the crime of genocide, then it is a major flaw and a warning that the draft text should be amended.

Statement: Draško Bjelica, Faculty of Philosophy, Niš, Serbia, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) we suggest that a category of serious human rights violations be included in Article (...), in addition to competencies of the Commission. This category would involve the case of individuals erased from the register of permanent residents of Slovenia (...). the category we recommend is: 'a systematic, arbitrary, or illegal depravation or obstruction of an individual's ability to exercise their right to permanent residency and depravation or obstruction of an individual's ability to exercise their right to obtain citizenship.'

Statement: Jovana Mihajlović-Trbovac, Peace Institute, Slovenia, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

I suggest another point is added to Article (...) – 'deliberate and/or systematic hiding of facts and/or destruction of documents that testify to, or may be used to clarify and document cases of serious human rights violations.'

Statement: Koča Pavlović, Member of Parliament, Montenegro, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) war crime does not exclude genocide (...) the words 'war crimes' are contained in the name of the Commission and I understand it is about a war cri-

mes as a generic term, that includes the crime of genocide. But, to make one thing clear right now, and with respect to the fact that during the war in the former Yugoslavia, or to be more precise in the conflict in Bosnia and Herzegovina, the crime of genocide indeed happened for the first time since the Second World War, after all these discussions I have heard here, I think that the crime of genocide should be included in the list of crimes in this Article.

Statement: Zoran Pajić, Professor, King's College, London, UK, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) I think that the problem of erased individuals can be included as a 'serious human rights violation' and I would not put it in a separate chapter. I would list it as an example of specific violations, but it is very important we interpret the title in a broader meaning – war crimes and serious human rights violations.

Statement: Zoran Pajić, Professor, King's College, London, UK, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

Article (...) I would also like to add the destruction of documents (...) and intimidation and murder of witnesses.

Statement: Milan Reljić, UG Struga, BiH, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) if the International Court of Justice has already categorized it as genocide, why does RECOM keep avoiding the word genocide?

Statement: Persa Vučić, Women in Black, Serbia, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) to include the word genocide and to list every possibility: genocide and all other human rights violations, serious crimes (...) why not use 'execution of children' (...) we can add many specific crimes, such as 'erased individuals' for those people in Slovenia.

Statement: Aprilia Lužar, Taxiart, Slovenia, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

Why is it so important to include the case of 'erased individuals' into the list of serious human rights violations? It is important because it is not even a case of human rights violations because it was preceded by the deprivation of the right to have rights.

Statement: Vlasta Jalušić, Peace Institute, Slovenia, Seventh Regional Forum on Transitional Justice, Working Group II: Goals and Functions, Zagreb, Croatia, October 16, 2010.

We are not asking RECOM to establish individual responsibility, but we do ask RECOM to establish the facts about the crime of genocide because that will mean that we are not revising court decisions.

Statement: Amir Kulagić, Srebrenica, BiH, Seventh Regional Forum on Transitional Justice, Working Group: Goals and Functions, Zagreb, Croatia, October 16, 2010.

(...) I think that it would be a good idea to accept the initiative from Bosnia and Herzegovina to change Article (...) to read: (...) 'all crimes against humanity and international humanitarian law'.

Statement: Mirjana Bilopavlović, Center for Civil Society Development Delfin, Pakrac, Croatia, National Consultation with Local Communities on the Draft RECOM Statute, Pakrac, Croatia, October 22, 2010.

When speaking about persecution (...) I would ask you to add persecution from the country (deportation, forced flight).

Statement: Sabit Maliqi, attorney at law, Kosovo, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

There is an inconsistency in establishing the competencies of the commission. It is either war crimes and serious human rights violations or crimes against humanity and international humanitarian law. So it should be stated consistently in all places where necessary. It seems to me that from a legal point of view it is a much better idea to use the previously accepted term, crimes against humanity and international humanitarian law. The reason being, it has broader coverage, because this second option, Option B, enumerates a dozen criminal acts but it is not limited to them – there can be 15 or more. So it seems to me that Option A is a much better solution for this².

Statement: Miroslav Alimpić, High Court in Novi Sad, Serbia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) I am not so much in favour of individual listing [of crimes] as stipulated in Option B, because I can immediately detect that some criminal acts, some crimes against humanity and [international] humanitarian law have been omitted, and it is very important for the very idea of RECOM to encompass all crimes against humanity and humanitarian law. I think that this wording, Option A, depicts all forms of war crimes in their entirety.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) paragraph 1, does not mention war crimes at all. It is not there, it is not even mentioned in the section speaking about consequences, and in paragraph 2 there is a definition that is clearly not a legal definition – 'war crimes and other serious human rights violations the commission is dealing with include but are not limited'. (...) This commission is an organ that must have a precise specification of its competencies and this article must be re-written.

2 Draft RECOM Statute, December 2010, Article 15, Competencies of the Commission: [OPTION A: The Commission establishes the facts concerning crimes against humanity and against international humanitarian law, as well as the facts concerning other forms of serious human rights violations.] [OPTION B: War crimes and other serious human rights violations investigated by the Commission include but are not limited to: (a) Genocide; (b) Persecution; (c) Murder; (d) Enslavement; (e) Illegal Detention; (f) Torture; (g) Forced Disappearance; (h) Deportation and Forceful Dislocation of Civilian Population; (i) Rape and Other Forms of Serious Sexual Abuse; (j) Confiscation and Large Scale Property Destruction; (k) Hostage Taking; (l) Destruction of Religious and Cultural-Historical Monuments; (m) Use of Civilians and Prisoners of War as "Human Shield"; The commission is mandated to investigate facts concerning crimes against humanity and international humanitarian law, as well as the facts concerning other forms of serious human rights violations.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Montenegro, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

Mr. Bulić told us that Option B does not list all the crimes that can be considered under international humanitarian law. I personally would like to keep Option B, but to edit it to include all other crimes that can be considered crimes against humanity and serious human rights violations.

Statement: Amir Kulagić, Srebrenica, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) Option A presents all kinds of possibilities.

Statement: Nikola Bešenski, judge, County Court of Vukovar, Croatia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) I suggest that we stick to Option B, which lists all criminal acts that are listed as the competency of the commission, and that this article also includes violations of human rights, and not just war crimes. Also, in addition to this, in our opinion, the definition of human rights violations should include the following words: 'a systematic, arbitrary, or illegal deprivation of citizenship or denial of an individual's access to citizenship, or the prevention of an individual's ability to exercise their right to permanent residency.'

Statement: Neža Kogovšek, Peace Institute, Slovenia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) I think that this other combination, although seemingly more precise, is a lot less specific than the first one. I would like to go on and make a change in the first one. It reads that the commission establishes the facts related to – and we should add here: 'all crimes against humanity and international humanitarian law', period. The rest is redundant, in my opinion, of course, unless our intention is to go into all imaginable forms of human rights violations, including the rights of people who lost their savings in the banks.

Statement: Munib Halilović, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) I think that Option A is more comprehensive and I think we should go with that.

Statement: Mira Smajlović, judge, the Court of Bosnia and Herzegovina, War Crimes Department, Sarajevo, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) I can see that there are many opinions here. For that reason I have made a compilation (...) 'the commission establishes the facts with respect to crimes against humanity and humanitarian law as well as

the facts concerning other serious human rights violations' and now I would add: 'but not limited to' and then I would list all these crimes.

Statement: Margarita Nikolovska, Human Rights Institute, Skopje, Macedonia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) I think that we should not remove 'but not limited to' because of the case of the erased residents of Slovenia, as their case is neither a case of physical or psycho-physical abuse. They were simply bureaucratically removed from the register of residents and it was explained as a simple processing mistake.

Statement: Nataša Stamenković, Justinijan Prvi Faculty of Law, Skopje, Macedonia, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

I am afraid that we are going to deceive the victims. Courts establish the commission of genocide and if RECOM will do, too, then, people in Kosovo might tell us the ICTY did not establish the commission of genocide, but genocide did happen in Kosovo and we expect RECOM to establish that genocide did indeed happen in Kosovo.

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

Option B is acceptable for a number of reasons, first of all because it is very comprehensive (...) we are indeed dedicated to the best interest of the victims and we will do our job to the best of our ability if the Commission is allowed to establish the facts about all crimes, i.e. 'war crimes.' That is a commonly accepted general term that does not specify genocide. RECOM will not be able to do that. RECOM will not be allowed to give a legal qualification of certain facts and pronounce them as genocide, a war crime against humanity, or a war crime against prisoners of war, but it will instead establish the facts and somebody else will use those facts at a later date – judges, prosecutors, etc, and they will qualify those facts in legal terms as a specific criminal act against humanity and the values protected by international law.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) I think that we should not have any alternatives here and I believe that we should choose Option B. However, I think we should give an explanation to all those who suffered the horrors of war crimes that Option B offers them the broadest possible support and therefore is much better for them because providing an itemized list may be dangerous because something may be omitted. Option B, the way it is worded now, really encompasses everything.

Statement: Nikola Bešenski, judge, the County Court in Vukovar, Vukovar, Croatia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

Since I believe that the Commission cannot have a mandate to give legal qualification to the facts it establishes,, to qualify them as criminal acts, we need to explain to the victims what the mandate of the Commission is and what the Commission can do. For that reason I am absolutely in favour of Option B.

Statement: Mira Smajlović, judge, the Court of Bosnia and Herzegovina, War Crimes Department, Sarajevo, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

I am also in favour of Option B. Even if you decide to keep Option A, it has to be edited to read: 'the Commission is mandated to establish the facts concerning,' and I second everything that Mr. Ibro Bulić explained, and I am for Option B for the same reason. There is no reason to make an itemized list here because this is not a law.

Statement: Daniela Milovanović, judge, District Court in Banja Luka, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) victims, all those who suffered, they all tell me that it is very important to them to have a list of war crimes and gross human rights violations that they can identify their suffering with and that clearly leaves the door open for that list not to be limited just to those specific crimes and therefore I think Option A is better.

Statement: Vesna Teršelić, Documenta, Zagreb, Croatia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

What we are doing here is making a draft of a legal document which is not going to be adopted at a victims' forum but by parliaments of the states who will sign it. So, when it comes to the establishment of an international organization, then we really need to do our best and use legal terminology to write the provisions of this document.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) Option A is, in fact, a suggestion made by victims, who are the reason we are trying to establish this Commission (...) and in my opinion this is the most essential reason this Commission is being formed. In my opinion, the Commission is being formed because of the victims, it is intended to serve the best interests of the victims (...) The comment we received from members of the International Center for Transitional Justice is very interesting because it clearly warns us that it is of critical importance that the RECOM process is not lost in a legal debate

te (...) I can't see why Option A is a problem, except maybe because of the politics, because mentioning the crime of genocide may be a problem for Serbia and Republika Srpska.

Statement: Sonja Radošević, journalist, Podgorica, Montenegro, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

I agree that war crimes are also human rights violations, but I think that it is too broad to say 'human rights violations.' I would use a different title for this Article: 'Human rights violations under the mandate of the Commission' because human rights violations also imply war crimes, crimes against humanity, and genocide.

Statement: Ivan Jovanović, legal adviser at the OSCE Mission to Serbia, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

Whichever alternative we opt for, it must clearly say: 'The Commission establishes the facts concerning..'

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) I vote for Option B but I think it should be edited to read: 'The Commission establishes the facts concerning war crimes, genocide, crimes against humanity, as well as the facts concerning other gross violations of human rights.'

Statement: Ivan Jovanović, legal adviser at the OSCE Mission to Serbia, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

Since i represent the victims, I will say that I think that both options are acceptable if they are properly elaborated. I think that victims don't understand the law as much as legal professionals do, and I believe that many victims think that RECOM is going to act as a court, which will hand down decisions, especially when it comes to the crime of genocide and that RECOM will give its opinion on what constitutes genocide and what is not genocide.

Statement: Anđelko Kvesić, Association of former detention camp inmates of the Mid Bosnia Canton, Busovača, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

I believe that the best solution may be to point to court decisions which have given legal opinions on certain facts and I think that RECOM should not attempt to establish the facts about the genocide or deportation and forcible transfer of populations because it is hard to prove, particularly in cases where not even the courts have attempted to do it. (...) the Commission does not have to be too creative and offer legal opinions. Secondly, take the example of forced disappearance. Most commissions just give a

description of the crime, but in the report you must put them in a chapter titled such and such. Other commissions usually only title such chapters or paragraphs in the final report 'forced disappearance'. The fact that you have titled that paragraph 'forced disappearance' means that you have already given a legal opinion on those events. You don't write about that event in the chapter titled 'rape', for example, but in the chapter titled 'forced disappearance.' Otherwise, the report would contain thousands of cases which are not classified within the report itself.

Statement: Bogdan Ivanišević, consultant of the International Centre for Transitional Justice (ICTJ), Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

Why do we keep repeating terms used in Article 1? These are all listed in Article 1 so that the rest of the text is more concise, simpler. And in Article 1 we say that gross human rights violations include killings, unlawful deprivation of freedom, and everything else and I think that Article 1 is very well written because those terms are explained. (...) I don't really think that we need to repeat it all in other articles. Instead, we can invoke Article 1 wherever those terms need to be mentioned.

Statement: Nikola Bešenski, judge, the County Court in Vukovar, Vukovar, Croatia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

As a lawyer, I believe that this is a Statute and we should abide by the rules of the profession and accept Option B because there is nothing in Option A that is not contained in Option B.

Statement: Dragan Pjevač, Association of the Families of the Killed and Missing from Krajina and Croatia, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

Option B is much more elegant and much more acceptable, I believe, for politicians in Republika Srpska than Option A. If you all agree that they are identical or almost identical, then we should look at it as, let's say, a construct to trick the politicians in a courteous way. If you poke them in the eye and expect them to vote for the adoption of the document, I'm afraid it will not happen. So, as both victims and those who are not victims want to learn the truth, if we explain to them that this is an easier way to do that, I don't see why they would object so much.

Statement: Srdan Puhalo, psychologist, Banja Luka, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

At the recent Forum held in Zagreb, we experienced very strong reactions from several associations of victims from Srebrenica and they even stipulated the use of the word 'genocide' as a condition of their support for the Commission. For that reason I think it is very important that we use the word

'genocide' to ensure their support. I agree with Bogdan [Ivanišević] that associations of victims are not a monolithic group aiming for the same thing, but they are a large group of associations of victims and for them it is important that the word 'genocide' finds its place in the Statute, and this is the only way they will support the Initiative for RECOM. On the other hand, supporting the establishment of the Commission is a political issue and we need to take into consideration all aspects and all participants in the process. However, the work of the Commission itself, depends on the support from the association of the victims, i.e. the support of victims because the work of the Commission is primarily based on the statements of victims. If the victims don't support the Commission, they will not take part in the work of the Commission which means that the conclusions of the Commission will be very limited. So, I think this is something we need to be careful about.

Statement: Marijana Toma, member of the Draft RECOM Statute Working Group, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

I like Option B better for the following reason: firstly, this is a stage where this document is about to become a functional document (...) and we have heard very strong arguments from legal professionals why Option B is better and as far as I have understood, it is even more comprehensive than Option A because something can always be omitted accidentally. So, no one argued very strongly in legal terms why we should keep Option A. Secondly, if it is going to make the adoption of this document easier, I would choose it again. Maybe we could make a compromise – in the definition of the term war crime, in Article 1, we can list everything that can be considered a war crime.

Statement: Daliborka Uljarević, Center for Civic Education (CGO), Podgorica, Montenegro, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

I think that Option B is much more acceptable than Option A.

Statement: Anđelko Kvesić, Association of former detention camp inmates of the Mid Bosnia Canton, Busovača, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

There is no need to list all those acts if they are contained in Option B because this alternative helps make the document more concise. The way it is now, I am afraid that not a single state will accept it.

Statement: Dženana Karup-Druško, Association of BH Journalists, Sarajevo, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

Article 1, explanation of the term 'war crime.' I would edit it like this: 'War crime implies the following criminal acts in particular, but not limited to: genocide, crimes against humanity (that is a

separate criminal act that is different from all other crimes), war crimes against the civilian population, war crimes against the sick and wounded, war crimes against prisoners of war, unlawful killing and wounding of the enemy, unlawful confiscation of property from the killed and wounded in the war zone, violations of the laws and the customs of war, the destruction of cultural, historical, and religious monuments, enslavement, transportation of individuals held as slaves, unjustified delay in releasing prisoners of war, abuse of internationally recognized insignia, unauthorized use of weapons and other means of combat.' If we list all these things to very precisely define the concept of war crime, we would not have any problems with Option B. So, 'the Commission establishes the facts about war crimes and other gross violations of human rights.'

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

(...) victims don't insist on genocide being established by the Commission, they insist on the term 'genocide' being included in the Final Report in the list of things that happened. They are simply afraid that the word 'genocide' will be altogether left out from the Final Report.

Statement: Dženana Karup-Druško, Association of BH Journalists, Sarajevo, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

POWERS OF THE COMMISSION

Statement-Taking

1. The Commission shall have the power to take statements concerning war crimes and other gross violations of human rights within the scope of its mandate, from victims, witnesses, representatives of institutions, and perpetrators.
2. The Commission shall endeavour to receive statements on a voluntary basis, while retaining the powers stipulated in paragraph 8 of this Article.
3. Victims shall not be under obligation to give statements about their own suffering or the suffering of their family members.
4. If a person refuses to give a statement to the Commission, invoking a statutory obliga-

tion to protect confidentiality of the data, Article 11, paragraphs 3 and 4 of this Statute, shall apply.

5. Provisions of the criminal procedure act of the Party to the Agreement shall apply to the right to withhold response to a question, the release of duty to give statements, as well as other issues concerning the questioning of individuals that are not regulated by this Statute.
6. The Commission may authorize the use of identity protection measures at the personal request of the person giving a statement.
7. The Commission shall summon persons from paragraph 1 of this Article in accordance with the provisions of the criminal procedure act of the Party to the Agreement about summoning of witnesses. The Commission may enter into agreements with Parties to this Agreement to regulate the summoning procedures.
8. At its discretion, the Commission may file a criminal complaint with the competent office of the prosecutor for the purpose of securing an individual's presence, i.e. for the purpose of sanctioning an individual who refuses to give a statement, in accordance with the criminal procedure act of the Party to the Agreement in which the individual has permanent or temporary residence.
9. Prior to, during, and after the taking of a statement, the Commission shall provide psychological and social support to victims and witnesses as needed.
10. The Commission shall take statements from victims and witnesses:
 - (a) In the place of permanent or temporary residence of the person;
 - (b) In the offices of the Commission;
 - (c) In diplomatic and consular offices of Parties to the Agreement, if the statement is to be taken in third party countries; and,

- (d) On the territory of third party countries, if it is not contrary to the laws of these countries and if it is not possible for victims, witnesses, or other persons to give statements in the embassies and consular offices of Parties to the Agreement.**

Opinions of participants:

Since I come from 'Medica' from Zenica, I need to say that I am glad that the victims will receive proper psychological support and counselling. Also, it is a good thing that victims and witnesses will receive adequate protection. People need to talk, and that's why I like this concept of public hearings, but we need to be careful about that. If they had seen a therapist, then that person would also be able to testify about the depth and the intensity of their suffering.

Statement: Nasiha Šehić, Medica, Zenica, BiH, National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

It does not say that statements will be also be taken from perpetrators and their accomplices (...) but they should also have depositions taken from them, just like everybody else.

Statement: Katarina Kruhonja, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

(...) I believe that a list of places where statements can be taken should not be definitely closed because victims may suggest places where they feel comfortable enough to give testimony and disclose very sensitive information.

Statement: Maja Mičić, Youth Initiative for Human Rights in Serbia, Belgrade, Serbia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) I have a problem with Article 26, paragraph 1: 'RECOM is authorized to send invitations'. I think that most men from the territory of the former Yugoslavia hate to hear the word 'invitation' because of invitations they received during the armed conflict which implied 'your country calls you, your homeland needs' etc. So, if we can just use a different term instead of the term 'invite'.

Statement: Dejan Kožul, Coordinator of the Initiative for RECOM, Belgrade, Serbia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

I think that the statute itself cannot introduce a category of mandatory testifying and, later on there is this Article that invokes the law again in the context of inviting individuals to testify, it refers to the law of

each member state. I think that we need to rephrase that whole part so that it does not look like RECOM is trying to institute mandatory statement-giving by victims and witnesses.

Statement: Milan Antonijević, Executive Director, Lawyers' Committee for Human Rights, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

Future agents or researchers, commission members of RECOM who will be tasked with collecting evidence and creating a foundation for establishing the facts, should be granted an official person status by an international agreement, just like police officers have in all countries, so that they can depose witnesses in accordance with a previously adopted methodology and so that these depositions can have legal value in any legal proceedings.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

A non-judicial body will deal with the most severe crimes? That is too challenging for us. What are less severe and more severe crimes? A non-judicial body that organizes public hearings of victims? What if they don't want to do it? We are prying into the most intimate desire of one to suffer silently because of what happened to him or her and we are forcing them to come out with the truth. Can we really order victims to show up and testify?

Statement: Miodrag Vuković, Democratic Party of Socialists, Podgorica, Montenegro, National Consultation with Politicians on the Initiative for RECOM, June 30, 2010, National Parliament of the Republic of Montenegro, Podgorica, Montenegro.

(...) I also believe that, although it is mentioned in one of the articles later... there are various statement-taking techniques in place, but I think that, in spite of the fact that all of these public testimonies are very disturbing, there is one slight shortcoming. Maybe all those testifying should have been asked to pledge in court to tell the truth and nothing else, because to me, it seems very important because when they are testifying, though victims make no comments, sometimes their stories sound similar, which makes them a little more difficult to believe.

Statement: Marinko Đurić, Association of the Families of Kidnapped and Missing Persons in Kosovo and Metohija, Belgrade, Serbia, National consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

I think that the areas that are going to be included in RECOM's mandate are definitely going to require some legal processes in member states, maybe the adoption of some new laws, or some other legal acts in order to secure executive power for the entire process.

Statement: Branislav Vorkapić, Civic Initiative Organizations, Osijek, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, July 13, 2010, Osijek, Croatia.

When it comes to taking statements from individuals, the decision to testify should be entirely voluntary. I think that it has to be more clearly emphasized in the text.

Statement: Branislav Vorkapić, Civic Initiative Organizations, Osijek, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, July 13, 2010, Osijek, Croatia.

Intimidation and executions [of those prepared to testify] will result in a refusal of witnesses to talk because they are afraid (...) this should be included in Article 15. We should elaborate on this and see if we can find proper methods to address this problem. What motive would a witness have to testify and how can ensure the safety of potential witnesses, the safety of their family members, and the safety of their property.

Statement: Miloslav Stojković, Center for the Protection of Families of Victims of War in Kosovo and Metohija, Belgrade, Serbia, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

From my own personal experience as a prosecutor, I can tell you that not much can be expected from an unwilling witness. If the witness is brought to my office by police, if I keep summoning a witness who is trying to avoid testifying, when such witnesses comes to my office, their usual answers are 'I don't know', 'I don't remember', 'I'm not sure' and so on. We have to make sure that the witnesses we deal with here are willing to testify, and will testify voluntarily, because they will give high quality statements which will be relevant as far as RECOM is concerned as well as in terms of criminal prosecution.

Statement: Ibrol Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

(...) I am a little worried that if we don't make cooperation with the Commission mandatory, people will not take it seriously. (...) and on the other hand, in the three years of the mandate of the Commission, three, three and half, or four years if the mandate is extended, it will not be possible to publicize the Commission so that it becomes a household name, accepted by the general public, ordinary people – in other words, potential witnesses.

Statement: Ivan Jovanović, legal adviser at the OSCE Mission to Serbia, Belgrade, Serbia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

(...) each person invited by the Commission to testify – I would insert a comma here, with the exception of victims, another comma, 'must respond to that invitation' – full stop. That would be the end of it. 'Victims are under no obligation to testify...' I think this is redundant.

Statement: Velija Murić, Montenegro Lawyers' Committee for Human Rights, Montenegro, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

(...) I would leave the clause 'testifying in a public hearing is voluntary' because it sounds good and it can have a positive effect. The other stuff simply has no effect. I think, it is clear that victims can be under no obligation to testify, but you can invite anyone, and those who want to will come to your public hearing and help you discover something, but those who don't want to testify, they will come and they will tell you that they don't remember or that they don't know.

Statement: Jasminka Biloš, attorney at law, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

(...) I think that the principle of voluntary attendance must remain in place for witnesses, too.

Statement: Nikola Bešenski, judge, County Court of Vukovar, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

(...) individuals should only be invited to testify on a voluntary basis, no form of coercion should be applied in terms of applying the provisions of criminal codes, penalties and so on – so, it is important that they come forward voluntarily, that they really want to participate in this and that they have a motive to help, to tell the truth, to give a part of themselves.

Statement: Gabriela Banić, attorney at law, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

(...) where did you see that someone can order a court what to do? Isn't it contradictory to the function of the court, the role the court as stipulated in the constitution? We must not allow things like that to slip away because if we start debating the possibility of holding parallel criminal proceedings, that can create serious animosity to the Commission.

Statement: Siniša Štimac, attorney at law, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

3 Draft RECOM Statute, December 2010, Part VI: Authorizations of The Commission, Deposition-Taking, Paragraph 6: The Commission invites witnesses from point 1 of this Article to testify in accordance with the Criminal Procedure Law of the member state(s) in which the individual resides. As proposed by the Commission, the competent court of jurisdiction, in an urgent procedure, decides on the measures to be used for the purpose of securing the presence of the individual, including using procedural sentencing for a failure to respond to the invitation of the Commission, as stipulated by the Criminal Procedure Law of the member state where the witness was invited to testify. The Commission can sign special agreements with member states with respect to cooperation with governmental organs in matters of inviting private individuals to testify and in securing their presence.

(...) I am asking you – is the Commission going to accept statements, relevant statements of witnesses if court proceedings are over?

Statement: Safet Muratagić, UG Ključ budućnosti/ Key to the Future, BiH, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

It is only logical to say that RECOM will only use the statements of witnesses which were used as evidence in cases that ended with a court decision, without additional inquiry.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

I hope that the five members of the commission from BiH will be properly educated to be able to take statements [from victims and witnesses to war crimes] in an appropriate manner. My message here is also that we should see to it that persons we interview as victims do not remain victims after the hearing... they should not be left alone. When victims show up for a public hearing, when they are ready to talk about their suffering, we know they want to do it, but we also know that it is not going to be easy for them or their families and they are going to suffer for days...

Statement: Željka Katanić, Leptir Association of the Families of Children and Youth with Disabilities, Srebrenica, BiH, Consultation with the local community on the RECOM Initiative, Bratunac, Bosnia and Herzegovina, November 27, 2010.

Please note, 'Each person invited to testify before the Commission must give a statement to the Commission.' Can we really use the Statute to establish the rights and obligations of individuals? If we believe that we can do it, I think it will be very difficult. What is the legal sanction if they don't comply? We know the answer to this question when it comes to classified information, but what do we do if a person simply does not want to testify and his or her knowledge is not considered classified information?

Statement: Branislav Radulović, Association of Legal professionals of Montenegro, Montenegro, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

If we try to influence witnesses to testify one way or another, to testify about certain events, it will be a little bit more difficult to do, because a witness is under no obligation to answer any questions. This article says: 'Each person invited to testify before the Commission must give a statement to the Commission' – please, be realistic, this is even more strict in its demands than any criminal code I know of (...) I think we need to focus more on motivating individuals to come forward voluntarily and testify before

the commission. We should either eliminate the idea of legal sanction or reduce it to an acceptable form.

Statement: Miroslav Alimpić, High Court in Novi Sad, Serbia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

In criminal proceedings, where you have mechanisms in place to bring an unwilling witness to the stand, it often happens that you don't get any valuable information at all. Not just in war crimes trials, but generally, an unwilling witness does not do you any good in the courtroom (...) we should focus more on the principle of voluntary testimony.

Statement: Nikola Bešenski, judge, County Court of Vukovar, Croatia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

RECOM should not resort to using any sort of force. The government can use force through the judiciary, but the point is that RECOM needs to do the things judiciary is unable to do. That can only be achieved by adhering to the principle of voluntary testimony, sincerity, and field work (...) for that reason, I urge you to remove any notion of using force from the Statute. Please understand that a person's experience when court-subpoenaed is not the same as when invited to testify by a non-governmental organization or a victim organization. If proper field work is conducted, individuals from that area will be more willing to cooperate.

Statement: Mira Smajlović, judge, the Court of Bosnia and Herzegovina, War Crimes Department, Sarajevo, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

Article 16, paragraph 6 of the Draft RECOM Statute from December 2010³ is in contradiction with, if not all other criminal codes, then at least with the Criminal Code applicable on the territory of Bosnia and Herzegovina.

Statement: Daniela Milovanović, judge, District Court in Banja Luka, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) the problem occurring when inviting individuals to testify, with coercion, if an individual refuses to testify, will have to be solved most probably by signing a memorandum between RECOM and the State-Attorney's office in each member state. They will then incorporate those memorandums in their existing statutes and allow RECOM to act accordingly. I think that is the only way to overcome this situation.

Statement: Željko Horvatić, the County Court in Zagreb, Croatia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

Article 16, with respect to the role of courts, I think this won't fly. In Bosnia and Herzegovina it would

be the Court of Bosnia and Herzegovina. You cannot even think about making the highest court in the country act as a service for a commission. That simply can't be allowed.

Statement: Munib Halilović, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

[paragraph 10] - This is now going even deeper (...) the question now is what kind of criminal procedure codes exist in those third countries. Is paragraph 6, going to be applicable in that situation?

Statement: Daniela Milovanović, judge, District Court in Banja Luka, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...)[paragraph 10] - I think we should add this sentence – 'in cases like this, the commission will address the request to the Ministry of Justice in that particular member state to designate a court which will be competent in ruling on our request, but only in cases when it is impossible to reach an agreement with the Embassy of that particular member state in other member states'.

Statement: Sabit Maliqi, attorney at law, Kosovo, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) 'The Commission may sign special agreements with member states with respect to cooperation with governmental organs in matters of inviting private individuals to testify and in securing their presence'. My suggestion would be to remove the notion that this may or may not be the case by removing the word 'may' because if it is optional, there is an opportunity for choosing a less difficult way of doing something. Therefore, I think that it should be defined as an obligation.

Statement: Valentina Krća, Faculty for State and European Studies, Podgorica, Montenegro, National Consultation with Young People on the Draft RECOM Statute, Podgorica, Montenegro, December 15, 2010.

(...) the Commission will lose a lot of its edge if it does not have measures at its disposal to make unwilling witnesses come forward and testify. This, of course, does not apply to victims.

Statement: Ivan Đurić, Diplomacy and State Security Academy, Belgrade, Serbia, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

It is important to establish cooperation with the judiciary in order to secure the participation of as many potential witnesses as possible. It is important that all those who know something testify, so that all available information (...) is obtained by RECOM.

Statement: Ružica Spasić, Association of the families of the missing and forcefully taken individuals of Serbian nationality, Vukovar, Croatia, Regional Consultation with victims and victims' family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

(...) I think we need to influence courts and make arrangements with courts to invite witnesses to testify.

Statement: Lozanka Radoičić, Parent Association Vera, nada, ljubav (Fatih, Hope, Love), Belgrade, Serbia, Regional Consultation with victims and victims' family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

When it comes to agreements with member states providing judicial support in securing the appearance before the Commission of witnesses such as members of state institutions, government bodies, military or police commanders, I think that is a key element in RECOM's efforts to establish the facts and discover the truth about the most recent war in the region.

Statement: Fikret Grabovica, Association of the parents of the children killed during the siege of Sarajevo 1992-1995, Sarajevo, BiH, Regional Consultation with victims and victims' family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

The commission cannot have powers or authorizations similar to those of an investigative judge or the judiciary of member states [a provision of the Draft RECOM Statute from 2010: ...]. The commission can only have a corrective role and it can invite people to testify on a voluntary basis. For that reason you need to create stronger ties with associations of homeland defenders and veterans to give you guidelines in terms of who are the best people to testify about a particular event because they know how belonged to a particular unit, what operations were conducted by that unit and so on.

Statement: Bruno Čavić, Association of Volunteers and War Veterans of the Homeland War, Zagreb, Croatia, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

(...) I am in favour of the voluntary approach which will greatly simplify the work of the commission.

Statement: Željko Špelić, Croatian Officer Corps, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

It won't make any sense if it is left on a voluntary level. If so, how do you intend to invite a former defence minister or former minister of the internal affairs to testify before the Commission? I think that RECOM should be able to make an agreement with member states and arrange for representatives of institutions to be invited.

Statement: Mile Aleksoski, Center for Research and Policy Creation, Skopje, Macedonia, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

I will tell you right away that I am very sceptical about this clause to make testifying mandatory. That should be only used as an exception, not as a rule. There is an old saying that tells us, if we take an unwilling dog hunting with us, there is no hunting. Prosecutors are fully aware of the fact that an unwilling witness will lose credibility the moment he is forced to appear in court. (...) In paragraph 2, I would change it to read something like: in exceptional circumstances an individual may be required to testify before the Commission.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

(...) I said on many different occasions that only the principle of voluntary testimony can secure high quality statements (...) voluntary testimony should be the main principle, except for representatives of state institutions and documents requested by RECOM.

Statement: Nikola Bešenski, judge, the County Court in Vukovar, Vukovar, Croatia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) victims should only voluntarily give their statements but the way it is stipulated here, I'm afraid it may be abused – someone may simply refuse to testify by saying – I am a victim as stipulated in Article 1 of the RECOM Statute, because I was a victim of human rights abuses which were unrelated to the events you are investigating, I don't need to testify. Therefore, it should be stipulated more precisely to say that victims of human rights abuses should testify voluntarily about the human rights violations in question.

Statement: Ivan Jovanović, legal adviser at the OSCE Mission to Serbia, Belgrade, Serbia, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) maybe we can apply provisions of the law on international legal aid. Maybe RECOM can contact RECOM member states through the international legal aid system so that competent authorities of member states take the statement from a witness and forward it to RECOM. This should only be done exceptionally, when there is no willingness on the part of the witness to testify.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

Collecting Documentation

1. The Commission collects relevant printed, electronic, and other material sources such as:

(a) Foreign and domestic printed documents and electronic sources (including, but not limited to documentation held by cabinets, parliaments, presidents and presidencies, local self-governing bodies, public and privately owned companies, the armed forces, police, and security services;

(b) Court judgments, transcripts, court and prosecutorial documents of the International Criminal Tribunal for the Former Yugoslavia (ICTY), national courts and offices of prosecutors in Parties to the Agreement, and other courts that have conducted trials for war crimes committed on the territory of the former SFRJ;

(c) Other archive materials;

(d) Print and electronic media sources;

(e) Written opinions of experts and representatives of institutions and organizations, prepared at the invitation by the Commission, or at their own initiative.

2. Upon the request of the Commission, State organs, other legal entities, and citizens of Parties to the Agreement shall produce in a timely manner all documents and other items that may be necessary for the achievement the objectives of the Commission.

3. Before sending a request for the presentation of documents or other items, the Commission shall make every attempt to determine with precision the type of information the requested item may contain.

4. If a person, legal entity or state organ refuses to present to the Commission the requested item, invoking their obligation under national law to protect confidential information, the provisions contained in Article 11, paragraphs 3 and 4 of this Statute, shall apply.

Opinions of participants:

(...) I think it is extremely important that members of the Commission have access to classified information and I think that it has not been considered

carefully here. The issue at hand is security clearance.

Statement: Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I am not saying that it can't be done with the statute, but you have done a great thing saying that 'RECOM adopts a specific Rules of Procedure document which regulates the uniform methodology applied in the statement taking and document collecting process', and that's absolutely the way to do it.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) if a state institution is requested to submit information or some documentation to RECOM, it should be declassified because if it's not, RECOM will not be able to make the contents of that document public which is contradictory to the main the purpose of RECOM - to make public the established facts and findings.

Statement: Mario Mažić, Youth Initiative for Human Rights, Zagreb, Croatia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I keep asking myself, and now I ask you – who is going to make a register of victims who were in Albania, victims who are still in Albania, whose bodies have not been exhumed and we don't have a clue when they are going to be exhumed? And also, does RECOM have any influence or can RECOM appeal to the Council of Europe, because Dick Marty promised once that after a year some conclusions would be adopted and that he would be able to request the Council of Europe to adopt a resolution ordering the exhumation of the mass graves in Albania. That's why I thought it might be a good idea to add some kind of an appeal or whatever term you like for the United Nations Working Group to influence the Council of Europe to adopt the resolution.

Statement: Dragica Majstorović, Association of the families of Kidnapped and Missing Persons in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

This is where we should add: 'other scientifically proven methodologies' In the end, we should add, 'by studying aerial footage of events before and after the war'. These are photo-geometrical methods and analyses.

Statement: Alija Halilović, Citizens' Forum Novi Pazar, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft of the RECOM Statute, July 3, 2010, Belgrade, Serbia.

We have to find a way to – I don't want to say 'force', but to have institutions do what we want them to do

for us – to open confidential files, because a lot can be learned from those files.

Statement: Miloslav Stojković, Center for the Protection of Families of the Victims of War in Kosovo and Metohija, Belgrade, Serbia, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

'The Commission collects relevant printed, electronic, and other material sources' – well, all the other ones are material sources, too. We should not say 'electronic, printed, and material', because they are all material sources.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Montenegro, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

Field Inquiries and Visits to Scenes of Crimes

1. **The Commission shall establish relevant facts by inspecting crime scenes, places of confinement, mass graves, and all other locations relevant to establishing the facts about war crimes and other gross violations of human rights.**
2. **The Commission may sign memorandums of understanding with competent state organs concerning the inspection of locations.**
3. **The Commission may visit crime scenes and mass graves in order to pay respect to victims.**

Opinions of participants:

The reason why I think it is very difficult to sign a memorandum of understanding regulating cooperation is that the real life situations are quite different. Also, it is very difficult to put all of that in one document and generally, I think that this general provision enables the Commission to solve all outstanding issues directly with representatives of the government who will be cooperating with the Commission, from place to place.

Statement: Tomislav Višnjić, attorney at law, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

I would make this paragraph of Article 19 a lot less complicated by saying: 'The Commission establishes relevant facts by directly visiting the crime scene location, mass graves locations, and all other locations of interest for ...' I would deliberately avoid terms such as 'touring crime locations.' Also, I would remove paragraph 2 altogether. If this is abo-

ut a legal act, a statute, which in fact asks RECOM member states to give up some of their sovereignty, then I don't see why it is necessary to sign more memorandums, agreements, after this act is signed, just in order to regulate the work of RECOM?

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

I think it is a good idea to stipulate regulations governing cooperation with missing persons commissions, especially those tackling the issue of prisoners of war and missing persons in general. But, the Commission will be allowed to go anywhere anytime. So, there should be nothing in this document insinuating that before visiting a mass grave location, the Commission needs to send a cable to the missing persons commission.

Statement: Vesna Teršelić, Documenta, Zagreb, Croatia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

Public Hearings of Victims and Other Persons

1. **The Commission shall hold public hearings in order to provide a platform for victims to speak about their suffering and the suffering of their family members.**
2. **Public hearings may also include perpetrators of war crimes or other gross violations of human rights, witnesses, and persons who helped victims.**
3. **Giving statements in a public hearing shall be voluntary.**
4. **Prior to, during, and after public hearings, the Commission may decide to apply identity protection measures, special measures to protect the psychological and physical well-being of persons, as well as measures of psychosocial support to victims and other participants.**
5. **State-owned electronic media, i.e. public service broadcasters on the territory of Parties to the Agreement shall air public hearings live or record them for later broadcast. The Commission and the public service broadcasters shall conclude agreements on broadcasting arrangements. Commercial electronic media shall be allowed to air public hearings under the same terms and**

conditions as the state-owned media, i.e. public service broadcasters.

6. Public hearings may be held in different locations.

Opinions of participants:

(...) I think we should not say 'public hearings' but 'public testimonies.'

Statement: Mario Mažić, Youth Initiative for Human Rights, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) I also think that it should be 'public testimony.'

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

I think that Article 27 should be edited to read: 'RECOM invites victims and all other individuals whose knowledge can help establish the facts about war crimes and other gross violations of human rights to testify.' instead of 'RECOM is authorized to invite...'

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) if victims or other individuals are allowed to refuse to testify many may opt to do that and it can be a real problem if that individual is the only survivor of a mass crime. Then we may not be able to uncover very important facts. I think that it is imperative to create a high quality support system for victims who testify but that they should also be required to testify.

Statement: Slaven Rašković, Documenta, Zagreb, Local Consultation with Civil Society Organizations on the Initiative for RECOM, Knin, Croatia, September 2, 2010.

(...) if witnesses are required to testify, then it is necessary to determine sanctions for those who refuse to give their statements. And I also think that if a person comes to testify only because that person is afraid of possible sanctions, if he/she refuses to testify, that would be a forced statement. So, I may be charged and accused for not appearing, I may be declared a traitor, and I may also be stigmatized.

Statement: Boris Milošević, Serbian National Council, Zagreb, Croatia, Local Consultation with Civil Society Organizations on the Initiative for RECOM, Knin, Croatia, September 2, 2010.

I think it would be quite human to give an opportunity to war crimes perpetrators to appear before RECOM (...) we have to give them a chance or an

opportunity to (...) come before RECOM and give their views and interpretation of the facts about a certain event.

Statement: Amir Kulagić, Srebrenica, BiH, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

(...) it is important to authorize RECOM to be able to conduct face-to-face confrontation of victims and perpetrators. Such confrontations should be conducted before authorized RECOM organs and proper documentation must be generated for each such event (...) we cannot invite perpetrators for questioning, or for deposition taking without the presence of their defenders.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

(...) the state cannot order a public service TV station what live coverage to air.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Montenegro, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) all those veterans, combatants, they all strike me as victims. They are all victims of stupid horrible indoctrination, poisoned by wrong ideologies. I think that RECOM should organize similar hearings for veterans, too.

Statement: Ana Bogavac, journalist, Podgorica, Montenegro, National Consultation with Young People on the Draft RECOM Statute, Podgorica, Montenegro, December 15, 2010.

Public service TV stations, previously known as state-run TV stations, have had a huge role during the war events in my country and in the countries in the region. Their role was more often negative than positive and for that reason it would be a very good idea to make it mandatory for public service TV stations to broadcast public hearings.

Statement: Danilo Ajković, Faculty of Law, Podgorica, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

Thematic Sessions

1. **The Commission may hold public sessions focused on the activity of state institutions, political organizations, cultural and scientific institutions, churches and religious communities, and the media before and during the war or other form of armed conflict in relation to commission of war crimes and other gross violations of human rights.**

2. **Participation in a thematic session shall be mandatory. If a properly summoned person, without a justified reason, fails to appear, or refuses to give a statement, Article 17, paragraph 8 shall apply.**

3. **State-owned electronic media, i.e. public service broadcasters, on the territory of Parties to the Agreement shall air thematic sessions live or record them for later broadcast. Commission and the public service broadcasters shall conclude agreements on broadcasting arrangements. Commercial electronic media shall be allowed to air public hearings under the same terms and conditions as the state-owned media, i.e. public service broadcasters.**

4. **Public hearings may be held in different locations.**

Opinions of participants:

In Article 28 I think we should be more specific because it will be very difficult to analyse the operation of state institutions. There is going to be a lot of resistance and we need to say very precisely how we intend to hold hearing sessions with the participation of members of state institutions which have had a chance to influence the conflict by their acts or by a failure to act and who have created conditions for the war to happen in the first place. In point 1 of this Article we should include a bit of legal argument which will allow us to hold hearing sessions and make sure they are broadcast by the media – TV, papers, electronic and so on.

Statement: Milosav Stojković, Association of Centers for the protection of the families of victims of war in Kosovo and Metohija, Belgrade, Serbia National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

(...) for 'themed sessions' too – I think that the principle of voluntary testimony should also be applied, because if an unwilling witness shows up, he or she may partially admit a wrongdoing – which, of course means nothing to you, or they may even be very stubborn and keep denying any wrongdoing.

Statement: Nikola Bešenski, judge, County Court of Vukovar, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

(...) 'Churches and religious communities' – this part should be changed to read: 'religious communities' because the laws recognize 'religious communities', not churches and religious communities. Also, do you think that it is justified from a political point of view to tackle the issue of condemning churches or religious communities? In my opinion it is a very dangerous process and it could open Pandora's Box.

Statement: Timčo Mucunski, Justinijan Prvi Faculty of Law, Skopje, Macedonia, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

Attempts by RECOM to sign agreements with public service TV stations can be a very sensitive issue because there's a possibility that they become private in the foreseeable future.

Statement: Aleksandar Todorović, Civil Initiative of Erased Residents, Ljubljana, Slovenia, Regional Consultation with victims and victims' family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

(...) mandatory statement giving should be removed as a clause and also, there are many other persons who will want to give their contribution to the work of the Commission and if there are some who don't want to testify, we can generate a media campaign against such individuals that they will think twice before refusing to testify next time.

Statement: Dragan Pjevač, Association of the Families of the Killed and Missing from Krajina and Croatia, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) mandatory and public statement giving combined may result in a violation of the right to privacy.

Statement: Bojan Gavrilović, Belgrade Center for Human Rights, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

Rules of Procedure of the Commission

The Commission shall adopt the necessary Rules of Procedure in order to regulate uniform methodology for:

- Statement-taking;
- Collecting documentation;
- Carrying out public hearings;
- Carrying out thematic sessions;
- Compiling registers of human losses;
- Providing psychosocial support for victims; and,
- Other issues relevant to the work of the Commission.

Opinions of participants:

I think that, in addition to public testimonies, it would be a good idea to make reviews of weekly activities and announcement of upcoming events. I think it should be included in this document. Also, as it is stipulated in Article (...), the public hearing procedure should be regulated by the Rules of Procedure or by another document with more legal power.

Statement: Ivan Novosel, Legalis, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

If a topic is too technical to be included in the public agreement or the statute, it can be part of the Rules of Procedure which is adopted by RECOM in accordance with a previously established procedure.

Statement: Ivan Jovanović, legal adviser at the OSCE Mission to Serbia, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

The most important internal act from the point of view of the commission, if we agree that the founding act (the international agreement) is followed by the statute, is the Rules of Procedure, which is an act regulating the internal operations, decision making process, etc. Although the question is, what is going to be regulated by the Rules of Procedure if everything else is regulated by the Statute? In view of that, the Rules of Procedure are quite possibly redundant. However, if you have already agreed on the adoption of the Rules of Procedure, you need to define the necessary decision-making majority because in the end, the Rules of Procedure will be regulating the operation of the organization.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

After paragraph d), I would like to add 'regulating thematic sessions' and I would like to add 'to compile Rules of Procedure regulating the compilation of the register of human losses.'

Statement: Amir Kulaglić, Srebrenica, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

SELECTION OF COMMISSIONERS

Composition of the Commission

The Commission shall have 20 (twenty) Commissioners, of which:

- (a) Five members shall be selected in Bosnia and Herzegovina;

- (b) **Three members shall be selected in Croatia, three in Kosovo, and three in Serbia; and,**
- (c) **Two members shall be selected in Macedonia, two in Montenegro and two in Slovenia.**

Opinions of participants:

I think that it is necessary for Bosnia and Herzegovina to have five members for many reasons, and I don't think it is necessary to explain them. If there are three members from BiH, it means one Bosniak, one Serb, and one Croat will be on the commission, which will in the end add up to four Serbian members of the commission and four Croatian members of the commission in total.

Statement: Fikret Grabovica, Association of Families of the Children Killed During the Siege of Sarajevo 1992 – 1995, Sarajevo, BiH, National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

I would just like to mention this Article stipulating that Bosnia and Herzegovina elects five members of the commission. That's an awfully small number given the fact that we have three ethnic communities living in BiH. I think each ethnic community should give 2 members plus one member to represent the minorities, which means that Bosnia and Herzegovina will give a total of 7 members.

Statement: Dragoslav Mijanović, Association of War Veterans, Zvornik, BiH; National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

One of the articles of [an earlier version of] the Draft RECOM Statute has two options – the regional commission should have 20 or 21 members. I support option A, not because of the number of members but because of the math involved. It says that in order to make a decision within RECOM, it is necessary to have a two-third vote which for number 20 is not a whole number. I agree with the gentleman from Zvornik that in addition to members representing the Bosniak, Serbian, and Croatian communities, there should be members from other ethnic minority groups as well. It became obvious through this consultation process that a lot of members of smaller ethnic communities were killed and victimized during the conflict, and that they should be given an opportunity to speak up about their suffering and have it documented by RECOM. Also, I agree that five members from Bosnia and Herzegovina is inadequate, and that seven members makes more sense.

Statement: Amir Kulagić, Srebrenica, BiH, National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

(...) I would like to hear more about the criteria used in determining that the Commission should be comprised of 20 members (...).

Statement: Tin Gazivoda, Human Rights Center, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

(...) I think that it would only be fair for each state taking part in the creation of the commission to delegate an equal number of members, maybe four members each, if that is more acceptable for Bosnia and Herzegovina.

Statement: Slaven Rašković, Documenta, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I think we need to have an uneven number of members for an easier decision making process.

Statement: Mirjana Bilopavlović, Center for Civil Society Development Delfin, Pakrac, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

The number of victims from a particular state should not be used as a factor in determining how many members of the Commission should be delegated from that state. Any debate on the number of victims and the scope of war crimes committed in a certain state is simply not a good idea. This contradicts my understanding that each victim is a victim and that all numbers of victims are equally important. So, if the Constitution of Bosnia and Herzegovina guarantees equal rights for all three constitutional entities, it means that Bosnia and Herzegovina must have three members and everybody else should comply and give the same number of members.

Statement: Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

(...) Bosnia and Herzegovina should delegate more than three members. It is a very complicated region and the more members the better. People from the three BiH entities know their local situation, they can do a lot of work together, and it's not that they are only going to be representatives, they are also going to be working hard. I don't quite know how to explain it to you, but I feel very strongly about it.

Statement: Katarina Kruhonja, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I am more in favour of electing 'persons fostering high ethical standards, respectable persons of in-

tegrity' who are representing states, and not ethnic communities.

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

(...) are the Muslims from Sandžak or any other region, I say Muslims because that's what they call themselves, are they going to trust the Commission if they don't have their representatives there? Will they be confident that a Montenegrin or a Croat from Boka Kotorska are going to represent their interests in human rights violation cases that took place in Montenegro? What I am saying is, they may trust them, but the point is, in the end, it all comes down to a national perspective.

Statement: Veselinka Kastratović, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

(...) we should write in Article 10 that, with respect to the number of members, those who suffered the greatest number of victims will be proportionally represented in the membership.

Statement: Ljubo Manojlović, Serbian Democratic Forum, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

We should try to find a different formula... Since we are discussing victims, I think we should find a formula that reflects a number of victims from each ethnic group.

Statement: Zaim Elezi, Council of Bosniak NGOs from Kosovo, Peć/Pejë, Kosovo, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) I would just like to remind you that we still need to keep an odd number of members for decision-making purposes.

Statement: Mirjana Bilopavlović, Center for Civil Society Development Delfin, Pakrac, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) I think that RECOM should have three Bosniaks, two Serbs, one Croat, and one representative of other minority groups in Bosnia and Herzegovina.

Statement: Predrag Praštalo, European Movement in BiH, Zenica, BiH, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) there should be more than one criterion ... we should include the criterion of victims, but we seem to be having trouble focusing on victims only.

Statement: Šura Dumančić, Women's Action, Rijeka, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

I support the suggestion to have 21 members, and the suggestion that 5 are from Bosnia and Herzegovina because of specific circumstances you have explained.

Statement: Mirsad Sipović, attorney at law, Sarajevo, BiH, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I don't want to mention those countries now [Serbia and Bosnia and Herzegovina, the countries that did not recognize Kosovo], but do you think that someone will sign a document referring to the number one topic in the country I come from? Will that person sign a document with representatives of member states you list in Article 10, point b)? Is there any other way we can solve that, without mentioning 'member states'?

Statement: Mioljub Vitorović, Prosecutor, Office of the Prosecutor of the Republic of Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) if we are a little bit more realistic in terms of our state policies, we may also talk about 'joining the commission' in order to avoid the pitfall stemming from the list of member states.

Statement: Milan Antonijević, Executive Director, Lawyers' Committee for Human Rights, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) But then there's another question: why did we adopt the 5:3:3:3:2:2:2 formula? There are some criteria offered in the explanation, but they are not quite clear. I personally don't understand them. It says here that there are two criteria in place: one is the number of victims and the other is the need to represent each country in a reasonable proportion. But immediately after that, there are some other criteria, as well. Croatia, Serbia, and Kosovo will delegate three members each because the conflict was waged on approximately the same territory in each of these countries, which, of course, is not true; then again, further on it says 'or they were involved in the conflict between BiH and Croatia'. So, it means that there is an additional criterion – who and how many were involved in the conflict. If we choose this solution, then it must be clearly understood why we did it. Is the victim ratio between Croatia and Montenegro 3:2? Is the conflict intensity ratio 3:2? Why not 16:20 or 1:7? (...) it is my suggestion to delegate an equal amount of representatives from each state. It is fairly easy to accept the equal number, but we have to come up with some sort of mechanism. We (the Youth Initiative for Human Rights) have suggested that one member from each state is a representative of the specific national minority whose ethnic state participated in the conflicts waged in the 90s.

Statement: Dragan Popović, Youth Initiative for Human Rights, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I am in favour of the first option – the nation with the largest number of victims should have the largest number of members of the commission. Also, I think that the even number of 20 will represent an obstacle for a two thirds minimum vote. Maybe one member should come from an international organization. Maybe that's something to think about.

Statement: Dušanka Džakula – Tušup, Movement for Changes, Herceg Novi, Montenegro, National Consultation with Politicians on the Initiative for RECOM, National Parliament of the Republic of Montenegro, Podgorica, Montenegro, June 30, 2010.

The first option – that Bosnia has 5 members – I think that you did not favour BiH here, to give it more members than the other state have, because it is already divided, so it's not going to be that number. I still think there should be more. I also think that in the case of Macedonia, the number should be higher.

Statement: Mehmet Bardhi, Democratic Union of Montenegro, Ulcinj, Montenegro, National Consultation with Politicians on the Initiative for RECOM, National Parliament of the Republic of Montenegro, Podgorica, Montenegro, June 30, 2010.

Also, if we have decided to have three delegates from the southern region of Kosovo, I believe that one delegate should be appointed from the northern region of Vojvodina as well, because there have been war crimes in that region, too.

Statement: Nail Kajević, representative of the family of a person kidnapped from the train in Štrpce on the Belgrade – Bar railroad, Prijepolje, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, Belgrade, Serbia, July 3, 2010.

(...) I was going to suggest that we choose four members of the Commission from Serbia, too and to ask you to make sure the Commission has an uneven number of members in order to avoid a tie when a vote is taken.

Statement: Ekrem Hadžić, President of the Association for the Protection of the Rights of Displaced and Forcefully Relocated Residents of the Priboj Municipality, Priboj, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, Belgrade, Serbia, July 3, 2010.

(...) I'm afraid that those who committed the largest number of atrocities in the former Yugoslavia will have the largest number of representatives in the Commission.

Statement: Visa Demiri, Association of former political prisoners, Office in Vitina/Viti, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Prishtinë, Kosovo, September 15, 2010.

(...) it is important to make sure that the number of representatives is proportional to the number of victims from one nation.

Statement: Ylber Topalli, former political prisoners, office in Uroševac/Ferizaj, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Prishtinë, Kosovo, September 15, 2010.

If it is decided to investigate a period prior to 1991, I think that it will become necessary to elect four instead of the existing three Commissioners because they will be overwhelmed with the amount of work to be done. I think that the period before 1991 is a lot more demanding than any other period.

Statement: Sali Malaj, Association of former political prisoners, president of the office in Gnjilan/Gjilan, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Prishtinë, Kosovo, September 15, 2010.

I can't allow (...) Serbia to have the same number of representatives as Bosnia and Herzegovina... there's no way we'll ever let that happen (...) I think that we can even reduce the number of representatives from Serbia, giving Serbia two instead of three representatives.

Statement: Alija Hodžić, Association of the Families of the Children Killed During the Siege of Sarajevo 1992 – 1995, Sarajevo, BiH, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

(...) you know that Bosnia and Herzegovina and Serbia have not recognized the independence of Kosovo. We consider Kosovo to be the southern province of the Republic of Serbia. For that reason, Kosovo cannot have three members like Croatia and Serbia, and no one from Republika Srpska and from Bosnia and Herzegovina will accept that Kosovo is an independent republic.

Statement: Dragislav Mijanović, representative of the Association of Differently-abled War Veterans of the Zvornik Municipality, Zvornik, BiH, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

I am personally more in favour of a Commission of 20 members because, if you take a better look of the conflict in the former Yugoslavia, you will see that Bosnia and Herzegovina was the centre of the conflict. Bosnia suffered the largest number of casualties, and it is a complex state that has Bosniak, Croatian, and Serbian groups.

Statement: Drago Kovačević, Serbian Democratic Forum, Belgrade, Serbia, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

I think that there should be 21 or 23 members – an uneven number so that we can vote and make decisions and ultimately have results. And I think we should go with a 75% instead of 50% majority.

Statement: Lush Krasniqi, victim family member, Đakovica/Djakovë, Kosovo, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

(...) in Montenegro, (...) there are approximately 15,400 displaced persons from Kosovo and Metohija and some (...) 3,500 refugees. So, we cannot allot the same number of representatives to Montenegro, Macedonia, and Slovenia. I think that one of these representatives should be a representative of associations of displaced persons and associations of refugees or to add one more person to the existing number of representatives.

Statement: Ljubiša Filipović, Crveni Božur Association of the families of the kidnapped, killed, and missing individuals in the period 1998 to 1999 on the territory of Kosovo and Metohija, Montenegro, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

(...) if you ask me, the option of having 20 members of the Commission is quite satisfactory when it comes to Bosnia and Herzegovina.

Statement: Murat Tahirović, president of the Association of Former Detention Camp Inmates of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

(...) all states should have the same number of RECOM Commissioners.

Statement: Hysni Berisha, Shpresimi, Suva Reka/Suharekë, Kosovo, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

(...) 20 representatives is not an appropriate number because in one of the articles of the Statute it is stipulated that decisions should be made by a two-thirds majority (...) However, 21 is not good either because I think that considering the complexity of the goals ahead of us, we would be better off having 24 or 25 members.

Statement: Amir Kulagić, Srebrenica, BiH, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

(...) why don't we choose the option of having a deputy member elected automatically? That means that not 20 but 40 people would be elected and that would easily satisfy the quorum criteria necessary for the work of the commission. And there is so much work to be done that I am sure they will all be pretty busy.

Statement: Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Local Communities on the Draft RECOM Statute, Pakrac, Croatia, October 22, 2010.

I would like to say something about Article 22 of the Draft RECOM Statute, with respect to the proposal to elect five members from Bosnia and Herzegovina onto the Commission. Did you intend to elect two Bosniaks, two Serbs, and one Croat? When I think about Croatia and Serbia, I even think that they can elect one member instead of three, but for Bosnia and Herzegovina I don't think that's the right

number. I would like to hear some opinions on this... So the idea is to choose three or six members so that every ethnic group has an equal vote.

Statement: Josip Drežnjak, Association of the Families of the Missing from Grabovica, BiH, Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM Initiative, Medugorje, Bosnia and Herzegovina, December 11, 2010.

Criteria for Selection of Commissioners

1. In order to be selected as a Commissioner, a person must be:

- (a) A citizen of a Party to the Agreement;
- (b) A person of integrity and repute, upholding high ethical standards, dedicated to fostering a culture of tolerance and constructive dialogue in solving disputes, and capable of enjoying the trust of the people in all Parties to the Agreement; and
- (c) Mentally and physically fit to efficiently and continuously perform their duty as a Commissioner.

2. In each Party to the Agreement at least one woman and at least one man shall be selected as Commissioners.

3. Each Party to the Agreement shall make every effort to ensure ethnic diversity in the composition of the Commission, so that in addition to members of the largest ethnic group, at least one member from another ethnic community from that Party to the Agreement shall also be selected as a Commissioner.

4. The following shall be precluded from appointment as Commissioners:

- (a) Persons who held prominent political position in the period of two years prior to the beginning of the selection procedure, or during the period covered by the mandate of the Commission; and,
- (b) Persons against whom there exist a serious suspicion that they were responsible for violating human rights or international humanitarian law, or instigated or aided and abetted the commission of such violations

or contributed to non-punishment thereof, or had close ties with persons responsible for the commission of human rights violations or persons convicted, indicted, or under investigation for the commission of such acts.

Opinions of participants:

So, how do we go about the issue of someone's morality? How do we decide if a person is fostering high ethical standards or not, or if a person is respectable and dedicated to tolerance and constructive dialogue? I know some people here in Montenegro, for example, who are really devoted to their activities in the non-governmental sector, to human rights and so on, but privately, those people are known to get into brawls and fist fights and engage in illicit behaviour on the territory of other states in the region. So, I think we have to come up with a set of criteria which it is possible to assess.

Statement: Jelena Miljanić, Youth Office at the Ministry of Sports, Culture, and Media of the Republic of Montenegro, Podgorica, Montenegro, Regional Consultation with Young People and Youth Organizations on the Draft RECOM Statute, Podgorica, Montenegro, May 20, 2010.

[Referring to a provision from a previous version of the Draft RECOM Statute: '...members of RECOM are mentally fit and they have a college degree] I think that this is a discriminatory and humiliating requirement and I even believe it violates basic civil rights, the ones established in the French Revolution. What happens here is that you are requesting the states to form a body which is not an expert organization and which rejects the people who have guaranteed voting rights in general, local, or presidential elections in those states. That means they have a right to be elected along with a right to vote for others. So much for the standards implied here. As for the rest of the criteria, I must say that I can't understand why a 40 year old or a person 18 or 25 years old who does not have a college education for this or that reason, is considered to be unable to empathise with victims. And how can we so easily dismiss such persons, saying they would not have enough knowledge or whatever else to be members of the commission, even if they are credible enough to be members. I think it is not wise to conclude that such an individual cannot be as useful and productive a member of the commission as an academic, professor emeritus, or any other individual with a college diploma.

Statement: Ivan Novosel, Legalis, Zagreb, Croatia, Regional Consultation with Young People and Youth Organizations on the Draft RECOM Statute, Podgorica, Montenegro, May 20, 2010.

(...) 'mentally and physically fit' – if you ask me, this is terrible. What does it mean? Can a fully disabled person work?

Statement: Antonella Balić, Youth Council of the Democratic Party of Socialists of Montenegro, Herceg Novi, Montenegro, Regional Consultation with Young People and Youth Organizations on the Draft RECOM Statute, Podgorica, Montenegro, May 20, 2010.

I have to say that this criterion, 'mentally and physically fit' does not mean anything unless we have standards in place helping us to determine someone's mental and physical fitness for a job. Would candidates be required to submit a medical certificate or something like that? That's one thing. Another thing is hypothetical: what happens if, God forbid, I don't have an arm, although I am mentally capable and properly educated for a job like this, would I still be disqualified on the grounds of the fact that I don't have a limb? And what does 'physically fit' mean anyway? And I also believe that college education should not be an issue. Why do you think that a mother from Srebrenica who is an active member of an association of victims would not be a useful member of RECOM if she does not a college degree? Also, why do you think that a person still in college could not be a member?

Statement: Jelena Miljanić, Youth Office at the Ministry of Sports, Culture, and Media of the Republic of Montenegro, Podgorica, Montenegro, Regional Consultation with Young People and Youth Organizations on the Draft RECOM Statute, Podgorica, Montenegro, May 20, 2010.

(...) 'persons fostering high ethical standards, respectable persons of integrity' – what exactly does that mean? It should be either defined in a more precise manner or deleted altogether. It can be a rather relative criterion; what one person considers a high ethical standard, another may totally ignore. Also, this article calls for 'at least a college degree from prospective members, which is not justified because this is not a professional organization. The only criterion applicable here is the age criterion, which is 18 years in all of these states.

Statement: Ivan Novosel, Legalis, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

Also, I would like to change 'people' to 'citizens' to avoid confusion [members of the Commission are individuals... enjoying the trust of the people].

Statement: Ivan Novosel, Legalis, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

This should be removed altogether, because there is no justification for members to be required to have 'at least a college degree' or to be 'mentally and physically fit for the job.'

Statement: Katarina Kruhonja, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

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

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

(...) Some points in this paragraph– I don't know how many there are – they come from the point of view of a person dealing with human rights. Any way you look, it is going to be discriminating.

Statement: Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

(...) We have already heard several opinions on the 'mentally and physically fit for the job' requirement, and I would also like to say that it is not good because discrimination against disabled persons, although unintentional, is very obvious. I think we should consult European standards in the area of defining ability to work.

Statement: Ivan Novosel, Legalis, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) if someone is about to graduate from a college or if someone has a college degree, that does not necessarily mean that they would do a better job than those with just a high school diploma but with an extensive experience in the area for which they are applying. That is basic reasoning, if you ask me, and additionally, we have a legal problem concerning the principle of voting rights which implies that one can be elected to an office at 18.

Statement: Ivan Novosel, Legalis, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) I must say I don't quite support this – 'at least a college degree' – I don't think that it is a very important criterion, it is important to select individuals who are capable of understanding the suffering of the victims, individuals who can empathise with victims, who are fundamentally humane, compas-

sionate, etc ... and we all know that does not require a college degree.

Statement: Borka Rudić, Association of BH Journalists, Sarajevo, BiH, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) there is some unfortunate wording in Article 12, paragraph 3. I think it is discriminatory and I think it is inexcusably arrogant to make a requirement like that. Imagine telling victims in Bosnia and Herzegovina that their suffering can only be discussed by people who have college degrees especially in light of the fact that over 70% or even 80% of victims were from rural areas.

Statement: Predrag Praštalo, European Movement in BiH, Zenica, BiH, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) here's an idea to rephrase this paragraph: 'members of RECOM have the necessary expert, business, and psychological ability for the job.'

Statement: Predrag Praštalo, European Movement in BiH, Zenica, BiH, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

'If there is a reasonable doubt that an individual is in any way responsible for the commission of an act which violated human rights or international humanitarian law' - I think this needs to be defined a little bit more precisely because I can't really tell the difference between a serious doubt and doubts which are not serious.

Statement: Mario Mažić, Youth Initiative for Human Rights in Croatia, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) the famous 'reasonable doubt' – maybe we should replace it with 'individuals being investigated on charges of human rights violations'.

Statement: Vesna Teršelić, Documenta, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) it should not read: 'those who may enjoy the trust'. They either do or they don't.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

'The trust of the people' is a form of populism in a legal doctrine and that should be removed from the text. This paragraph should instead end with: 'the constructive dialogue in solving disputes'.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

As for the moral aspect, I believe this is a mistake – I think it should read: ‘those who enjoy the trust’?

Statement: Goran Miletić, legal advisor for human and minority rights, Civil Rights Defenders, Belgrade, Serbia, Regional consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

In the course of the consultation process we have heard suggestions to replace ‘psycho-physical ability’ with ‘business ability,’ because some participants in the consultation process found this wording discriminatory.

Statement: Vesna Teršelić, Documenta, Croatia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) and I most decisively ask you to remove the provision requiring the psycho-physical ability of the members.

Statement: Dragan Popović, Youth Initiative for Human Rights, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I think that this Article should be changed as follows: ‘one woman’ should be changed to ‘one woman/man’ because if we insist on gender equality, we should be consistent. Also, in Article 13, paragraph 4, point e), it should read: ‘one third of the members are women/men’ instead of ‘one third of the members are women.’

Statement: Zoran Pusić, Citizens’ Committee for Human Rights, Croatia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

‘...or that an individual has close ties with persons responsible for the commission of human rights violations or persons being investigated for the commission of such acts’ – this part should be removed because it would automatically exclude lawyers.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Podgorica, Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) the dilemma with respect to the ‘excellent moral values,’ ‘integrity,’ and ‘respect’ requirements is that they are a little vague. I don’t think we should abandon those terms altogether as they are customary in the law, especially if they are used in a legal statement regulating something in principle. These terms will obtain added meaning from those who make decisions, those who will nominate candidates, or those who will make the final selection. I think that making it more narrow by using some additional criteria or merits will just unnecessarily complicate the job of those who have the responsibility to elect the best candidates, or it would quite inadvertently lead to the exclusion of some potentially very good candidates.

Statement: Ivan Jovanović, legal adviser at the OSCE Mission to Serbia, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) I agree that members of the commission must be citizens of the member states and that other members may be co-opted, and they may be citizens of another country. However, I would leave ‘moral virtues’ and the ‘psycho-physical ability’ as necessary criteria. Maybe they sound a little far-fetched at the moment, but I am sure they will materialize and become more understandable when a specific person’s abilities and virtues are discussed during the election procedure. When speaking about a ‘serious doubt’ that an individual has committed a criminal act, I think that term should be replaced with ‘reasonable doubt,’ which is a concept recognised in all of our judiciaries and therefore a very definite criterion.

Statement: Mira Smajlović, judge, the Court of Bosnia and Herzegovina, War Crimes Department, Sarajevo, BiH, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

The term ‘prominent politicians’ is quite problematic because it has a very broad interpretation and generates a lot of debate. If it generates dispute it would obstruct the process. Apart from this, politicians are persons and therefore the word ‘persons’ should be deleted.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I don’t see any reason why we don’t include a member of minority communities here, as well. That is truly necessary because members of minority communities were most often exposed to the consequences of these events.

Statement: Rifat Rastoder, Social Democratic Party, Podgorica, Montenegro, National Consultation with Politicians on the Initiative for RECOM, June 30, 2010, National Parliament of the Republic of Montenegro, Podgorica, Montenegro.

I think that this article should not be entirely removed from the Statute. Maybe we should leave the ‘psychologically able’ requirement and remove the ‘physically able’ requirement, because there are quite a few of those who took part in the events that unfolded throughout the region who remain physically disabled. I would not like to see them disqualified as members of RECOM on account of their physical disabilities. Also, I believe that a college education requirement will exclude a number of highly qualified individuals who could offer a significant contribution to the work of RECOM.

Statement: Marinko Đurić, Association of the Families of Kidnapped and Missing Persons in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of Victims and Victims’ Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

I would just like to add this wording, if you accept this proposal, ‘those who did not participate perso-

nally or in any way contribute to the conflicts on the territory of the former Yugoslavia. I think that is a missing element because many of those who actively participated in the conflicts now hold government office.

Statement: Olgica Božanić, Secretary of the Association of the Families of Kidnapped and Missing Persons in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

It is one thing is to make a high-school education requirement, but asking for a college degree is unnecessary.

Statement: Damir Besednik, Association of Underage Volunteers of the Homeland War, Vukovar, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Vukovar, Croatia, July 14, 2010.

The issue at hand is who is more deeply involved in this topic and who can give more. That probably minimizes the role of education.

Statement: Draga Solar, Documenta, Zagreb, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Vukovar, Croatia, July 14, 2010.

I understand that the citizenship criteria must be met, but all this regarding 'high ethical standards' and so on, these are very fluid criteria, I must say. However, since it is going to be based on an international agreement and so on, it needs to be stipulated which criteria are going to be used, what sources of evidence we are going to be using for the job we want to get done.

Statement: Branislav Vorkapić, Civic Initiative Organizations, Osijek, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Osijek, Croatia, July 13, 2010.

(...) it will be sufficient in paragraph 1, point b) to say that members of RECOM are respectable persons of integrity dedicated to nurturing the culture of tolerance and constructive dialogue in solving disputes and nothing else.

Statement: Slavko Kecman, Association for Peace and Human Rights, Bilje, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Osijek, Croatia, July 13, 2010.

I still believe the college degree requirement means nothing without other prerequisites, but one criterion that makes a lot more sense is a certain amount of experience.

Statement: Branislav Vorkapić, Civic Initiative Organizations, Osijek, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Osijek, Croatia, July 13, 2010.

I think that we should say at least one woman and one man are elected. If we leave it like this - at least one woman - we may end up electing all women, and we don't want that either.

Statement: Vesna Nedić, Oasis, Beli Manastir, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Osijek, Croatia, July 13, 2010.

(...) persons in any way responsible for the commission of an act violating human rights or international humanitarian law, or that the individual has close ties with persons responsible for the commission of human rights violations – that is not up to us to determine, it is up to the Office of the Prosecutor. We should not be side-tracked by such subjective elements.

Statement: Slavko Kecman, Association for Peace and Human Rights, Bilje, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Osijek, Croatia, July 13, 2010.

I don't think it is important because they are already represented by their state. But if they are members of, let's say, the Serb minority, it means Serbs are represented, but it is still good to have [one representative] for the sake of ethnic minorities who are not represented by member states.

Statement: Drago Solar, Documenta, Zagreb, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Osijek, Croatia, July 13, 2010.

It would be a good idea to have in all states, in all former Yugoslav republics, a member of the ethnic minorities – in Croatia, for example, we should have a representative from the Hungarian minority, not Serb, that would be silly.

Statement: Slavko Kecman, Association for Peace and Human Rights, Bilje, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Osijek, Croatia, July 13, 2010.

'Mentally and physically' fit may be offensive. This wording should be removed because all those nominated will be mentally and physically fit.

Statement: Vasil Sinishtaj, member of the City Assembly Tuzi, Montenegro, Regional consultation with multi-ethnic communities on the Draft RECOM statute, Mostar, BiH, August 28, 2010.

When nominating members of the Commission, the Ministry of Minority Affairs should only consider the ethnic minorities that were included in the conflict. For example, there is no point in nominating a representative of the Hungarian minority. It would be absurd. However, a representative of the ethnic Albanian minority should be nominated as a member of the Commission from Serbia because the conflict in Serbia happened between the ethnic Albanians and the Serbs.

Statement: Visar Demiri, Association of former political prisoners, office in Vitina/Viti, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Priştinë, Kosovo, September 15, 2010.

I think that physically fit' should not be one of the criteria for the Commissioners of RECOM. I think

that any physical impairment should not be an impediment for membership of RECOM. Also, insisting on a college degree is another unacceptable criterion because that will result in the rejection of a large number of people who may not have a college education but who have a proven track record of humanity.

Statement: Lush Krasniqi, victim family member, Đakovica/Djakovë, Kosovo, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

I am very offended by the fact that this draft Statute requires a college education for members of RECOM. What does that mean? Is everybody else stupid, dumb, and ignorant?

Statement: Alija Hodžić, Association of the Families of the Children Killed During the Siege of Sarajevo 1992 – 1995, Sarajevo, BiH, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

I have a very specific proposal to make: we should replace: 'will make every effort' with 'will be under obligation to' [with respect to ethnic representation of the RECOM commission].

Statement: Milan Reljić, representative of Struga, Association of victims' families from Bosansko Grahovo, BiH, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

Let's take Montenegro as an example. There should be two or three members from Montenegro. If we only have ethnic Montenegrins as members of RECOM, it would turn out that the only victims in Montenegro were Montenegrins, that there were no Bosniak or ethnic Albanian or any other victims. So, we must advocate for true representation here, which will help us get a better understanding of the level of war crimes, and the number of victims on the territory of Montenegro.

Statement: Amir Kulagić, Srebrenica, BiH, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

(...) it is necessary to define what exactly 'a political function' means.

Statement: Ivan Novosel, Legalis, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'Composition and Election of RECOM Commissioners', Zagreb, Croatia, October 16, 2010.

Article (...) titled 'Election Criteria for Members of the Commission, paragraph 4 point a), I suggest we remove it completely. I don't know anyone who was able to stand up to the political establishment throughout former Yugoslavia in the period in question. That person would have been declared a traitor or he or she would have been punished seriously or even lost their lives.

Statement: Milosav Stojković, Center for the Protection of War Victims' Families in Kosovo and Metohija, Serbia, Seventh Regional Forum on Transitional Justice, Working Group: 'Composition and Election of RECOM Commissioners', Zagreb, Croatia, October 16, 2010.

onal Forum on Transitional Justice, Working Group: 'Composition and Election of RECOM Commissioners', Zagreb, Croatia, October 16, 2010.

I personally believe that this article is not good because it is discriminatory with respect to a large number of citizens of the former Yugoslavia (...) I don't believe that they were all war crimes perpetrators (...) Why would a professional soldier commit a war crime?

Statement: Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'Composition and Election of RECOM Commissioners', Zagreb, Croatia, October 16, 2010.

If an individual was a member of a military, police, or intelligence state security structure, that individual cannot be impartial simply because he or she would be dealing with his colleagues, former state security members.

Statement: Faton Ademi, Balkan Investigative Reporting Network, Kosovo, Seventh Regional Forum on Transitional Justice, Working Group: 'Composition and Election of RECOM Commissioners', Zagreb, Croatia, October 16, 2010.

(...) I suggest (...) article (...) point b) be redefined if possible, to read – paramilitary, para-police units, (...) but the facts testify that the most horrendous war crimes were committed by those forces, which were not legitimate forces.

Statement: Milosav Stojković, Center for the Protection of War Victims' Families in Kosovo and Metohija, Serbia, Seventh Regional Forum on Transitional Justice, Working Group: 'Composition and Election of RECOM Commissioners', Zagreb, Croatia, October 16, 2010.

Who will be that authority to check the criteria (...) what body will be responsible for ensuring that all those criteria are applied?

Statement: Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'Composition and Election of RECOM Commissioners', Zagreb, Croatia, October 16, 2010.

(...) 'has close ties with persons responsible or investigated for the commitment of human rights violations or violations of the international humanitarian law' ... Look closely – that is also a form of discrimination. How is it possible to blame a person's parents or relatives for the crimes committed by that person?

Statement: Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'Composition and Election of RECOM Commissioners', Zagreb, Croatia, October 16, 2010.

(...) also, what body can be tasked with determining the validity of someone's integrity, moral reputation and everything else enumerated as election criteria?

ria? And then those people are expected to establish the facts about war crimes in the same way courts do it. And there is no vocational requirement for RECOM commissaries.

Statement: Željko Špelić, Croatian Officer Corps, Pakrac, Croatia, National Consultation with Local Communities on the Draft RECOM Statute, Pakrac, Croatia, October 22, 2010.

(...) all three of these points of paragraph 4 should be removed. [points kept in the current version of the Draft RECOM Statute and the point from a previous version of the Draft RECOM Statute reads: 'a professional member of military, police, intelligence, or other state security structures'].

Statement: Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Local Communities on the Draft RECOM Statute, Pakrac, Croatia, October 22, 2010.

(...) it is against my nature to accept that in one Article we speak affirmatively and non-affirmatively, so to speak. The first three points of paragraph 1 of this Article stipulate who can be a member of the commission and they specify some criteria. Paragraph 4, points a), b), and c) stipulate who should not be a member of the commission, i.e. who cannot be eligible to become a member of the commission, and all that is already under Article 24. My suggestion is to think about adding a new article so that separate non-affirmative criteria are separated from the election criteria and stipulated in let's say Article 24 paragraph a). It is not a good idea to keep it all together.

Statement: Veljko Vičević, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Local Communities on the Draft RECOM Statute, Pakrac, Croatia, October 22, 2010.

... The Statute of RECOM should stipulate the method for the appointment of RECOM Commissioners in a way that will enable associations of victims to black-ball potential members of the Commission.

Statement: Davor Pehar, Town of Mostar Chapter of the HDZ. Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM initiative, Međugorje, Bosnia and Herzegovina, December 11, 2010.

(...) Article 23 reads - 'persons enjoying the trust of the people in all State Parties to this Agreement' and the new version of Article 23 only reads: 'persons enjoying the trust of the people'. I think it is awfully difficult to apply those criteria and find the necessary number of individuals to be nominated as RECOM Commissioners. Therefore, I think that it would be a better idea to change this segment to read: 'may enjoy the trust' because the assumption here is that each person has certain moral qualities, each person is of integrity and so on, may potentially enjoy the trust of others, and it is almost impos-

sible to find individuals who enjoy such trust in all six states.

Statement: Jovana Ramović, Faculty of Law of the University in Podgorica, Podgorica, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

(...) it says here: 'persons enjoying the trust of the people...'; what I would like to see here, and what I think from our experience in Montenegro is a good idea is: 'persons enjoying undivided trust of the people'

Statement: Edin Smailović, Faculty of Philosophy of the University in Ljubljana, Slovenia, Graduate School, Biljelo Polje, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

It is about an equal representation of ethnic communities in the Commission. I will analyse the example of Macedonia for which the Draft RECOM Statute provides two representatives from two different ethnic communities. However, the fact is that there are more than two ethnic communities in Macedonia and therefore I think that it should be stipulated in the Statute that representatives from one country will demonstrate an equal interest in the victims from all ethnic communities from that country.

Statement: Miroslava Simonovska, High School for Journalism and Public Relations, Skopje, Macedonia, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

(...) It turns out, according to the way it is stipulated here, that those who resign from their political offices today, should be able to join RECOM in two years. For example, [this could include] politicians who were in power during the war and who are active today although we all know that during their time in office they committed horrible crimes in the Dubrovnik war zone.

Statement: Damir Nikočević, Faculty of Political Science, Herceg Novi, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

(...) it says here: 'prominent political figure' (...) and I think that should be replaced with a much more precise term because there is a difference between a 'political figure' and a 'prominent political figure'. This may be used against RECOM by member state governments once the initiative is adopted and we have to plan ahead and be ready to foil possible attacks.

Statement: Jovana Ramović, Faculty of Law of the University in Podgorica, Podgorica, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

(...) for me personally, this is a little too much – 'an individual that has close ties with persons responsible for the commission of human rights violations

or persons being investigated for the commission of such acts.' It sounds like a restriction imposed in the dark middle ages because a person can be closely connected to a person involved in war crimes but may have quite the opposite political views and behaviour to that person (...) If, however, we want to prevent conflict of interest, we may exempt that member from voting on specific issues.

Statement: Unidentified participant at the Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

(...) I am not sure if the victims would really agree to testify if they saw that former members of military or paramilitary formations were members of RECOM. Would the victims still perceive RECOM as an independent, non-political organization?

Statement: Nataša Stamenković, Justinijan Prvi Faculty of Law, Skopje, Macedonia, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

... So, we would like to suggest that the Working Group removes all those 'prominent political positions' and simply says: 'individuals cannot be members of the Commission if there is a reasonable doubt that they committed war crimes.'

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Regional Consultation with War Veterans on the Draft RECOM Statute, Skopje, Macedonia, December 18, 2010.

Identical Selection Procedures in all Parties to the Agreement

In each Party to the Agreement, Commissioners shall be selected in an identical procedure specified by this Statute.

Opinions of participants:

In my opinion it should read 'each state signing the Agreement' instead of 'each state party to the Agreement.'

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

Nomination of Prospective Candidates

1. Associations of citizens, educational institutions, scientific institutions, religious communities, trade unions, or groups of at least 30 citizens of a Party to the Agreement shall have the right to nominate can-

didates for Commissioners upon obtaining their approval.

2. The selection panel in each Party to the Agreement shall receive the nominations and conduct the primary screening of candidates.

Opinions of participants:

It is stated in Article 13 that candidates may be nominated by non-profit organizations or 30 citizens of member states. I think that 30 is too small a group to be allowed to nominate candidates as RECOM Commissioners. It should be at least 100. I don't know why you chose 30 – it sounds quite inappropriate.

Statement: Goran Miletić, legal advisor for human and minority rights, Civil Rights Defenders, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) 30 signatures for a candidate for such a serious job is insufficient (...) Who does the candidate report to?

Statement: Murisa Marić, Don Association, Prijedor, BiH, Regional consultation with multi-ethnic communities on the Draft RECOM statute, Mostar, BiH, August 28, 2010.

I think that 30 signatures – that's not enough. I would suggest 500 signatures to ensure that it is a proper candidate, willing to work.

Statement: Dr. Azra Pašalić, president of the Municipal Assembly of the Prijedor municipality, Prijedor, BiH, Regional consultation with multiethnic communities, Mostar on the Draft RECOM statute, BiH, August 28, 2010.

Composition and Selection of Members of Selection Panels

1. The selection panel in each Party to the Agreement shall consist of nine members, all of whom must meet the criteria set for Commissioners, except for the requirement excluding those persons who held prominent political positions during the period of two years prior to the beginning of the selection procedure, or during the period covered by the mandate of the Commission.
2. Members of the selection panel cannot be nominated as candidates for Commissioners.

3. Three members of the selection panel shall be appointed by the Minister of Human Rights, with the consent of the parliamentary body in charge of human and minority rights.
4. Three members of the selection panel shall be selected by members of the Coalition for RECOM in the Party to the Agreement.
5. The initial six members of the selection panel shall be appointed or selected in accordance with provisions of paragraph 3 and 4 of this Article within 45 days after the last ratification of this Agreement.
6. The competent Minister shall announce the appointment and selection of the initial six members of the selection panel and advertise open positions for the remaining three members of the selection panel within an additional eight days.
7. The six appointed i.e. selected members of the selection panel shall make every effort to select the remaining three members by consensus, if possible, but in the absence of consensus they shall decide by majority vote.
8. The competent Minister, the Coalition for RECOM, and members of the selection Panel appointed or selected in accordance with paragraphs 3 and 4 of this Article shall ensure that at least one third of members of the panel members are female, one third male, and shall endeavour to ensure that one third of members are representatives of victims' associations, including victims' associations outside of the Coalition for RECOM, provided that the respective association has been registered for at least three years before the Party signed this Agreement.
9. The competent Minister shall announce when the selection panel is fully staffed and provide the necessary conditions for its work.
10. The oldest member of the selection panel shall chair the work of the panel and schedule its constituent session to be held no later than 45 days from the day that the open positions from paragraph 6 of this Article were advertised.

Opinions of participants:

I think that same selection criteria should be applied for both RECOM Commissioners and Election Panels members.

Statement: Simon Simonović, human rights activist, Belgrade, Serbia, Regional Consultation with Young People and Youth Organizations on the Draft RECOM Statute, Podgorica, Montenegro, May 20, 2010.

'Three members of the Election Panel are appointed by the Human and Minority Rights Minister or the Justice Minister, following consultations with members of the Parliamentary Human Rights Committee' – This is very good.

Statement: Tin Gazivoda, Human Rights Center, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

(...) To confirm 'the Human Rights Ministry and the Minority Rights Ministry' in our country it would be the Ministry of Justice, they confirm the election of members to the Election Panel. It sounds to me as if we are trying to institute one step too many in the whole process. I would prefer a different wording – 'approves' or something like that.

Statement: Tin Gazivoda, Human Rights Center, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I think it would be much better if they are only allowed to give approval, instead of being asked to make a final selection. They should be allowed as few powers as possible so that they are not able to abuse their office.

Statement: Mirjana Bilopaylović, Center for Civil Society Development Delfin, Pakrac, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

The term 'Election Panel' is inappropriate and it is insufficiently defined. It has to be 'Election Body', or 'body for the selection of RECOM Commissioners.'

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

It is important that the selection of members of the Selection Panels is followed by consultations with members of the parliamentary committees for human and minority rights of each member state, as is the case in Croatia.

Statement: Vesna Teršelič, Documenta, Croatia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I am strongly against the idea of giving a role to any coalition of non-governmental organizations in an issue as formal as the election of commission members.

Statement: Dragan Popović, Youth Initiative for Human Rights, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

Why don't we have three members – and I like that suggestion a lot – a Supreme Court Justice, a Constitutional Court Justice, and an ombudsman? They are unquestionably representatives of state authorities.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) we all (the Coalition for RECOM) think that we should be a coalition advocating for this process, a coalition conducting the consultation process, but that we should not be treated in a special way and be granted special privileges with respect to the nomination procedure or to participating in the Election Panel, so that we will all, individually, as members of the Coalition, ask not to be granted any special privileges.

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I don't like the idea of including Supreme Court or Constitutional Court judges in the process. I am asking you if you really think that the President of any court in the former Yugoslavia can be truly independent? Maybe it's possible in Australia, but not here. Now, a member who is elected by the member states, he or she must be fully independent and unbiased. Not a single court president can act in an independent and unbiased manner.

Statement: Mioljub Vitorović, Prosecutor, Office of the Prosecutor of the Republic of Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

What happens if the Ministry for Human and Minority Rights or the Ministry of Justice does not confirm the decision of the Election Panel? They nominate three, the coalition nominates three, they elect three together, and in the end the Ministry verifies the election. The election of what? - the Election Panel. That's not even the election of candidates. I think that point is more than redundant and it can be subject to the lowest form of political obstruction in the entire process, and it should definitely be removed.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

Secondly, the Election Panel - honestly, I don't like this idea with the ministers. One third [of the panel] is chosen by an informal group of organizations, one third by ministers who are very much different from state to state, and then they, together, chose

one more third of the Election Panel membership. Maybe we should choose [people in] roles which are by nature independent, so that the representation comes from individuals holding such roles. For example, each state should have an ombudsman, a president of the Supreme Court, and a president of the Constitutional Court as members of the Panel. The president of the Constitutional Court may also be the president or chairperson of the Panel because I understand that in most states that function has a significant role. Our suggestion was also to include university rectors, but we can still discuss that.

Statement: Dragan Popović, Youth Initiative for Human Rights, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

As far as I was able to read quickly here, Article 13, point 4.c) explains that three members are nominated by the Minister of Human and Minority Rights. If you look at the work of the Ministry for Human and Minority Rights in Montenegro, you will realize that its major accomplishment so far is the protection of those who committed all those injustices and crimes, and that's what it continues to do, protecting the injustice. So, if you allow them to nominate your members, I don't think the outcome is going to be the best. The result of the entire process in that case will be contrary to your stated goals.

Statement: Mehmet Bardhi, Democratic Union of Montenegro, Ulcinj, Montenegro, National Consultation with Politicians on the Initiative for RECOM, June 30, 2010, National Parliament of the Republic of Montenegro, Podgorica, Montenegro.

So, the Minister of Justice or the Minister for Human and Minority Rights chooses three RECOM Commissioners from that particular state or from Kosovo, three are chosen following a public announcement of positions, and verified by an authorized parliamentary committee. Since parliaments are institutions that represent current political circumstances in each particular state, they should be the ones to verify these choices.

Statement: Miodrag Linta, President of the Coalition of the Association of Refugees in the Republic of Serbia, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, July 3, 2010, Belgrade, Serbia.

'Ministry for human and minority rights and the Ministry of justice confirm...' – They don't confirm, they give their approval for the selection of members. We do not expect them to confirm, because we don't want them to have any control over the things that are not their intellectual property.

Statement: Mirjana Bilopavlović, Center for Civil Society Development Delfin, Pakrac, Croatia, Regional consultation with multiethnic communities on the Draft RECOM, Mostar, BiH, August 28, 2010.

In this article about the constituent session, 'at the first constituent session members of RECOM will try to elect the President of RECOM and adopt the Rules of Procedure' – this has to be changed, you can't say 'will try'; it has to be changed to read: 'at the first constituent session members of RECOM will elect the President of RECOM and adopt the Rules of Procedure.' Also, the issue of a two thirds majority needs to be defined more clearly. Also, the way presidential candidates are nominated must be stipulated more precisely so that we don't have a situation where Serbia and Croatia lobby together against the Bosnian candidate. The activity of RECOM implies several thousands of well trained, perfectly coordinated professionals in the states that are ready to cooperate. There are several problems with this plan: first, we can't find that number of trained professionals or the money necessary to pay them even if we have found them. We are unable to coordinate such a huge project because our organizational skills here in the Balkans are not at a level high enough to do it, and our states do not have flawless communication. If any of this can be solved with donations, let's negotiate with member states to provide financing for the project on a regular basis from state budgets and let's not limit the mandate of the Commission to two years.

Statement: Mirsad Jusufović, coordinator for international cooperation of the Novi Pazar municipality, Serbia, Regional consultation with multi-ethnic communities on the Draft RECOM statute, Mostar, BiH, August 28, 2010.

... all states have associations of municipal assemblies. In Serbia, it is the Permanent Conference of Cities and Municipalities, in Montenegro it is the Association of Municipalities. I think that it would be a good idea to include one representative of the municipalities, not necessarily the president - it can be anyone delegated by the association. If we have representatives of the government and representatives of the non-governmental sector, I think it would be a good idea to include municipalities in this kind of activity

Statement: Tarzan Milošević, president of the Bijelo Polje Municipal Assembly, Montenegro, National Consultation with Local Communities on the Initiative for RECOM, Podgorica, Montenegro, September 14, 2010.

The Ministry of Justice of Bosnia and Herzegovina cannot make that decision for its three ethnic components without including Republika Srpska and the Federation of Bosnia and Herzegovina. Also, the deadline is too short.

Statement: Dragislav Mijanović, representative of the Association of Differently-abled War Veterans of the Zvornik Municipality, Zvornik, BiH, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

'The Election Panel in each member state consists of nine members, all of whom must meet the requirements set for future members of the Commission except for the requirement excluding those who are prominent politicians or public officials' The problem is that there is no previous mention or any description of 'prominent politicians' in the previous text.

requirements set for future members of the Commission except for the requirement excluding those who are prominent politicians or public officials' The problem is that there is no previous mention or any description of 'prominent politicians' in the previous text.

Statement: Ivan Novosel, Legalis, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'Composition and Election of RECOM Commissioners', Zagreb, Croatia, October 16, 2010.

Why is it necessary to secure equal gender representation and why is this issue more important than the requirement to have representatives of associations of victims and minority communities as members of RECOM?

Statement: Ivan Đurić, Diplomacy and State Security Academy, Belgrade, Serbia, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

Selection of Candidates for Commissioners by the Selection Panels

1. No later than 8 (eight) days after the constituent session, the selection panel from each Party to the Agreement shall advertise the available positions for Commissioners. The application deadline shall be 30 (thirty) days.
2. No later than 8 (eight) days after the the expiry of application deadline, the selection panel shall publish the following information on the website of the competent Ministry as identified in Article 27, paragraph 3:
 - (a) The total number of applications received; and,
 - (b) The names of candidates whose applications shall be considered.
3. The selection panel may decide to interview all or some candidates. Interviews shall be open to the public.
4. The selection panel may request information on any candidate from the authorities and public institutions, who shall be obliged to respond as a matter of urgency.
5. The selection panel shall endeavour to reach all decisions unanimously, but in the absence of consensus it shall decide by a simple majority of five votes.

6. The selection panel shall assess the fulfilment of the required criteria on the part of the candidates whose applications it chose to consider and it shall create a shortlist of candidates which is between two and three times larger than the number of Commissioners which are to be selected in the respective Party to the Agreement.

7. No later than 40 (forty) days after the expiry of the application deadline, the selection panel shall publish the names of the shortlisted candidates and submit the list on the same day to the President or the Presidency of the Party to the Agreement.

Opinions of participants:

In the context of the dilemma we have already mentioned, - the Election Panel submits a final list of candidates to the President or a Presidency of the member state – this issue should be regulated, by the law that I think must be adopted. So I am not sure if this should be here at all. It is a legal issue and it probably should not be here before the adoption of the law.

Statement: Tin Gazivoda, Human Rights Center, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

(...) with respect to the fact that in all post-Yugoslav states the legislative branch of the government is the most powerful branch of the government, it is unclear why the Working Group opted for the heads of states or presidencies to have a decisive role in the process of selecting commissioners.

Statement: Maja Mičić, Youth Initiative for Human Rights in Serbia, Belgrade, Serbia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010).

(...) I would not allow presidents to choose commissioners. I would extend that power to the parliament as a broad-based body.

Statement: Zaim Elezi, Council of Bosniak NGOs from Kosovo, Peć/Pejë, Kosovo, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

I have a huge dilemma concerning the role of the Presidency in Bosnia and Herzegovina with regards to the Commission simply because the Presidency in BiH is really a very fluid organ. The only beneficiaries of their views are their own political parties. If I could choose, I would delegate all the rights and authorizations of the Presidency to the Parliament of Bosnia and Herzegovina.

Statement: Borka Rudić, Association of BH Journalists, Sarajevo, BiH, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

These points should be switched according to the chronological order of activities: 'a candidate is first interviewed and then the results are published.'

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

The election procedure for Commissioners is also very complicated, it should be made a lot simpler because otherwise it will come back to us as a huge problem.

Statement: Berat Luzha, former political prisoners, Priština/Priştinë, Kosovo, National Consultation with former political prisoners on the Draft RECOM Statute, Priština/Priştinë, Kosovo, September 15, 2010.

(...) I think that the Election Committee should interview all candidates because governments are going to have a say in the election procedure.

Statement: Jovana Ramović, Faculty of Law of the University in Podgorica, Podgorica, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

(...) each national assembly or law maker of prospective member states have permanent human rights committees. I think that those committees should be asked to nominate members which will be later elected by the assembly. The assemblies should apply the system we use in Macedonia named after famous French Constitutional Court judge Robert Banditer – the Banditer Principle of a double two-thirds voting system. This means a two-thirds majority vote for the law makers (the committee) and an additional two-thirds vote from the very judiciary body. My proposal comes from regulatory agencies that are mostly elected by a two-thirds majority which at the same time guarantees objectivity and a political consensus. I think that in this process it is crucial to secure a political consensus.

Statement: Timčo Mucunski, Justinijan Prvi Faculty of Law, Skopje, Macedonia, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

Selection of Commissioners by Presidents/ Presidency of Parties to the Agreement

1. The President or the Presidency of the Party to the Agreement shall make the final decision on the Commissioners to be selected in that Party to the Agreement from the shortlist submitted to them by the selection panel.

2. On the thirtieth day from the day they received the shortlists of candidates from the selection panels, the Presidents and Presidencies of the Parties to the Agreement shall inform each other about their choices, before informing the public about their decisions.
3. On the fifteenth day from the day the Presidents and the Presidencies of the Parties to the Agreement receive the information referred to in paragraph 2 of this Article, they shall publicly announce the names of the Commissioners.

Opinions of participants:

(...) but I think it is very important to elect deputies immediately, because that can help us avoid delays in the work of the Commission - because it is unlikely that both will be unavailable for the same event.

Statement: Ljiljana Canjuga, Association of Volunteers and Veterans of the Homeland War, Zagreb Chapter, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I think that the states should be given some space to object to some choices, since 20 members are being selected. The government should be allowed to veto a candidate.

Statement: Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

Since at the end of this complex procedure an important role is given to the president or the presidency, I must ask you the same question that has been asked over and over again during the consultation process: is this something that is normally included in a president's authority, is it some additional role, or is it part of a set of authorities in the hands of government institutions and not the president?

Statement: Vesna Teršelič, Documenta, Croatia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

The Working Group has, I believe, concluded that the prevailing opinion is that presidents choose commission members. I think that could be a legitimate solution, but I also think that there is one potential danger: the lack of legitimacy. If presidents chose commission members, the role of the president becomes enormous. I know that was the case in South American states and I see that quite a lot of theory here is based on their experience, but we must, as much as possible, take into consideration the fact that presi-

dents of South American states have much broader authorities than heads of states in our region. We intend to vest more power in our presidents and exclude parliaments (except for their role in ratifying the international agreement) and the parliamentary majority from the appointment of commission members. Do we really want to exclude parliament, as the highest independent body in all post-Yugoslav states, from the election of commission members? Later we will also deal with a whole range of practical issues: what if the president and the parliament do not come from the same majority? Well, the Croatian government will not be best pleased with commission members chosen by President Josipović and it is precisely that government that will be tasked to cooperate with the Commission. Those are practical-political issues. I certainly emphasize the essential issues I keep insisting on, but this is a side argument to the same matter.

Statement: Dragan Popović, Youth Initiative for Human Rights, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

It would be quite natural to ask our respective parliaments to do the job, but that is a political issue.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I would just like to say that I don't really understand the criteria that the president or the presidency is going to employ in electing the commission members.

Statement: Jelena Stevančević, legal adviser to the OSCE Mission to Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I would like to know to what extent the members [of the Commission] are going to be politically independent, given the fact that they are going to be elected by presidents or presidencies of member states? I think that they will most likely choose members who are loyal to them. I'd like to know how that can be avoided.

Statement: Admir Adrović, Bosniak Party Young Members Forum, Rožaje, Montenegro, National Consultation with Young People on the Draft RECOM Statute, Podgorica, Montenegro, December 15, 2010.

(...) what are the specific methods that can be employed by RECOM for the purpose of securing the independence of its members, since in Montenegro, for example, it is clear that the current political elite is almost identical to 20 years ago. The Socialist Party of Serbia (SPS) is in power again in Serbia, and the Croatian Democratic Union (HDZ) is again in power in Croatia.

Statement: Stevan Kandić, student, Faculty of Law, member of the Association of Legal Professionals of Montenegro and the

European Association of Law Students of Montenegro, Podgorica, Montenegro, National Consultation with Young People on the Draft RECOM Statute, Podgorica, Montenegro, December 15, 2010.

(...) when talking about the election of future members of the commission, I think that they should definitely be elected by parliaments and not by heads of state simply because parliaments are law makers and members of parliaments were elected directly by voters. For that reason I think election by members of parliaments is the right decision.

Statement: Edin Smilović, Faculty of Philosophy of the University in Ljubljana, Slovenia, Graduate School, Biljelo Polje, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

The Constituent Session

1. The oldest Commissioner shall schedule the constituent session of the Commission, to be held at the Commission's Main Office no later than 15 days from the date set forth in Article 29, paragraph 3, of the Statute, and chair the Commission until the Chairperson of the Commission is elected.
2. The ceremonial, introductory part of the constituent session shall be attended by the Presidents and members of the Presidencies of the Parties to the Agreement.
3. In the introductory part of the constituent session, Commissioners shall sign a copy of the Statute and read aloud and sign the following statement: "I hereby swear on my honour that I shall conduct my duties as a Commissioner in a dedicated, impartial, and independent way, and that I shall strive to justify the confidence bestowed upon me in my contributions to the implementation of the objectives of the Commission."

Opinions of participants:

(...) as for the Commission itself, it is mentioned here that a Constituent Session will be held, but it does not say anything about the decision-making process, except that it is necessary to secure a decision-making quorum. Will the Commission make decisions during sessions, but it is quite possible that it may be regulated by the Rules of Procedure of the Commission. Do members need to be physically present at the session to be able to vote?

Statement: Maja Mičić, Youth Initiative for Human Rights, Serbia, Seventh Regional Forum on Transitional Justice, Working Group: 'Composition and Election of RECOM Commissioners', Zagreb, Croatia, October 16, 2010.

Selection of the Chairperson and Adoption of the Rules of Procedure

1. Commissioners shall select the Chairperson and adopt the Rules of Procedure regulating the work of the Commission no later than 60 (sixty) days after the day of the constituent session.
2. Commissioners may decide to limit the mandate of the Chairperson to a specific time period.

Opinions of participants:

(...) Article 31, paragraph 2: 'Members of the Commission can decide to limit the position of the Chairperson to a particular time period'. I think it should not read 'can decide' but the mandate of the chairperson should be limited to a certain time period immediately simply because that person will always act on behalf of the commission and maybe that mandate should be limited right away.

Statement: Danilo Ajković, Faculty of Law of the University in Podgorica, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

Quorum and Decision Making

1. The quorum of the Commission shall be 14 (fourteen) Commissioners.
2. Decisions of the Commission shall, as far as possible, be taken by consensus and in the absence of consensus at least 14 members must vote for the adoption of a decision.
3. The Commission may decide that in order to adopt a specific procedural decision it is sufficient to obtain a simple majority of votes.

Opinions of participants:

The quorum and the decision making process should be defined very clearly and directly. I think that the quorum and the decision making process cannot be tackled in one article. If according to

option 'A,' the Commission consists of 20 members, the quorum is approximately 14 and it takes two thirds of the 14 to make a decision – which is 9 approximately. That means that it would take less than 50% of the total number of members to make a decision. If we now read point 2, it says 'RECOM can decide in a two thirds vote that in order to adopt a specific procedural decision it is necessary to have a simple majority vote of all members of RECOM'. That's in contradiction with point 1 because a simple majority is larger than one half of the membership – so it is 11 and two thirds of 11 is 7. In other words, 30% of the membership can make a decision and that's absurd. I think that the quorum should be 90%, or a two thirds majority should be required for making a decision. That would mean that approximately 60% of members are required to vote for a decision.

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

(...) working quorum must be maximum 50% of the members.

Statement: Boško Nenezić, Center for Monitoring, Podgorica, Montenegro, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

It is necessary to specify the quorum and the decision making majority necessary to adopt a Code of Procedure.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

Just a suggestion – 'The Commission will make every attempt to make all decisions unanimously, but, when a consensus is impossible to reach, a minimum of a 14-vote-majority will decide'.

Statement: Vesna Teršelič, Documenta, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'Composition and Election of RECOM Commissioners', Zagreb, Croatia, October 16, 2010.

(...) you have anticipated a quorum of 14 votes at least. That means that the commission can make decisions even if all representatives from one state are absent. (...) I think that this provision should be stipulated to imply the presence of a so-called 'qualified majority'. You can still leave a two thirds majority (...) but it has to be emphasized that a representative from each state must be present at the time of any vote.

Statement: Boban Misoski, Kiril i Metod Faculty of Law, Skopje, Macedonia, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

Termination of the Mandate of Commissioners

1. The term of office of a Commissioner shall terminate upon the expiry of the Commission's mandate and in the following cases:

- (a) The written resignation of the Commissioner;
- (b) The death of Commissioner;
- (c) A final court decision on deprivation or limitation of Commissioner's legal capacity;
- (d) A final conviction of Commissioner to unconditional prison sentence; or
- (e) The removal of Commissioner.

2. In cases listed in paragraph 1, points (a), (b), (c), and (d) of this Article, the Commission shall declare that the term of office of the Commissioner has terminated and inform the President or the Presidency of the relevant Party to the Agreement. The President or the Presidency shall within 15 days appoint a new Commissioner from the shortlist adopted by the selection panel during the initial procedure for selection of Commissioners.

3. A Commissioner may be removed in the case of a failure to fulfil the duties set forth in Article 35 and Article 37 of the Statute, or if he or she receives a final conviction for a criminal act which is detrimental to the integrity and credibility of the Commissioner, or in case of a continuous inability to perform his or her duty due to poor mental, emotional, or physical health.

4. The Commission shall adopt a proposal to remove a Commissioner without the presence of that Commissioner and submit a motion to the President or the Presidency of the Party to the Agreement in question. Prior to adopting the decision, the Commission shall inform the Commissioner about the evidence corroborating the motion and the Commissioner shall be given an opportunity to present evidence in his or her favor.

5. No later than 15 days after the submission of the motion for removal, the President or the Presidency of the Party to the Agreement shall decide whether the Commissioner shall be removed from duty, and if so, select a new Commissioner from the shortlist adopted by the selection panel during the initial procedure for selection of Commissioners.

Opinions of participants:

As far as I can see, there are two ways a member's mandate can be terminated. One is automatic: following the expiration of the mandate, in case of resignation, death, limitation, impaired ability to conduct business, or a legally binding prison sentence. The second way is discretionary – when the Commission terminates an individual's membership or makes a motion to terminate an individual's membership if a member fails to fulfil his or her duties. Since it is possible that it is only established afterwards that a member of the Commission does not fulfil the necessary membership requirements (for example, a person demonstrated war-mongering behaviour before and during the war, or if new evidence becomes available - that person decides to accept a public function, etc.) - that should also be listed as a reason for the termination of their role as a Commissioner. Maybe it should not be listed as an automatic way of termination of membership. It can be added that if the Commission establishes that there are grounds for the termination of a Commissioner, the Commission would be expected to initiate the termination procedure for that member. Another hypothetical situation is when a RECOM Commissioner is subject to a criminal prosecution. One of the conditions for an automatic termination of membership is a legally binding decision. In many cases it can take years before a criminal prosecution ends with a legally binding decision, and clearly, the presumption of innocence must be respected. However, the fact that a member of RECOM is being criminally prosecuted is sufficient to damage the confidence and the reputation of that member and the Commission itself. In view of that, I think that RECOM should adopt a procedure for the termination of membership of an individual whose personal integrity damages the integrity and the confidence of RECOM. The Commission should have access to mechanisms enabling efficient termination of the membership of such an individual. It is possible, of course, that member states may abuse this op-

portunity, but in order to prevent that, this would not be done according to some automatic termination procedure and instead it would only serve as a reason to initiate a procedure, during which the commission would make a decision whether to terminate an individual's membership or give a recommendation to presidents to revoke that individual's membership.

Statement: Ivan Jovanović, legal adviser at the OSCE Mission to Serbia, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

You did not anticipate that membership may be terminated following a decision of a joint organ or panel of RECOM.

Statement: Mehmet Bardhi, Democratic Union of Montenegro, Ulcinj, Montenegro, National Consultation with Politicians on the Initiative for RECOM, June 30, 2010, National Parliament of the Republic of Montenegro, Podgorica, Montenegro.

Heads of state to be allowed to terminate membership of a RECOM Commissioner? Unbelievable! So, your intention is to make RECOM dependant on state institutions! That makes no sense and for me personally it is unacceptable.

Statement: Mehmet Bardhi, Democratic Union of Montenegro, Ulcinj, Montenegro, National Consultation with Politicians on the Initiative for RECOM, June 30, 2010, National Parliament of the Republic of Montenegro, Podgorica, Montenegro.

I suppose that there should be a supervisory body which will be authorized to terminate the membership of Commissioners.

Statement: Vesna Simović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

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RIGHTS AND OBLIGATIONS OF COMMISSIONERS AND PERSONNEL

Conscientiousness, Independence, and Impartiality

1. Commissioners, employees, and other persons performing duty for the Commission shall act in accordance with the provisions of this Statute and legal acts adopted by the Commission, and perform their duty in a conscientious and impartial manner, acting independently of the interests of any political party, government, interest group, or person.

2. Commissioners and employees of the Commission shall not perform any other activity which may prevent them from performing their duties on the Commission or bring into question their independence and impartiality. Commissioners and employees shall disclose to the Commission any existing or potential conflict of interest.
3. If the Commission finds that a Commissioner or an employee has a conflict of interest, the Commission shall exempt that person from further acting in the matter that includes the conflict of interest, undertake the necessary measures for the removal of the Commissioner, suspend the Commissioner, or discharge the employee.
4. If the Commission is not informed in a timely manner about any circumstances pointing to a conflict of interest of a Commissioner or an employee, and if that person took part in the decision-making process or executed other activities in a matter related to the conflict of interest, the Commission shall, as soon as it becomes aware of such a conflict of interest, re-consider the decision and the performed activity, and, if necessary, ensure a re-vote or repeat of the activity without the participation of said person.

Opinions of participants:

This Article is crucial, the most important, and the most decisive. It should be emphasized so that we don't easily forget it.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

'Commissioners act in a conscientious, dedicated, independent, and impartial manner which in no way jeopardizes the integrity and the credibility of the Commission.' This sentence should end after the word manner and the rest should be deleted.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

It should read: 'Commissioners receive salaries for their duties...'

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

Privileges and Immunities

1. In order to preserve the independence of the Commission and to ensure its unimpeded operation, during their mandate Commissioners and employees shall enjoy the following privileges and immunities:
 - (a) Immunity from personal arrest or detention and from seizure of their personal baggage;
 - (b) Immunity from legal process of every kind, in respect of their expressed opinion and all acts done by them in good faith, within the scope of their duty; and,
 - (c) Exemption from any restrictions on their freedom of movement in relation to the performance of the tasks of the Commission and the freedom of entry into and exit from the country in which they conduct their duty.
2. Immunity as stipulated in paragraph 1, point (b) of this Article, in respect to the expressed opinion, shall extend after the mandate with the Commission or the engagement with the Commission is terminated.
3. The Commission shall waive the immunity of a Commissioner or an employee if such immunity is in any way obstructing the course of justice and compromising the confidence of the public in the Commission.

Opinions of participants:

Members enjoy immunity only on the territory of their own state unless established by the international agreement that all these persons [Commissioners and employees] have immunity across the entire region, which, if that happens, opens a whole lot of serious legal issues.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

Immunity from detention is not an absolute right. I am wondering what happens in the case of a Commissioner or employee caught performing a criminal act.

Statement: Margarita Nikolovska, Human Rights Institute, Skoplje, Macedonia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

Protection of Sources and Confidential Information

Commissioners, employees, and other persons performing duty for the Commission shall protect the confidentiality of all information they came into possession of while performing their duties with the Commission, including the identity of persons who provided information on condition of anonymity, and refrain from using such information for personal reasons, until the Commission releases such information in the form of an official press release. This obligation does not refer to matters of common knowledge.

Opinions of participants:

(...) Article 37 – ‘protection of sources of information and confidential information’ - I think we need to come up with a better definition of their obligation to protect information obtained during RECOM’s mandate, although I think it may not be possible. The essence of RECOM is to publish all the facts, not to keep them safe until the Final Report is published. And in the end, isn’t that the goal of public testimonies?

Statement: Mario Mažić, Youth Initiative for Human Rights, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

The protection of sources and confidential information – the fact that RECOM is required to protect all findings is very problematic. It should be rephrased to read that they have to protect them for the duration of RECOM’s mandate. The way it is stipulated here is in contradiction with the basic goal of RECOM – to make the facts about war crimes public.

Statement: Mario Mažić, Youth Initiative for Human Rights, Zagreb, Croatia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

If RECOM becomes authorized to receive confidential documents, RECOM must maintain the same level of confidentiality of such documents. That should be the lowest level RECOM should guarantee, because, and I am sure of this, no one will give RECOM any documents if their confidentiality is compromised.

Statement: Toma Višnjić, attorney at law, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I think that we need to start with a slightly more ambitious plan – to make it a mandatory requirement for states to surrender their confidential documents. In return, they will be assured that these documents will in no way be disclosed. That’s probably a balanced solution, which the member states may be willing to accept.

Statement: Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

STRUCTURE OF THE COMMISSION

Executive Secretariat and Departments of the Commission

- 1. The Commission shall establish its Main Office, the Executive Secretariat, in Sarajevo. The primary task of the Executive Secretariat shall be to offer technical, administrative, and operational support to the Commissioners and to coordinate the work of the different offices and departments established by the Commission.**
- 2. The Commission shall appoint the Executive Secretary and heads of the departments and shall decide on the termination of their mandates.**
- 3. Employees and other persons performing duties in the Executive Secretariat and departments of the Commission shall be employed without regard to their citizenship.**

Opinions of participants:

(...) further on, Article 31, paragraph 3, the Working Group says: ‘RECOM can choose and appoint Heads of research teams operating in a specific Member State based on the recommendation of the RECOM office in that Member State, the recommendation not being binding for RECOM. I think that heads of research or investigation teams are chosen for their expertise and because they have the experience necessary to help RECOM conduct successful investigations in certain cases. I don’t see why they need to be recommended by local offices. They are not honorary leaders of RE-

COM teams to be recommended by local offices. I think that RECOM Commissioners should appoint leaders of research teams in accordance with the specific needs of their departments and based on the experience and expertise of potential candidate for those positions.

Statement: Nataša Kandić, Humanitarian Law Center, Belgrade, Serbia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

Article 31, paragraph 3 – with respect to what Nataša said, I think that in paragraph 3 it is useful to say that heads of departments are appointed based on a recommendation from local offices in member states, in the manner specified by the Working Group. Of course, they don't have to abide by that recommendation if they don't feel like it, but I think it important that it is done following a recommendation from local offices.

Statement: Vesna Teršelić, Documenta, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

Offices of the Commission on the Territory of Parties to the Agreement

1. The Commission shall establish offices on the territory of all Parties to the Agreement and appoint and relieve from duty the heads of offices on a proposal from the Executive Secretary.
2. The Main Office of the Commission in Sarajevo, following consultation with the Executive Secretary and the Offices in a particular Party to the Agreement, may establish mobile inquiry teams and local offices in other towns on the territory of that Party to the Agreement, and appoint and relieve from duty the leaders of these mobile teams and local offices.
3. On a proposal from the Executive Secretary, the Commission may establish a mobile inquiry team to collect information in the territory of any Party to the Agreement.
4. Employees and other persons performing duties in the offices of the Commission in Parties to the Agreement and in mobile inquiry teams shall be engaged without regard to their citizenship.

Opinions of participants:

RECOM should have members who will be elected in a manner that should be defined more precisely in one of the next stages of the operation. Also, in this stage, apart from the RECOM Commissioners, it is necessary to define the duties of each department. Now, we have an opportunity to discuss what other departments will exist in addition to the commission and the President of RECOM.

Statement: Vesna Simović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) I think that it would be very useful to have people from all member states included in the work of all RECOM offices.

Statement: Edin Smilović, Faculty of Philosophy of the University in Ljubljana, Slovenia, Graduate School, Biljelo Polje, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

Archives of the Commission

1. The Executive Secretariat shall set up an Archive and Database Department of the Commission, which shall establish the archiving and digitalization methodology for collected documents.
2. After establishing the methodology referred to in paragraph 1 of this Article, but no later than six months after it has been set up, the Archive and Database Department shall become the Archives and Database of the Commission, tasked with archiving and digitalizing all collected documentation.
3. Each Office in a Party to the Agreement shall establish its own archive and database department tasked with archiving and digitalizing all collected documents. No later than six months after their establishment, the archive and database departments shall become the Archives and Databases of the respective Office.
4. The Archives and Database of the Commission in Sarajevo shall be integrated with the archives and databases of the offices in each Party to the Agreement no later than three months prior to the expiry of the mandate of the Commission.

5. No later than 15 days before the expiry of its mandate, the Commission shall submit copies of the integrated archives and databases to the state archives of the Parties to the Agreement or to institutions with the capacity to maintain the data.
6. Upon the expiry of the mandate of the Commission, the archive material and the database material of the Commission shall be made available without limitation to all interested institutions and persons, except for the classified documents.

Opinions of participants:

A very important issue is how to archive the entire documentation in order to preserve the historical facts, and so on. Each state should have such documents stored in its State Archives.

Statement: Mirko Kovačić, Mothers of Vukovar and Association of Families of the Missing and Forcefully Displaced, Vukovar, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, July 14, 2010, Vukovar, Croatia.

FINANCIAL MATTERS

Financing

1. The commission shall be financed by funds provided by the Parties to the Agreement and through donations.
2. Funds provided by the Parties to the Agreement shall come from annual budgetary contributions for the duration of the Commission's mandate.
3. The contributions of the Parties to the Agreement to the financing of the Commission shall be determined in nominal amounts corresponding to each Party's proportional share of the total amount necessary for the functioning of the Commission.
4. The Parties to the Agreement shall reach an agreement on the contributions from each Party, as necessary for the functioning of the Commission.

5. The Commission shall endeavour to obtain donations from various sources, including from international organizations and domestic legal entities.
6. Donations, for the purposes of this Statute, represent "funds which are managed directly" and shall be used in accordance with agreements reached between the Commission and the international donor organizations and domestic legal entities.
7. Donations in kind, including those received from Parties to the Agreement, shall not be considered part of the contributions stipulated in paragraph 2 of this Article.

Opinions of participants:

I would just like to add that with respect to the financing of RECOM – we all know that there is no statute of limitations for war crimes and we are now, in Croatia, pushing for the same principle in the cases of war profiteering. So, if the government seizes money from those who made it during the war, it should go to RECOM.

Statement: Gordan Bosanac, Center for Peace Studies, Zagreb, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

I think that this commission should in a way be financed by the parliaments in the region, which would help all these states in the region take part in the financing of the commission.

Statement: Dušanka Džakula – Tušup, Movement for Changes, Herceg Novi, Montenegro, National Consultation with Politicians on the Initiative for RECOM, June 30, 2010, National Parliament of the Republic of Montenegro, Podgorica, Montenegro.

FINAL REPORT OF THE COMMISSION

Publishing the Final Report

1. Three months prior to the expiry of its mandate, the Commission shall publish its Final Report.
2. The Commission shall submit its Final Report to the Presidents and Presidencies of the Parties to the Agreement and publish it at the same time on the official web site

of the Commission in all official languages of the Parties to the Agreement and in English.

3. The Commission shall publish a short version of the Final Report at the same time or after the complete version has been submitted.

Opinions of participants:

It would be a good idea to compile a book of testimonies, so that those who are interested may read it.

Statement: Munira Subašić, Association Movement of Mothers of Srebrenica and Žepa Enclaves, Sarajevo, BiH, Regional Consultation with victims and victims' family members of the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

Contents of the Final Report

1. The Final Report shall include: an introduction; description of relevant facts about war crimes and other gross violations of human rights in accordance with the functions of the Commission as stipulated in Article 14 of the Statute; registers of human losses; a list of places of confinement; a list of detained individuals; a list of individuals who were subjected to torture and a list of recommendations.
2. Recommendations shall include, but shall not be limited, to:
 - (a) Further steps to be taken by the Parties to the Agreement aimed at advancing trust among the States and communities on the territory of the former SFRJ;
 - (b) Appropriate forms of material and symbolic reparations, models of institutional reform, and mechanisms which will help integrate the established facts into the educational systems of the Parties to the Agreement; and,
 - (c) Ways to monitor the implementation of the recommendations of the Commission, which may include a proposal to form a separate mechanism for that purpose.

Opinions of participants:

(...) I believe that the Draft RECOM Statute should definitely read: 'mandatory cooperation of states to instruct their respective Ministries of Education to use the Final Report of RECOM as part of elementary and high school curriculums.'

Statement: Slaven Rašković, Documenta, Zagreb, Croatia, Regional Consultation with Young People and Youth Organizations on the Draft RECOM Statute, Podgorica, Montenegro, May 20, 2010.

I think that one of the recommendations the Commission should make at the end of its mandate should be the creation of a body that will influence the production of identical history text books for all students in the region.

Statement: Slaven Rašković, Documenta, Zagreb, Croatia, Regional Consultation with Young People and Youth Organizations on the Draft RECOM Statute, Podgorica, Montenegro, May 20, 2010.

Recommendations are not legally binding. There are 300 different councils formed by our governments, they do something, make a report, and give their recommendations. However, the government is under no obligation to adopt those recommendations. So, from that perspective, I am not sure if recommendations are really what we want here. Do we want our Final Report and our recommendations written and filed immediately?

Statement: Antonella Balić, Youth Council of the Democratic Party of Socialists of Montenegro, Herceg Novi, Montenegro, Regional Consultation with Young People and Youth Organizations on the Draft RECOM Statute, Podgorica, Montenegro, May 20, 2010.

With respect to Article 34 that defines the contents of the Final Report, I think that we need to make a distinction between the methodology used in establishing the facts and the methodology used to establish the origins of the conflicts and they need to be separated in the Final Report.

Statement: Vesna Teršelić, Documenta, Zagreb, Croatia, Regional Consultation with Non-Governmental Organizations on the Draft RECOM Statute, Banja Luka, BiH, June 5, 2010.

(...) I think that in case of symbolic reparations we should clearly indicate that it is necessary to develop a culture of remembrance by observing days of remembrance for certain crimes, by building monuments and so on. Therefore, I think that when it comes to symbolic reparations, we should very precisely define what that means. One more thing I think RECOM should do is establish a framework to allow people to remember all those positive war-time stories, because there were many of these too, side by side with the horrors of the war.

Statement: Ljiljana Spasić, Civic Action, Pančevo, Serbia, Regional consultation with multi-ethnic communities on the Draft RECOM, Mostar, BiH, August 28, 2010.

I think it is very important that the responsibility of the media and journalists is a focus of the commission and that the results of that inquiry are contained in the Final Report.

Statement: Jovana Mihajlović-Trbovc, Peace Institute, Ljubljana, Slovenia, Regional Consultation with Journalists on the Draft RECOM Statute, Ljubljana, Slovenia, September 10, 2010.

I think that RECOM would make a terrible mistake if the Final Report does not have an introduction, a glossary, which would clearly indicate the meaning of the term 'victim' in the broadest possible sense. We gave a list of crimes and violations to be investigated, but it seems to me that the term 'victim' should also be categorized accordingly. If we only make a distinction between two most common categories – civilian and military victims – or killed and missing – that would be a terrible injustice with respect to a large group of people who were victimized by other forms of human rights violations such as rape, forced detention, physical and psychological abuse and so on (...) what we are forgetting is that RECOM will finish its work by publishing a Final Report, the last part of which must be recommendations. And it is very important that all laws [in the area of transitional justice] that have already been adopted on the territory of the former Yugoslavia are listed in the recommendations of the Final Report along with the list of specific mechanisms proven to be helpful for the implementation of those laws.

Statement: Amir Kulagić, Srebrenica, BiH, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

It would be very good if those key recommendations became mandatory for member states.

Statement: Đorđe Gunjević, civil victim of war, Pakrac, Croatia, National Consultation with Local Communities on the Draft RECOM Statute, Pakrac, Croatia, October 22, 2010.

Also, I would like to make a recommendation for RECOM to advocate for the replacement of monotheist religious courses in schools with comparative religion so that each child can understand and appreciate other religions. Religious communities should [continue to] do whatever it is that they do [outside of schools]

Statement: Željka Katanić, Leptir Association of the Families of Children and Youth with Disabilities, Srebrenica, BiH, Consultation with the local community on the RECOM Initiative, Bratunac, Bosnia and Herzegovina, November 27, 2010.

There is an initiative already to write one and only one history text book for schools throughout the entire Balkans region. In the same spirit, the commission

could make a recommendation to include the facts established by the commission in all history books.

Statement: Renata Eremić, Faculty of Political Sciences of the University of Belgrade, Peace Studies Graduate School Department, Zrenjanin, Serbia, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

Findings on War Crimes and Other Gross Human Rights Abuses

1. **The Commission may conclude in the Final Report that the established facts lead to a serious suspicion that an individual committed a war crime or other gross violation of human rights. Such findings shall not have the effect of a court decision and shall not prejudice the outcome of criminal proceedings, if any.**
2. **In the Final Report, the Commission shall not make an adverse finding against any person unless it has taken all reasonable steps to:**
 - (a) **Give that person reasonable notice of the intention to make the finding;**
 - (b) **Disclose to that person the contents of the proposed finding, the relevant material relied on for that finding, and the reasons on which the finding is based;**
 - (c) **Give that person an opportunity to respond to the proposed finding within a reasonable period of time; and**
 - (d) **Check findings on a deceased individual with at least three independent sources.**
3. **With respect to cases that have been processed by an international or domestic court in the presence of the accused, the Commission shall in the Final Report refer to the relevant judgment. The Commission may establish new facts.**

Opinions of participants:

Can you name a perpetrator, or do you submit your analyses of a possible war crime situation to the State Attorney's Office for investigation? Naming a perpetrator is a little too much, I'm afraid.

Statement: Katarina Kruhonja, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, National Consultation with Civil Society Organizations on the Draft RECOM Statute, Zagreb, Croatia, June 1, 2010.

It is clearly stated that RECOM is not a judicial body. But, from the experiences of various truth commissions, the end result of RECOM's work is a report where certain things have to be listed. Facts need to be listed – that is what victims want – who are the possible perpetrators, etc. Such information has to be listed in RECOM's report because if we don't do it, with an explanation that it is a job for the courts, those supposed beneficiaries of this report will not be satisfied.

Statement: Goran Miletic, legal advisor for human and minority rights, Civil Rights Defenders, Belgrade, Serbia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

In my opinion, this sentence 'Regardless of the limitations set forth in the previous paragraph, in the Final Report RECOM is authorized to establish that the facts collected during investigation point to the conclusion that a certain individual has committed a war crime or other form of serious human rights violations. Such conclusions do not have the effect of a court decision' can be deleted altogether and this other sentence 'With respect to cases [already] processed by international or domestic courts, in the presence of the accused, in its Final Report RECOM can recommend adequate sentencing' could be inserted into in the Article of the Final Report concerning cases which have been processed. And the end should read: 'RECOM is not a judiciary body and therefore RECOM cannot establish individual criminal responsibility for criminal acts of war crime and serious violations of human rights.'

Statement: Siniša Štimac, attorney at law, Split, Croatia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

I think that this commission should never be allowed or authorized to point to perpetrators of individual crimes. However, pointing to perpetrators of individual crimes is especially dangerous in situations where these perpetrators are already dead, and I know from experience that there can be quite a lot of evidence testifying about the crimes committed by an individual in a town or in an area. Of course, we have no right to say it is true, in spite of the evidence and in spite of all testimonies of victims and witnesses. We would end up being in serious trouble if we did. It would represent a problem from the point of view of the perpetrators' family and it would be a huge obstacle for future criminal proceedings. Therefore, RECOM should [only] present facts that can be trusted unreservedly.

Statement: Munib Halilović, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

These judgments become rules recognized by customary law, and the facts established by these judgments become legally binding facts. So, there can be no bargaining about that. In rare cases, RECOM may have credible evidence that may even challenge a fact established by the ICTY. But, RECOM will have very few opportunities to change the facts established by legally binding judgments at The Hague. When it comes to judgments handed down by national courts, especially those that became legally binding recently, these judgments contain numerous facts which could be subject to changes and which RECOM will not be able to accept ad hoc and respect them as the facts established by the court. So, RECOM will have to question a lot of these facts and take a position with respect to these facts.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

(...) does this provision stipulate that in its Final Report, based on collected evidence, RECOM can suggest that a certain individual committed a criminal act of war crime and does that represent a breach of the presumption of innocence? I think that this provision should be further analysed and maybe rephrased if it is deemed that it is in contradiction with basic principles of human rights. However, we should always bear in mind that RECOM is a non-judicial mechanism.

Statement: Teki Bokshi, attorney at law, Đakovica/Gjakovë, Kosovo, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

Let's suppose for a moment we have two independent sources talking about a crime in the same manner. But, what we need to do is confront our sources in order to find the truth. You can learn the truth by interviewing different sources.

Statement: Miodrag Vuković, Democratic Party of Socialists, Podgorica, Montenegro, National Consultation with Politicians on the Initiative for RECOM, June 30, 2010, National Parliament of the Republic of Montenegro, Podgorica, Montenegro.

Is it, or is it not going to represent a violation of the human rights of this person, who will in a way, regardless of the relevance of the facts presented, going to be portrayed in public as a perpetrator of something which can only be established by a court?

Statement: Branislav Vorkapić, Civic Initiative Organizations, Osijek, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Osijek, Croatia, July 13, 2010.

'Such conclusions do not have the effect of a court decision' – that should not be there at all. It is beside

the point, because it is quite clear that they cannot possibly have the effect of a court decision.

Statement: Slavko Kecman, Association for Peace and Human Rights, Bilje, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Osijek, Croatia, July 13, 2010.

Each and every one of us individually, RECOM included, is under a legal obligation to report to the Office of the Prosecutor any persons suspected to have committed a criminal act, any crime, and in this case it is a war crime. That is beyond any discussion. So, to wait until the final report is drafted – I don't know, I don't really like the wording here.

Statement: Veselinka Kastratović, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Osijek, Croatia, July 13, 2010.

(...) this formulation can stay. It is a duty of each and every citizen to report a war crimes perpetrator. So, RECOM will not be mandated to point to someone and say 'he committed a criminal act', but it will be mandated to say that everything they have learned about an individual, points to the conclusion that that individual has committed a criminal act.

Statement: Dragan Pjevač, Association of the Families of the Killed and Missing from Krajina and Croatia, Belgrade, Serbia, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

(...) I am asking you – what if the Commission makes one of its findings on perpetrators public, the individual is tried on charges contained in the finding of the Commission, and the court finds the defendant not guilty of said charges (...) What happens then? Can we allow ourselves to violate basic human rights, even if we are acting in the best interests of human rights?

Statement: Jasminka Biloš, attorney at law, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries, Zagreb, Croatia, October 16, 2010.

Who will act on behalf of the Commission, who will be the competent individual to decide if the facts we have collected point to the criminal responsibility of an individual? Well, even judges find it hard to make such a call and they are experienced in doing exactly that. So, I think it is better if we leave it up to the judges to make such decisions.

Statement: Jasminka Biloš, attorney at law, Croatia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries, Zagreb, Croatia, October 16, 2010.

I think that RECOM must absolutely have it in its mandate the ability to indicate in its Final Report that an individual may have committed a war cri-

me. Because if RECOM is only allowed to make a compilation of victims' testimonies, the results of its work will be insignificant.

Statement: Ivan Jovanović, legal adviser at the OSCE Mission to Serbia, Belgrade, Serbia, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries, Zagreb, Croatia, October 16, 2010.

Just one very specific recommendation. This article at the beginning should be edited to read: 'The Commission has a mandate and responsibility' – So, I would just add 'and responsibility'.

Statement: Đorđe Gunjević, civil victim of war, Pakrac, Croatia, National Consultation with Local Communities on the Draft RECOM Statute, Pakrac, Croatia, October 22, 2010.

Victims should be compensated in a way that will ensure the punishment of war crimes perpetrators even after the death of the victims. Let's take the example of the war crimes trial conducted in Belgrade for approximately 1,500 victims from the area of the Zvornik municipality. The main defendant was sentenced to five years in prison, which is a pitiful example of the exercise of justice. All those courts trying war crimes are incompetent and I believe that RECOM's activity will help improve them. For that reason, as president of the Association of Returning Residents of the Zvornik Municipality I will do my best to support this initiative and I will consider it moral support to the victims.

Statement: Omer Selimović, Association of Returning Residents of the Zvornik Municipality, Zvornik, BiH, Consultation with the local community on the RECOM Initiative, Bratunac, Bosnia and Herzegovina, November 27, 2010.

I absolutely believe that no one in this world, except for the courts, is authorized to do such things - not even the United Nations can form a commission mandated to establish individual criminal responsibility (...) if the commission obtains information connecting an individual to the commission of a criminal act, such information should be forwarded to the office of the prosecutor in charge, but it does not have to be entered into the Final Report.

Statement: Munib Halilović, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

RECOM must be strong within, because there are going to be three nations, represented by members of the Presidency, who have a vote – they are able to offer a negative opinion on those politicians [who are responsible for wrongdoings]. We need to exert as much pressure as we possibly can through the media, through political parties and so on, so that those individuals are no longer elected to important government positions. The same applies to people denying various forms of suffering caused by

the war as well as the existence of detention camps... RECOM must expand its activity to give their opinion on individuals who committed wrongdoings in the past wars. If RECOM declares itself competent to do so, the success of the Commission will be directly proportional to their willingness to point a finger at those individuals.

Statement: Gordana Zeljko, County Chapter of the HDZ, Mostar, BiH, Local consultation with representatives of associations of former detention camp inmates and victims' family members on the RECOM Initiative, Međugorje, Bosnia and Herzegovina, December 11, 2010.

(...) if a person is unable to respond to the finding of the commission - what do we do in the case that someone has died, as was the case with Slobodan Milošević.

Statement: Danilo Ajković, Faculty of Law of the University in Podgorica, Podgorica, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

We have to be very careful with respect to Article 45 because we cannot destroy one of the most fundamental legal principles of double jeopardy. We have to come up with a different solution here, maybe some sort of sanction for such perpetrators.

Statement: Jovana Ramović, Faculty of Law of the University in Podgorica, Podgorica, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

I think we need to come up with an elegant judicial term here, maybe we can say that 'the collected facts indicate that a war crime happened in such and such location, that such and such things happened, and that such and such individuals took part in those events.' But, to say just like this: 'a certain individual committed a war crime' – that's something only a court can say.

Statement: Nikola Bešenski, judge, the County Court in Vukovar, Vukovar, Croatia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

I am also troubled by this Article ... I would like to avoid those pitfalls by saying the following: that 'the Commission is mandated to establish in its Final Report that the collected facts point to the existence of a reasonable suspicion that an individual may have committed a war crime i.e. a gross violation of human rights.' And the rest is superfluous.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

I agree with Mr. Bulić altogether. So, saying that there is a reasonable suspicion that this or that happened and that it may have been committed by such and such person is a less intensive way of doing it and it may actually be accepted like that.

Statement: Daniela Milovanović, judge, District Court in Banja Luka, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) I think that any suggestion of the level of culpability in criminal law, i.e. – what are the grounds, what are the grounds for suspicion, what is beyond reasonable doubt, and so on – why would the Commission give such legal qualifications if it's not a judicial body staffed by judicial experts who are able to evaluate those matters. Therefore, I think we should accept Bogdan's suggestion and use a colloquial term 'serious doubt' (...). If there is a serious doubt that an individual may have done something wrong, I think it is quite natural to say it, instead of avoiding saying it out of consideration for someone and expressing it in vague or general terms, if we really want to say that some people may have done something wrong.

Statement: Bojan Gavrilović, Belgrade Center for Human Rights, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) I would like to suggest this wording: 'The Commission will not publish any findings on reasonable grounds for suspicion in the Final Report if it has previously failed to take all reasonable steps.' I would rather support colloquial and non-legal terminology here, because I think it alleviates fears.

Statement: Vesna Teršelić, Documenta, Zagreb, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) it reads here: 'committed a war crime, i.e. a gross violation of human rights.' I think that we need to introduce another category here, as well, 'participated in the cover-up of the crime.'

Statement: Katarina Kruhonja, Osijek, Croatia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

I think this whole article should be deleted. (...) and my argument is that the Commission should not go into all those details. I think the Commission does not have the capacity to responsibly name individuals who have been involved in the commission of a crime - or involved in the event, not the crime, involved in the event.

Statement: Tomislav Višnjić, attorney at law, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

I support the opinion of Mr. Višnjić.

Statement: Radmilo Golijanin, League for the Protection of Human Rights and Private Property, Trebinje, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) grounds for suspicion is a term used in the Criminal Procedure Code and I think it would be more suitable to say that there is a serious concern.

Statement: Teki Bokshi, member of the Draft RECOM Statute Working Group, Priština/Prishtinë, Kosovo, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

I think it should read: - 'the commission has a mandate to publish (not 'establish') in the Final Report the facts that demonstrate how an individual, a formation, or institution was involved in the commission of a war crime or a gross violation of human rights.'

Statement: Katarina Kruhonja, Osijek, Croatia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) I think that the beginning should read: 'the commission has a mandate to describe in the Final Report the role of each individual, once all relevant facts about war crimes or gross violations of human rights' have been established.

Statement: Nikola Bešenski, judge, the County Court in Vukovar, Vukovar, Croatia, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

I really think that all perpetrators of war crimes must be mentioned in the Final Report, dead or alive, if there is a reasonable suspicion that they participated in the commission of such crimes.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

(...) this is going to be a lasting document, something future generations will read. It may be unpleasant for some people to deal with the fact that their father or grandfather was listed as a war crime perpetrator. How will those people stand-up for them and try to prove they were not criminals.

Statement: Anđelko Kvesić, Association of former detention camp inmates of the Mid Bosnia Canton, Busovača, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) in paragraph 3 we need to use the term 'national courts,' not 'domestic courts.' It is particularly important because we have said here several times that RECOM would be collecting documents, primarily from state organs, institutions, etc. from all states on the territory of the former Yugoslavia. However, some cases have been tried in Germany and other countries, so there are some court decisions and documents to be collected from those courts, as well.

Statement: Jelena Stevančević, OSCE Mission in Serbia, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

What I would like to suggest is to take into consideration the use of value judgments – to make a

distinction between statements of fact and statements of opinion. I think, it has been often used in judgments of the European Court with respect to defamation.

Statement: Margarita Nikolovska, Human Rights Institute, Skopje, Macedonia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) I would keep the option that the Commission can also enter into the Final Report, in addition to the facts established in legally binding decisions, other facts established by the Commission.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

(...) allowing the Commission to establish new facts does not exclude the facts contained in court decisions.

Statement: Nikola Bešenski, judge, the County Court in Vukovar, Vukovar, Croatia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

Obligations on Parliaments and Cabinets to Consider the Final Report

- 1. Following the publication of the Final Report, the President or the Presidency of each Party to the Agreement shall submit a copy of the Final Report to the Speaker of Parliament, who shall convene a special session of Parliament no later than 30 (thirty) days after receiving the Final Report, for the purpose of analysing the findings and recommendations from the Report, or shall include it in the agenda of a regular parliamentary session. One or more Commissioners shall attend the session.**
- 2. In the six-month period following the publication of the Final Report of the Commission, the cabinets of all Parties to the Agreement shall adopt and publish in their country's Official Gazette their position on the implementation of the recommendations of the Commission.**
- 3. Following the response of the cabinet, the Speaker of Parliament of each Party to the Agreement shall convene another special session of the Parliament for the purpose of analysing the response of the cabinet and considering the possible engagement of Parliament in the process of implementing the recommendations of the Commission.**



Regionalne konsultacije sa pravničkom zajednicom, Beograd, Srbija, 04.12.2010.

Opinions of participants:

(...) RECOM should finish its work by submitting a Final Report with a set of recommendations to governments and parliaments. And it is very important that all laws [in the area of transitional justice] that have already been adopted on the territory of the former Yugoslavia are listed in the recommendations of the Final Report along with the list of specific mechanisms proven to be helpful for implementation of those laws. However, we are not saying who should be monitoring the process from that point on.

Statement: Amir Kulagić, Srebrenica, BiH, Regional Consultation with Victims on the Draft RECOM Statute, Sarajevo, BiH, September 18, 2010.

It is a very serious and important document and the natural course of things would be to submit it, in addition to the President of the Parliament, to the State-Attorney or the Prosecutor's Office, because these are the most competent authorities for prosecution of war crimes perpetrators.

Statement: Željko Horvatić, the County Court in Zagreb, Croatia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) the Final Report of the commission must be legally binding for the states that formed the commission. In order to document it, we must introduce a clause that the findings of the commission must be ratified in member state parliaments and because

it is the only way in which you will be able to have legal acknowledgement of the results of your work.

Statement: Edin Smilović, Faculty of Philosophy of the University in Ljubljana, Slovenia, Graduate School, Biljelo Polje, Montenegro, Regional Consultation with Students and Young Scientists on the Draft RECOM Statute, Zagreb, Croatia, December 17, 2010.

MISCELLANEOUS

Offences and Penalties

1. Any person proven to have:

- (a) **deliberately provided false information to the Commission, i.e. to a person or body acting on behalf of the Commission;**
- (b) **used threats, force, or promises of personal gain with the purpose of coercing another individual to give false information or refuse to give information to the Commission i.e. to a person or body acting on behalf of the Commission;**
- (c) **destroyed a document or a piece of physical evidence in order to prevent the Commission from conducting an inquiry; or,**

- (d) **made public a piece of information that the Commission received on condition of confidentiality, or disclosed identity of the confidential source;**

shall be considered to have committed a criminal offence punishable by a maximum one year prison sentence or by a fine of up to EUR 5,000.

2. **The penalties stipulated in paragraph 1 of this Article shall also apply to officials or private individuals who refuse without justifiable cause to respond to a request submitted by the Commission, i.e. by a person or body acting on behalf of the Commission, to produce a document or other item.**
3. **If a person refuses to respond to the summons or refuses to give a statement to the Commission, Article 17, paragraph 8 of this Statute shall apply.**

Opinions of participants:

RECOM cannot stipulate penal sanctions for those who give false testimonies, but a mechanism could be created between the international agreement signed between member states and the law of the state in question which would forward the issue to the state judiciary, opening up the possibility to penalize untruthful witnesses.

Statement: Velija Murić, Montenegro Lawyers' Committee for Human Rights, Montenegro, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

I would incorporate the term 'false testimony', in other words, I would raise this contract to the legal level and I would definitely provide for the possibility to reach an agreement with perpetrators enabling them to enter a guilty plea (...) so that it is possible to (...) apply the provisions of relevant laws of member states in situations such as court expertise, issuing subpoenas, etc.

Statement: Velija Murić, Montenegro Lawyers' Committee for Human Rights, Montenegro, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

(...) the Statute of RECOM, as an international, inter-state agreement, should allow for the definition of a new criminal act.

Statement: Ivan Jovanović, legal adviser at the OSCE Mission to Serbia, Belgrade, Serbia, Seventh Regional Forum on Transi-

tional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

The fact is that it says here that a fine of EUR 5,000 can be imposed, but there is no figure for a minimum fine - in fact, it is not at all clear if EUR 5,000 is a minimum or a maximum fine.

Statement: Sabit Maliqi, attorney at law, Kosovo, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

If the Statute proscribes punishable criminal acts, it is unlikely to be accepted in the parliaments of the member states, because we have to have in mind that all parliaments have to accept it.

Statement: Nikola Bešenski, the County Court in Vukovar, Croatia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

This Statute was originally intended to determine the rules for the internal operation of an international body, and now we are attempting to use it to establish criminal acts – well, that is absolutely impossible (...) 'Criminal Acts and Sanctions' – cannot be regulated by this legal act (...) we need to apply national legislation in the section concerning a criminal legal sanctions for those who refuse to testify and to apply it adequately. Why don't we say, 'appropriate application of a criminal-legal sanction'?

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Montenegro, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) we should change it to imply that national laws of member states should be applied.

Statement: Sabit Maliqi, attorney at law, Kosovo, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) these acts have already been defined by the criminal code of both entities in Bosnia and Herzegovina and I think this is quite redundant (...) Even if I could accept it and we decided to list criminal acts here, then, starting from this criminal act listed under point a) – I think that a consequence is missing here. What kind of consequence does this criminal act produce? What could be the consequence of giving a false testimony to the Commission? And what standards are used to establish what is a false testimony? (...) criminal act under point b) – 'by threatening the use of force, by doing so, or by promising benefits to other individuals to give false testimony. There is no consequence (...) Then, there is this sentence: 'destroying a document or object in order to prevent the Commission from conducting an inquiry'. This is really very broad and I don't

think anyone would ever be penalized for such acts. When it comes to defining criminal acts, we should insert a clause making it mandatory for member states to define new criminal acts in their state laws. But to leave it just like that in the Statute, that is legally impossible.

Statement: Iburo Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

I think that paragraphs 2 and 3 are redundant here because it says: 'every person', then it says 'officials.' 'Every person' implies 'officials.'

Statement: Nikola Bešenski, judge, the County Court in Vukovar, Vukovar, Croatia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) I would rather keep it the way it is now, i.e. as a separate act provided by the Statute. That's one thing. Another thing is I agree that this text should be edited to comply with national legislation.

Statement: Tomislav Višnjić, attorney at law, Belgrade, Serbia, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

I am in favor of saying: 'Will be considered to have conducted a criminal act punishable in line with the criminal law of the member states.' So, to avoid sanctions (...) regardless of how we phrase this article, it will require the Criminal Code in Bosnia and Herzegovina to be amended, changed, altered... That will probably be the case with other member states' Criminal Codes, as well.

Statement: Milena Savić, The Centre for Information and Legal Aid (CIPP), Zvornik, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

The Role of the Commission in the Criminal Prosecution

The Commission shall have the authority to:

- (a) Recommend that, in the case of a criminal trial, the court conducting the case should consider, at the request of the accused, as a significant mitigating circumstance in the determination of sentence the fact that the person who is suspected by the Commission to have committed a war crime or other gross violation of human rights shared with the Commission information relevant to the disclosure of locations containing the bodily remains of missing persons or information relevant to identifying other possible perpetrators or other crimes;**

- (b) Make a recommendation for partial pardon of a perpetrator of a criminal act who shared with the Commission information relevant to the disclosure of locations containing the bodily remains of missing persons or information relevant to identifying other possible perpetrators or other crimes, provided that it does not run counter to the national legislation; and,**

- (c) Propose an extraordinary sentence reduction for a perpetrator of a criminal act who shared with the Commission information relevant to the disclosure of locations containing the bodily remains of missing persons or information relevant to identifying other possible perpetrators or other crimes, provided that it does not run counter to the national legislation.**

Opinions of participants:

A convicted war crimes perpetrator or a person who ordered the commission of a war crime, who is already serving a prison sentence, has already had a chance to tell the court everything he knows, and that could have been used as extenuating circumstances in determining his sentence. Anything that happens after that, during the time the individual is serving a prison sentence, I am afraid that their cooperation would be suspicious. They might want to abuse the opportunity to be offered a premature sentence reduction. I still don't understand why that individual would not have done it at the time he or she was tried, before the sentence was pronounced.

Statement: Mevludin Lupić, Association of the Families of Imprisoned and Missing Individuals from the territory of the Zvornik municipality, BiH, National Consultation with Victims' Associations on the Draft RECOM Statute, Tuzla, BiH, May 29, 2010.

All kinds of information, findings, or data that could prompt the office of the prosecutor to conduct an investigation and undertake actions aimed at establishing and locating possible war crimes perpetrators are welcome. Apart from this, I believe it's a good initiative for the witnesses and victims to participate in war crimes trials because all of us who are professionals and who have been involved in war crimes trials, we all know how difficult it is for persons who were victims of war crimes to come forward and talk about their experiences. First of all, it is a painful experience for them because remembering the trauma of

the past is quite traumatic itself, and secondly, they were often pressured to testify which made the whole thing even worse. Therefore, any support these witnesses and victims will receive, any activity which will make it easier for them to come to court and testify, is more than welcome. However, I must say that if they don't testify in a trial, their statements cannot be considered to be evidence. Judgments can only be based on court-established facts and witness or victim statements cannot be allowed as evidence in a criminal trial and they cannot constitute the basis of a court judgment.

Statement: Jasmina Dolmagić, Deputy Chief Prosecutor of the Republic of Croatia, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

A contribution to investigating criminal acts or an active participation in helping the office of the prosecutor during the course of a trial is a positive thing, but individual liability for a crime should be limited to courts since it is their area of responsibility.

Statement: Mira Smajlović, judge, the Court of Bosnia and Herzegovina, War Crimes Department, Sarajevo, BiH, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

RECOM can collect information and submit it to the office of the prosecutor. That could be the basis for doubt – not a reasonable doubt, but the foundation for doubt. It is something the prosecutor analyses in the pre-trial procedure. If the assessment is positive, the prosecutor decides to file a request to conduct an investigation based on that reasonable doubt.

Statement: Goran Rodić, attorney at law, Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

This Article tackles issues which are legally in most countries: for example, in BiH, points 2 and 3 – it would be impossible for RECOM to make a recommendation to commute a sentence or pardon a sentenced prisoner as stipulated in point 2. So RECOM is, from the outset, limited by legal provisions when acting upon its authorities.

Statement: Munib Halilović, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

We should include this option by all means – why not authorize RECOM now to propose a sentence reduction or a pardon for sentenced perpetrators – if some judiciaries do not recognize that option, well, they may do it later. And that would be to the advantage of this international agreement, for anticipating changes in member states' legislation which might be introduced at a later date. If

a member state's system does not allow immunity, then they may introduce it later, etc. So, all these issues that look like useful possibilities, let's include them in the international agreement.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

If there is a reasonable doubt, and the national judiciaries in Montenegro or in Bosnia and Herzegovina have not initiated an investigation, what is the commission going to do? So, in that context, this Article should clearly read: RECOM will initiate the proceedings if for whatever reason there is an obstruction of the process.

Statement: Branislav Radulović, Association of Legal Professionals of Montenegro, Regional Consultation with Legal Professionals, Zagreb, Croatia, June 11, 2010.

That unidentified person who killed my mother, if I could find him now, and if that person demonstrated true remorse and regret and realized how stupid it was to kill an innocent woman and if that person told everything that happened, I would vote for that person to be set free.

Statement: Dragan Pjevač, Association of the Families of the Killed and Missing from Krajina and Croatia, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, Belgrade, Serbia, July 3, 2010.

I cannot allow myself to forgive those who caused such horrible suffering to my mother, taking away her two sons from her arms, or my cousins... to forcefully displace her, take her to a detention camp and still today she is not able to go back to her home where she raised us all by herself as my father died very young. I don't want to add to this collectively with this article, I don't want to do it as a sister, as I'm sure there are a lot of parents and children who cannot forgive those who killed their loved ones even if they confess and give valuable information.

Statement: Olgica Božanić, Secretary of the Association of the Families of Kidnapped and Missing Persons in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, Belgrade, Serbia, July 3, 2010.

It has been going on for years, that question of whether to forgive or not, but then again, it is an individual decision. I personally believe we should forgive but not forget.

Statement: Snežana Zdravković, Association of the Families of Kidnapped and Missing Persons in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft of the RECOM Statute, Belgrade, Serbia, July 3, 2010.

I truly feel that I don't have such priorities; in situations like these I personally think it is much more

important to learn the truth than to have somebody held responsible for their acts. I want to see war crimes perpetrators processed, but my motive and my primary goal here is to find the remains and give them a proper burial, so these victims can rest in peace.

Statement: Nail Kajević, representative of the family of a person kidnapped from the train in Štrpce on the Belgrade – Bar railroad, Prijepolje, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, Belgrade, Serbia, July 3, 2010.

Now I am asking myself if I would do the same thing if I hadn't found his body and if I did not know where it was. I would probably forgive them for his sake, because it is much more important for me to know where his body is and to be able to bury it so that I can go there and light a candle.

Statement: Lozanka Radoičić, Faith Hope and Love Association of Parents, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, Belgrade, Serbia, July 3, 2010.

I will never forgive him deep in my soul, but I do feel that a person's sentence should be commuted if that person gives information about the whereabouts of five or ten missing persons, if he discloses the location of mass graves or provides the names of possible perpetrators.

Statement: Dragan Medić, Association of Parents and Families of Arrested, Detained, and Missing Children from the Territory of Serbia and Montenegro, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, Belgrade, Serbia, July 3, 2010.

No, I cannot forget, but I can forgive. I will forgive if I find the remains and bury them properly.

Statement: Milosav Stojković, Association Center for the Protection of Victims' Family Members in Kosovo and Metohija, Belgrade, Serbia, National Consultation with Associations of Victims and Victims' Family Members on the Draft RECOM Statute, Belgrade, Serbia, July 3, 2010.

If RECOM is going to be allowed to propose a sentenced perpetrator for a partial pardon, what criteria is going to be used in determining whether a person will or will not be pardoned.

Statement: Veselinka Kastratović, Center for Peace, Non-Violence, and Human Rights, Osijek, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Osijek, Croatia, July 13, 2010.

I will begin with Article 1. The definition of the mandate of the Commission is: 'to establish the facts about war crimes' – now I don't want to read the rest... Then we have this article that stipulates the role of RECOM in criminal processing of war crimes cases. I'm thinking now, what happens in the end, let's say the commission finishes its job and does all of those things (...) and the Commission suggests a partial pardon or sentence alle-

viation for a sentenced perpetrator... I don't like that at all and I don't think that's the mandate of the Commission. That could reduce the value of the results of the work of the Commission and I am also afraid that some people may not approve of it. There will always be those who will be against such suggestions. I think we should let the judiciary do its job and that the Commission should stick to its mandate as described in the definition.

Statement: Draga Solar, Documenta, Zagreb, Croatia, Local Consultation with Civil Society Organizations on the Draft RECOM Statute, Osijek, Croatia, July 13, 2010.

One of the most important authorizations to be given to RECOM with respect to the authority of national judiciaries is, very specifically, to be prepared for every possible situation in which it is possible to secure a guilty plea. That may require, in some very specific situations of course, that both the victim and the perpetrator of the war crime in question come to the same table, and try to find a way for the perpetrator to agree to enter a guilty plea. Such an agreement reached under the auspices of the Commission would not be a done deal in terms of legal validity, but it would represent a very serious and respectable proposal made to the war crimes prosecutor in charge of that case to accept and formally conclude that agreement.

Statement: Ibro Bulić, Prosecutor, Prosecutor's Office of Bosnia and Herzegovina, Sarajevo, BiH, Seventh Regional Forum on Transitional Justice, Working Group: 'The Mandate of RECOM and its Authority with Respect to the Authority of National Judiciaries', Zagreb, Croatia, October 16, 2010.

Why would anyone incriminate themselves, why would anyone help write a criminal complaint against themselves that would send them to jail? The whole idea is (...) that you can offer something to those who want to admit their sins – and that is amnesty. I don't see that you have that mechanism here (...) what is the guarantee that if we reach an agreement with the states (...) how do we know that those people are really going to be granted amnesty?

Statement: Dr. Zdravko Grebo, Faculty of Law of the University in Sarajevo, BiH, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

(...) it says here 'partial pardon' and a little further it says 'extraordinary sentence reduction': (...) this is a legal remedy that can only be used by the accused party. That is in their best interest. The Commission can uphold a recommendation for a pardon and give their opinion as to why it is good to do so, but the Commission cannot make recommendations. If the Commission is allowed to do that, what are we going to have? We will have a proposal that is going to be rejected. And what will we have done? Nothing.

There is no legal interest in it. However, the Commission has the right to make such a recommendation based on all of those facts. The Commission has its reasons for making a recommendation for a partial pardon or sentence reduction.

Statement: Margarita Nikolovska, Human Rights Institute, Skopje, Macedonia, Regional Consultation on the Draft RECOM Statute, Belgrade, Serbia, November 4, 2010.

Article 48, point a) – since it is a serious crime, I think that we need to add the following text so that it reads ‘in direct contact with the family or the family member of the victim of a serious crime’. If the family accepts it.

Statement: Lozanka Radoičić, Parent Association Vera, nada, ljubav (Fatih, Hope, Love), Belgrade, Serbia, Regional Consultation with victims and victims’ family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

(...) I must say that I fully agree with the proposal to reduce the prison sentence of an individual who is tried and sentenced on war crimes charges, if that individual discloses information crucial to finding a mass grave. I fully support that.

Statement: Munira Subašić, Association Movement of Mothers of Srebrenica and Žepa Enclaves, Sarajevo, BiH, Regional Consultation with victims and victims’ family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

I completely agree with the idea to reduce the sentence for individuals who testify and help discover mass graves because we are all impatiently expecting to learn the truth about our loved ones.

Statement: Milorad Trifunović, Association of the families of the kidnapped and missing in Kosovo and Metohija, Office in Mitrovica, Kosovo, Regional Consultation with victims and victims’ family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

I am completely sure that the families of the victims would support this idea – for RECOM to be able to make recommendations to courts to alleviate punishment for those who help find mass graves. However, I don’t think it is going to be easy, because that may violate the laws of some member states.

Statement: Gordana Đikanović, Association of the families of the kidnapped and killed in Kosovo and Metohija, Pančevo, Serbia, Regional Consultation with victims and victims’ family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

I think that it is not a good idea to reduce the sentence of those who committed crimes if they help uncover the details of the crime. That is contrary to all principles of justice.

Statement: Ymer Merlaku, Association of former political prisoners, Klina, Kosovo, Regional Consultation with victims and victims’ family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

(...) if the families of victims agree, I think we should not hesitate to recommend sentence reduction for those who help discover individual or mass graves. I believe that there are things like that are already happening for witness-collaborators or those who repent.

Statement: Ružica Spasić, Association of the families of the missing and forcefully taken individuals of Serbian nationality, Vukovar, Croatia, Regional Consultation with victims and victims’ family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

From what we have seen in Macedonia, financial rewards do not work because they are obviously too low. They yielded no results. That’s why I am a little sceptical about a reward system.

Statement: Branislav Jakimovski, Nadež Association, Tetovo, Macedonia, Regional Consultation with victims and victims’ family members on the Draft RECOM Statute, Prishtinë/Priština, Kosovo, December 17, 2010.

(...) with respect to point a) that says the Commission may say there are extenuating circumstances when an individual who offered valuable information is prosecuted – that’s not possible because the Commission is not a party in the trial and only parties to the proceedings are allowed to propose extenuating or aggravating circumstances in their closing arguments.

Statement: Daniela Milovanović, judge, District Court in Banja Luka, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

When we say in paragraph 1 about extenuating circumstances ‘if an individual is seriously suspected of having committed a war crime or a serious human rights violation’, I would change it to read: ‘if an individual suspected beyond reasonable doubt to have committed a war crime, admits the commission of said war crime or other gross violation of human rights, the Commission will, at the request of that person, in the criminal trial conducted against that person, advise the trial chamber to consider it as an extenuating circumstance when determining a sentence’. Secondly, in a situation like that, RECOM will initiate negotiations on the terms of the admission of guilt in a criminal trial.

Statement: Ibro Bulić, Prosecutor, Prosecutor’s Office of Bosnia and Herzegovina, Sarajevo, BiH, Regional consultation with legal professionals on the Draft RECOM Statute, Belgrade, Serbia, January 22-23, 2011.

In my opinion it is much better if we rephrase this. This allows for the possibility to sentence (not an individual already sentenced) but an individual being tried, while the main hearing is still underway, to a lesser sentence than the one provided by the law.

Statement: Daniela Milovanović, judge, District Court in Banja Luka, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

(...) three years is a very long period to wait for RECOM to forward relevant information to the Office of the Prosecutor, if that information points

to a perpetrator of a war crime. We cannot allow that because we are losing biological evidence every day. Witnesses, suspects, the accused, the longer we wait the more of them will die.

Statement: Mira Smajlović, judge, the Court of Bosnia and Herzegovina, War Crimes Department, Sarajevo, BiH, Regional consultation with legal professionals, Belgrade, Serbia, January 22-23, 2011.

COALITION FOR RECOM

THE STATUTE

OF THE REGIONAL COMMISSION FOR ESTABLISHING
THE FACTS ABOUT WAR CRIMES AND OTHER GROSS
VIOLATIONS OF HUMAN RIGHTS COMMITTED ON
THE TERRITORY OF THE FORMER YUGOSLAVIA

PROPOSAL
March 26, 2011

Preamble

Parties to the Agreement of the Regional Commission,

Mindful that the trials held before the International Criminal Tribunal for the Former Yugoslavia (ICTY) and before national courts, although contributing significantly to punishing war crimes perpetrators, do not fully satisfy victims' needs for justice and are insufficient for the creation of the conditions necessary to achieve a lasting peace in the region;

Empathising with victims from all communities living on the territory of the former Yugoslavia and at the same time opposing the manipulation of victims for political purposes;

Recognizing that this regional initiative, which is based on open dialogue, inquiry, and analysis of the facts, is the most efficient way to achieve a comprehensive historical record of the crimes committed in the period 1991-2001 and the role that national elites, institutions, and individuals played in those traumatic events;

Resolved to help, to the best of their ability, to establish the fate of a large number of individuals who are still missing;

Determined to jointly contribute to the process of dealing with the past by helping their citizens accept the facts about war crimes and other gross violations of human rights committed against all victims and by helping restore confidence between individuals, peoples, and states in the region;

In order to strengthen democracy, the rule of law, and a culture of respect for human rights,

Declare

the Establishment of a Regional Commission for Establishing the Facts about War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia in the period from 1991-2001.

Part I - USE OF TERMS

Article 1 *Use of Terms*

- “**civilians**” are all persons who are not combatants;
- “**combatants**”- in the context of an *international* armed conflict are:
 - members of the armed forces of one side in a conflict as well as members of militia or volunteer corps forming part of such armed forces;
 - members of other militia groups and other volunteer corps, including those of organized resistance movements, belonging to one side in a conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
 - a) that of being commanded by a person responsible for his subordinates;
 - b) that of having a fixed distinctive sign recognizable at a distance;
 - c) that of carrying arms openly;
 - d) that of conducting their operations in accordance with the laws and customs of war;
 - members of regular armed forces who profess allegiance to a government or an authority not recognized by their government;
 - inhabitants of a territory not occupied by an enemy, who on the approach of an enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war (the so called *levee en masse*).

Combatants in *non-international* armed conflicts are:

- members of the armed forces of a state;
- members of dissident armed forces and other organized armed formations which, under a responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement norms of international humanitarian law as stipulated in the Additional Protocol II to the four Geneva Conventions;
- “**Commission**” is the Regional Commission for Establishing the Facts about War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia in the period from 1991-2001 (RECOM);
- “**Commissioner**” is any person selected by the president/presidency of the Party to the Agreement in the selection procedure stipulated in Part VII of the Statute;
- “**gross violations of human rights**” include: murder, enslavement, unlawful confinement, torture, forced disappearance, deportation and forcible transfer of populations, systematic discrimination and other human rights violations listed in international Covenants on human rights and other international human rights treaties binding on the parties to the Agreement and deemed by the Commission to constitute “gross violations of human rights”;

- **“members of armed forces”** are members of the regular armed forces of a state, as well as members of groups and units put under the control of an armed forces command subordinated to state authorities;
- **“Minister for Human Rights”** implies this function in a state where such a position exists and in other states implies the Justice Minister or Minister for Communities and Returns;
- **“missing person”** is a person arrested, detained, abducted, or in any other way deprived of liberty by state authorities or armed formations actively opposed to them, or by persons or groups of persons acting with the authorization, support or acquiescence of the government or the armed formations, following which those authorities, groups or persons refuse to acknowledge the deprivation of liberty or conceal the fate or whereabouts of the disappeared person; or, a person who disappeared in the armed conflict under circumstances known to the competent authorities or still under enquiry;
- **“parliamentary body in charge of human and minority rights”** implies, depending on the name in different Parties to the Agreement, parliamentary committees, or commissions in charge of human and minority rights;
- **“perpetrator”** is a person who was sentenced by a final judgement as a perpetrator, co-perpetrator, or an accomplice in the commission of a war crime or other crime that constitutes a gross violation of human rights;
- **“place of confinement”** is an open or closed area where one or more detained individuals are held;
- **“Socialist Federal Republic of Yugoslavia (hereinafter referred to as: “SFRJ”)** is the state that was comprised of six republics: Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia; and two autonomous provinces – Kosovo and Vojvodina. It existed from November 29, 1943 until the dissolution of the federal state in 1991, changing its name several times in the meantime;
- **“victims”** are persons who individually or collectively suffered harm, including physical and mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law or serious violations of international humanitarian law. The term “victim” also includes the immediate family of dependants of the direct victim and persons who have suffered harm in intervening to assist victims or to prevent victimization;
- **“war crime”** implies the meaning of the term “war crime” as defined in international humanitarian law, genocide, and crimes against humanity and includes but is not limited to the following crimes:
 - a. genocide;
 - b. persecution;
 - c. murder;
 - d. enslavement;
 - e. unlawful confinement;
 - f. torture;
 - g. forced disappearance;
 - h. deportation and forcible transfer of civilians;
 - i. rape and other gross forms of sexual abuse;
 - j. extensive destruction and appropriation of property;

- k. hostage-taking;
- l. destruction of religious, cultural and historic monuments and institutions;
- m. use of civilians and prisoners of war as “human shields”;
- **“war or other forms of armed conflict”** implies the use of armed force between states or protracted armed violence between governmental authorities and organized armed groups or between such groups within a state.

Part II – GENERAL PROVISIONS

Article 2 *Definition*

1. The Regional Commission for Establishing the Facts about War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia is an international regional organization established by this Agreement.
2. The abbreviated name of the Commission is RECOM.

Article 3 *Identification Signs*

The Commission shall decide on its own visual identity, including its symbol, logotype, and seal.

Article 4 *Main Office and Executive Secretariat*

1. The Main Office of the Commission shall be in Sarajevo, Bosnia and Herzegovina.
2. The Executive Secretariat, located at the Main Office of the Commission, shall provide support for the work of the Commissioners.

Article 5 *Legal Status*

1. The Commission shall have a legal personality.
2. The Commission shall adopt a Budget, Rules of Procedure, and a Code of Procedure regulating the operation of the organization and the implementation of its functions in accordance with this Statute.
3. The Commission shall conclude a headquarters agreement with the Government of Bosnia and Herzegovina.

Article 6 *Timeframe of Operation*

1. The timeframe set for operation of the Commission shall be three years.
2. The timeframe set for operation of the Commission does not include the preparation period, which begins at the constitutional session and may last no longer than six months.
3. The Commission may extend its operational timeframe for up to six months.

Article 7

Representation and Acting on Behalf of the Commission

1. The Commission shall be represented by its Chairperson.
2. The Commission may decide to be represented by another Commissioner.

Article 8

The Use of Language

1. The Commission shall make equal use of the Albanian, Bosnian, Croatian, Macedonian, Montenegrin, Serbian and Slovenian languages, and of the Cyrillic and Latin alphabets, as well as of sign languages, in accordance with the different persons and communities employing them.
2. The use of language and alphabet by the Commission shall be further regulated by the Rules of Procedure, having regard to the principles of efficiency and cost-effectiveness.
3. In communication with the Commission, each person can use his or her language and alphabet.
4. During public hearings participants shall use their own language.
5. In the Commission's offices in each Party to the Agreement, the official language shall be the language of that Party.

Article 9

The Right to Contribute to the Work of the Commission

Any person, in accordance with the Statute, shall have the right to contribute to the work of the Commission, if such participation is deemed by the Commission to be advancing the achievement of its objectives.

Article 10
Principles of the Commission

Commissioners and personnel shall act in accordance with the following values and principles:

- (a) Respect for human dignity;**
- (b) Independence and impartiality;**
- (c) Dedication to truth;**
- (d) Equality and the respect for human rights and freedoms;**
- (e) Accountability, accessibility, and openness;**
- (f) Rigorous inquiry and procedural fairness**
- (g) Integrity, resoluteness, and the maintenance of the highest standards of professional ethics;**
- (h) Special care in providing protection for victims of sexual violence as well as persons who were underage during the period within the mandate of the Commission; and**
- (i) Protection of confidentiality.**

Part III – OBLIGATION TO COOPERATE WITH THE COMMISSION

Article 11

Obligation to Cooperate with the Commission

1. All Parties to the Agreement are required to cooperate with the Commission and facilitate its efficient work in accordance with the Statute.
2. At the request of the Commission, all competent government bodies in Parties to the Agreement must respond to the Commission's requests to provide timely access to information and data, including requests to take statements from representatives of state institutions and conduct field inquiries, unless it violates the law on protection of confidential data of the Party to the Agreement.
3. Information or documents detailing war crimes or other gross violations of human rights or containing information on possible perpetrators, as well as documents designed to conceal the commission of war crimes or human rights violations shall not be considered confidential.
4. If any Party to the Agreement believes that disclosure of information or a document requested by the Commission would violate the law on protection of confidential data, all reasonable measures shall be taken by the Commission and the Party to the Agreement to resolve the matter by cooperative means. Such measures may include, but are not limited to:
 - (a) A statement issued by the Commission explaining the relevance of the required document or information; and
 - (b) An agreement on conditions for information disclosure, including, among other things, partial disclosure of the contents of the document, restrictions with respect to publishing the information, or other protective measures.

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Article 12

Cooperation of the Commission with Other States and International Organizations

The Commission may enter into cooperation agreements with states outside the territory of the former SFRJ and with international organizations.

Part VI – OBJECTIVES AND FUNCTIONS OF THE COMMISSION

Article 13

Objectives

The Commission shall have the following objectives:

- (a) To establish the facts about war crimes and other gross violations of human rights committed on the territory of the former SFRJ in the period from January 1, 1991 until December 31, 2001, the political and societal circumstances that led to the commission of these acts, and the consequences of the crimes and human rights violations;**
- (b) To acknowledge injustices inflicted upon victims in order to help create a culture of compassion and solidarity with victims;**
- (c) To contribute to the fulfilment of victims' rights;**
- (d) To help political elites and society in Parties to the Agreement to accept the facts about war crimes and other gross violations of human rights;**
- (e) To help clarify the fate of the missing persons; and,**
- (f) To help prevent the recurrence of war crimes and other gross violations of human rights.**

Article 14

Functions

The functions of the Commission shall consist of:

- (a) Collecting information on war crimes and other gross violations of human rights, providing a detailed account of the crimes and other violations, and describing patterns of abuses and their consequences;**
- (b) Collecting information pertaining to the fate of missing persons and cooperating with competent bodies of the Parties to the Agreement conducting the search for the missing;**
- (c) Compiling registers of human losses related to wars or other forms of armed conflict, to include:**
 - i. Civilians whose loss of life or disappearance was caused by the war or other form of armed conflict;**
 - ii. Combatants whose loss of life or disappearance was caused by the war or other form of armed conflict;**
- (c) Collecting information on places of confinement connected to the war or other form of armed conflict, individuals who were unlawfully confined, tortured or subjected to inhumane treatment, and compiling a comprehensive list of the places and victims, with the**

application of identity protection measures where necessary;

- (d) Researching the political and societal circumstances that decisively contributed to the outbreak of wars or other forms of armed conflict as well as to the commission of war crimes and other gross violations of human rights;**
- (e) Holding public hearings of victims and other persons about war crimes and gross violations of human rights;**
- (f) Recommending measures to help prevent the recurrence of human rights abuses and to ensure reparations to the victims; and,**
- (g) Compiling, publishing, and presenting its Final Report in a manner that will facilitate broad access to the Report by the citizens of the states on the territory of the former SFRJ.**

Part V – COMPETENCIES OF THE COMMISSION

Article 15

Temporal and Territorial Scope of Inquiry

The Commission shall establish the facts about war crimes and other gross violations of human rights committed in the period from January 1, 1991 to December 31, 2001 in the states formed on the territory of the former Yugoslavia, inquire into the political and societal circumstances that decisively contributed to the outbreak of wars or other forms of armed conflict and to the commission of war crimes and other gross violations of human rights, and inquire into the consequences of the crimes and violations, including those which became manifest after 2001.

Article 16

Violations of Human Rights under the Mandate of the Commission

The Commission shall establish the facts related to serious violations of international humanitarian law and other gross violations of human rights listed in Article 1 of the Statute, where the crimes and violations include, but are not limited to, the following: genocide, persecution, murder, enslavement, unlawful confinement, torture, forced disappearance, deportation and forcible transfer of civilians, rape and other gross forms of sexual abuse, extensive destruction and appropriation of property, hostage-taking, destruction of religious, cultural and historic monuments and institutions, use of civilians and prisoners of war as “human shields”, and systematic discrimination.

Part VI – POWERS OF THE COMMISSION

Article 17 *Statement-Taking*

1. The Commission shall have the power to take statements concerning war crimes and other gross violations of human rights within the scope of its mandate, from victims, witnesses, representatives of institutions, and perpetrators.
2. The Commission shall endeavour to receive statements on a voluntary basis, while retaining the powers stipulated in paragraph 8 of this Article.
3. Victims shall not be under obligation to give statements about their own suffering or the suffering of their family members.
4. If a person refuses to give a statement to the Commission, invoking a statutory obligation to protect confidentiality of the data, Article 11, paragraphs 3 and 4 of this Statute, shall apply.
5. Provisions of the criminal procedure act of the Party to the Agreement shall apply to the right to withhold response to a question, the release of duty to give statements, as well as other issues concerning the questioning of individuals that are not regulated by this Statute.
6. The Commission may authorize the use of identity protection measures at the personal request of the person giving a statement.
7. The Commission shall summon persons from paragraph 1 of this Article in accordance with the provisions of the criminal procedure act of the Party to the Agreement about summoning of witnesses. The Commission may enter into agreements with Parties to this Agreement to regulate the summoning procedures.
8. At its discretion, the Commission may file a criminal complaint with the competent office of the prosecutor for the purpose of securing an individual's presence, i.e. for the purpose of sanctioning an individual who refuses to give a statement, in accordance with the criminal procedure act of the Party to the Agreement in which the individual has permanent or temporary residence.
9. Prior to, during, and after the taking of a statement, the Commission shall provide psychological and social support to victims and witnesses as needed.
10. The Commission shall take statements from victims and witnesses:
 - (a) In the place of permanent or temporary residence of the person;
 - (b) In the offices of the Commission;
 - (c) In diplomatic and consular offices of Parties to the Agreement, if the statement is to be taken in third party countries; and,

- (d) On the territory of third party countries, if it is not contrary to the laws of these countries and if it is not possible for victims, witnesses, or other persons to give statements in the embassies and consular offices of Parties to the Agreement.

Article 18

Collecting Documentation

1. The Commission shall collect documentation and other relevant items, including:
 - (a) Documentation held by cabinets, parliaments, presidents and presidencies, local self-governing bodies, public and privately owned companies, the armed forces, police, and security services;
 - (b) Court judgments, transcripts, court and prosecutorial documents of the International Criminal Tribunal for the Former Yugoslavia (ICTY), national courts and offices of prosecutors in Parties to the Agreement, and other courts that have conducted trials for war crimes committed on the territory of the former SFRJ;
 - (c) Other archive materials;
 - (d) Newspaper articles and audio-visual material; and,
 - (e) Written opinions of experts and representatives of institutions and organizations, prepared at the invitation by the Commission, or at their own initiative.
2. Upon the request of the Commission, State organs, other legal entities, and citizens of Parties to the Agreement shall produce in a timely manner all documents and other items that may be necessary for the achievement the objectives of the Commission.
3. Before sending a request for the presentation of documents or other items, the Commission shall make every attempt to determine with precision the type of information the requested item may contain.
4. If a person, legal entity or state organ refuses to present to the Commission the requested item, invoking their obligation under national law to protect confidential information, the provisions contained in Article 11, paragraphs 3 and 4 of this Statute, shall apply.

Article 19

Field Inquiries and Visits to Scenes of Crimes

1. The Commission shall establish relevant facts by inspecting crime scenes, places of confinement, mass graves, and all other locations relevant to establishing the facts about war crimes and other gross violations of human rights.
2. The Commission may sign memorandums of understanding with competent state organs concerning the inspection of locations.
3. The Commission may visit crime scenes and mass graves in order to pay respect to victims.

Article 20
Public Hearings of Victims and Other Persons

1. The Commission shall hold public hearings in order to provide a platform for victims to speak about their suffering and the suffering of their family members.
2. Public hearings may also include perpetrators of war crimes or other gross violations of human rights, witnesses, and persons who helped victims.
3. Giving statements in a public hearing shall be voluntary.
4. Prior to, during, and after public hearings, the Commission may decide to apply identity protection measures, special measures to protect the psychological and physical well-being of persons, as well as measures of psychosocial support to victims and other participants.
5. State-owned electronic media, i.e. public service broadcasters on the territory of Parties to the Agreement shall air public hearings live or record them for later broadcast. The Commission and the public service broadcasters shall conclude agreements on broadcasting arrangements. Commercial electronic media shall be allowed to air public hearings under the same terms and conditions as the state-owned media, i.e. public service broadcasters.
6. Public hearings may be held in different locations.

Article 21
Thematic Sessions

1. The Commission may hold public sessions focused on the activity of state institutions, political organizations, cultural and scientific institutions, churches and religious communities, and the media before and during the war or other form of armed conflict in relation to commission of war crimes and other gross violations of human rights.
2. Participation in a thematic session shall be mandatory. If a properly summoned person, without a justified reason, fails to appear, or refuses to give a statement, Article 17, paragraph 8 shall apply.
3. State-owned electronic media, i.e. public service broadcasters, on the territory of Parties to the Agreement shall air thematic sessions live or record them for later broadcast. Commission and the public service broadcasters shall conclude agreements on broadcasting arrangements. Commercial electronic media shall be allowed to air public hearings under the same terms and conditions as the state-owned media, i.e. public service broadcasters.
4. Public hearings may be held in different locations.

Article 22
Rules of Procedure of the Commission

The Commission shall adopt the necessary Rules of Procedure in order to regulate uniform methodology for:

- **Statement-taking;**
- **Collecting documentation;**
- **Carrying out public hearings;**
- **Carrying out thematic sessions;**
- **Compiling registers of human losses;**
- **Providing psychosocial support for victims; and,**
- **Other issues relevant to the work of the Commission.**

Part VII – SELECTION OF COMMISSIONERS

Article 23

Composition of the Commission

The Commission shall have 20 (twenty) Commissioners, of which:

- (a) Five members shall be selected in Bosnia and Herzegovina;
- (b) Three members shall be selected in Croatia, three in Kosovo, and three in Serbia; and,
- (c) Two members shall be selected in Macedonia, two in Montenegro and two in Slovenia.

Article 24

Criteria for Selection of Commissioners

1. In order to be selected as a Commissioner, a person must be:
 - (a) A citizen of a Party to the Agreement;
 - (b) A person of integrity and repute, upholding high ethical standards, dedicated to fostering a culture of tolerance and constructive dialogue in solving disputes, and capable of enjoying the trust of the people in all Parties to the Agreement; and
 - (c) Mentally and physically fit to efficiently and continuously perform their duty as a Commissioner.
2. In each Party to the Agreement at least one woman and at least one man shall be selected as Commissioners.
3. Each Party to the Agreement shall make every effort to ensure ethnic diversity in the composition of the Commission, so that in addition to members of the largest ethnic group, at least one member from another ethnic community from that Party to the Agreement shall also be selected as a Commissioner.
4. The following shall be precluded from appointment as Commissioners:
 - (a) Persons who held prominent political position in the period of two years prior to the beginning of the selection procedure, or during the period covered by the mandate of the Commission; and,
 - (b) Persons against whom there exist a serious suspicion that they were responsible for violating human rights or international humanitarian law, or instigated or aided and abetted the commission of such violations or contributed to non-punishment thereof, or had close ties with persons responsible for the commission of human rights violations or persons convicted, indicted, or under investigation for the commission of such acts.

Article 25

Identical Selection Procedures in all Parties to the Agreement

In each Party to the Agreement, Commissioners shall be selected in an identical procedure specified by this Statute.

Article 26

Nomination of Prospective Candidates

1. Associations of citizens, educational institutions, scientific institutions, religious communities, trade unions, or groups of at least 30 citizens of a Party to the Agreement shall have the right to nominate candidates for Commissioners upon obtaining their approval.
2. The selection panel in each Party to the Agreement shall receive the nominations and conduct the primary screening of candidates.

Article 27

Composition and Selection of Members of Selection Panels

1. The selection panel in each Party to the Agreement shall consist of nine members, all of whom must meet the criteria set for Commissioners, except for the requirement excluding those persons who held prominent political positions during the period of two years prior to the beginning of the selection procedure, or during the period covered by the mandate of the Commission.
2. Members of the selection panel cannot be nominated as candidates for Commissioners.
3. Three members of the selection panel shall be appointed by the Minister of Human Rights, with the consent of the parliamentary body in charge of human and minority rights.
4. Three members of the selection panel shall be selected by members of the Coalition for RECOM in the Party to the Agreement.
5. The initial six members of the selection panel shall be appointed or selected in accordance with provisions of paragraph 3 and 4 of this Article within 45 days after the last ratification of this Agreement.
6. The competent Minister shall announce the appointment and selection of the initial six members of the selection panel and advertise open positions for the remaining three members of the selection panel within an additional eight days.
7. The six appointed i.e. selected members of the selection panel shall make every effort to select the remaining three members by consensus, if possible, but in the absence of consensus they shall decide by majority vote.

8. The competent Minister, the Coalition for RECOM, and members of the selection Panel appointed or selected in accordance with paragraphs 3 and 4 of this Article shall ensure that at least one third of members of the panel members are female, one third male, and shall endeavour to ensure that one third of members are representatives of victims' associations, including victims' associations outside of the Coalition for RECOM, provided that the respective association has been registered for at least three years before the Party signed this Agreement.
9. The competent Minister shall announce when the selection panel is fully staffed and provide the necessary conditions for its work.
10. The oldest member of the selection panel shall chair the work of the panel and schedule its constituent session to be held no later than 45 days from the day that the open positions from paragraph 6 of this Article were advertised.

Article 28

Selection of Candidates for Commissioners by the Selection Panels

1. No later than 8 (eight) days after the constituent session, the selection panel from each Party to the Agreement shall advertise the available positions for Commissioners. The application deadline shall be 30 (thirty) days.
2. No later than 8 (eight) days after the the expiry of application deadline, the selection panel shall publish the following information on the website of the competent Ministry as identified in Article 27, paragraph 3:
 - (a) The total number of applications received; and,
 - (b) The names of candidates whose applications shall be considered.
3. The selection panel may decide to interview all or some candidates. Interviews shall be open to the public.
4. The selection panel may request information on any candidate from the authorities and public institutions, who shall be obliged to respond as a matter of urgency.
5. The selection panel shall endeavour to reach all decisions unanimously, but in the absence of consensus it shall decide by a simple majority of five votes.
6. The selection panel shall assess the fulfilment of the required criteria on the part of the candidates whose applications it chose to consider and it shall create a shortlist of candidates which is between two and three times larger than the number of Commissioners which are to be selected in the respective Party to the Agreement.
7. No later than 40 (forty) days after the expiry of the application deadline, the selection panel shall publish the names of the shortlisted candidates and submit the list on the same day to the President or the Presidency of the Party to the Agreement.

Article 29

***Selection of Commissioners by Presidents/Presidency
of Parties to the Agreement***

1. The President or the Presidency of the Party to the Agreement shall make the final decision on the Commissioners to be selected in that Party to the Agreement from the shortlist submitted to them by the selection panel.
2. On the thirtieth day from the day they received the shortlists of candidates from the selection panels, the Presidents and Presidencies of the Parties to the Agreement shall inform each other about their choices, before informing the public about their decisions.
3. On the fifteenth day from the day the Presidents and the Presidencies of the Parties to the Agreement receive the information referred to in paragraph 2 of this Article, they shall publicly announce the names of the Commissioners.

Article 30

The Constituent Session

1. The oldest Commissioner shall schedule the constituent session of the Commission, to be held at the Commission's Main Office no later than 15 days from the date set forth in Article 29, paragraph 3, of the Statute, and chair the Commission until the Chairperson of the Commission is elected.
2. The ceremonial, introductory part of the constituent session shall be attended by the Presidents and members of the Presidencies of the Parties to the Agreement.
3. In the introductory part of the constituent session, Commissioners shall sign a copy of the Statute and read aloud and sign the following statement: "I hereby swear on my honour that I shall conduct my duties as a Commissioner in a dedicated, impartial, and independent way, and that I shall strive to justify the confidence bestowed upon me in my contributions to the implementation of the objectives of the Commission."

Article 31

Selection of the Chairperson and Adoption of the Rules of Procedure

1. Commissioners shall select the Chairperson and adopt the Rules of Procedure regulating the work of the Commission no later than 60 (sixty) days after the day of the constituent session.
2. Commissioners may decide to limit the mandate of the Chairperson to a specific time period.

Article 32
Quorum and Decision Making

1. The quorum of the Commission shall be 14 (fourteen) Commissioners.
2. Decisions of the Commission shall, as far as possible, be taken by consensus and in the absence of consensus at least 14 members must vote for the adoption of a decision.
3. The Commission may decide that in order to adopt a specific procedural decision it is sufficient to obtain a simple majority of votes.

Article 33
Termination of the Mandate of Commissioners

1. The term of office of a Commissioner shall terminate upon the expiry of the Commission's mandate and in the following cases:
 - (a) The written resignation of the Commissioner;
 - (b) The death of Commissioner;
 - (c) A final court decision on deprivation or limitation of Commissioner's legal capacity;
 - (d) A final conviction of Commissioner to unconditional prison sentence; or
 - (e) The removal of Commissioner.
2. In cases listed in paragraph 1, points (a), (b), (c), and (d) of this Article, the Commission shall declare that the term of office of the Commissioner has terminated and inform the President or the Presidency of the relevant Party to the Agreement. The President or the Presidency shall within 15 days appoint a new Commissioner from the shortlist adopted by the selection panel during the initial procedure for selection of Commissioners.
3. A Commissioner may be removed in the case of a failure to fulfil the duties set forth in Article 35 and Article 37 of the Statute, or if he or she receives a final conviction for a criminal act which is detrimental to the integrity and credibility of the Commissioner, or in case of a continuous inability to perform his or her duty due to poor mental, emotional, or physical health.
4. The Commission shall adopt a proposal to remove a Commissioner without the presence of that Commissioner and submit a motion to the President or the Presidency of the Party to the Agreement in question. Prior to adopting the decision, the Commission shall inform the Commissioner about the evidence corroborating the motion and the Commissioner shall be given an opportunity to present evidence in his or her favor.
5. No later than 15 days after the submission of the motion for removal, the President or the Presidency of the Party to the Agreement shall decide whether the Commissioner shall be removed from duty, and if so, select a new Commissioner from the shortlist adopted by the selection panel during the initial procedure for selection of Commissioners.

Article 34
Suspension of Commissioners

If a Commissioner is being investigated for a criminal act detrimental to his or her credibility, if the Commission learns about other circumstances related to the Commissioner which could seriously damage the integrity and credibility of the Commission, or if the Commissioner is unable to perform his or her duties because of his or her mental, emotional, or physical condition, the Commission may decide to suspend the Commissioner until the Commission examines the reasons for suspension or until the reasons cease to exist.

Part VIII – RIGHTS AND OBLIGATIONS OF COMMISSIONERS AND PERSONNEL

Article 35

Conscientiousness, Independence, and Impartiality

1. Commissioners, employees, and other persons performing duty for the Commission shall act in accordance with the provisions of this Statute and legal acts adopted by the Commission, and perform their duty in a conscientious and impartial manner, acting independently of the interests of any political party, government, interest group, or person.
2. Commissioners and employees of the Commission shall not perform any other activity which may prevent them from performing their duties on the Commission or bring into question their independence and impartiality. Commissioners and employees shall disclose to the Commission any existing or potential conflict of interest.
3. If the Commission finds that a Commissioner or an employee has a conflict of interest, the Commission shall exempt that person from further acting in the matter that includes the conflict of interest, undertake the necessary measures for the removal of the Commissioner, suspend the Commissioner, or discharge the employee.
4. If the Commission is not informed in a timely manner about any circumstances pointing to a conflict of interest of a Commissioner or an employee, and if that person took part in the decision-making process or executed other activities in a matter related to the conflict of interest, the Commission shall, as soon as it becomes aware of such a conflict of interest, re-consider the decision and the performed activity, and, if necessary, ensure a re-vote or repeat of the activity without the participation of said person.

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Article 36

Privileges and Immunities

1. In order to preserve the independence of the Commission and to ensure its unimpeded operation, during their mandate Commissioners and employees shall enjoy the following privileges and immunities:
 - (a) Immunity from personal arrest or detention and from seizure of their personal baggage;
 - (b) Immunity from legal process of every kind, in respect of their expressed opinion and all acts done by them in good faith, within the scope of their duty; and,
 - (c) Exemption from any restrictions on their freedom of movement in relation to the performance of the tasks of the Commission and the freedom of entry into and exit from the country in which they conduct their duty.
2. Immunity as stipulated in paragraph 1, point (b) of this Article, in respect to the expressed opinion, shall extend after the mandate with the Commission or the engagement with the Commission is terminated.
3. The Commission shall waive the immunity of a Commissioner or an employee if such immu-

nity is in any way obstructing the course of justice and compromising the confidence of the public in the Commission.

Article 37

Protection of Sources and Confidential Information

Commissioners, employees, and other persons performing duty for the Commission shall protect the confidentiality of all information they came into possession of while performing their duties with the Commission, including the identity of persons who provided information on condition of anonymity, and refrain from using such information for personal reasons, until the Commission releases such information in the form of an official press release. This obligation does not refer to matters of common knowledge.

Article 38

Status of the Commissioners and the Personnel

1. As a rule, Commissioners and employees of the Commission shall be engaged on a full time basis.
2. The payment of wages and compensation to Commissioners, employees, and other persons performing duty for the Commission shall be regulated by the rule-book of the Commission and shall make up part of the Budget of the Commission.

Part IX – STRUCTURE OF THE COMMISSION

Article 39

Executive Secretariat and Departments of the Commission

1. The Commission shall establish its Main Office, the Executive Secretariat, in Sarajevo. The primary task of the Executive Secretariat shall be to offer technical, administrative, and operational support to the Commissioners and to coordinate the work of the different offices and departments established by the Commission.
2. The Commission shall appoint the Executive Secretary and heads of the departments and shall decide on the termination of their mandates.
3. Employees and other persons performing duties in the Executive Secretariat and departments of the Commission shall be employed without regard to their citizenship.
4. The restrictions specified by Article 24, paragraph 4 of this Statute shall apply to the recruitment of employees and other persons who perform duties in the Executive Secretariat, departments, teams, and other bodies established by the Commission.

Article 40

Offices of the Commission on the Territory of Parties to the Agreement

1. The Commission shall establish offices on the territory of all Parties to the Agreement and appoint and relieve from duty the heads of offices on a proposal from the Executive Secretary.
2. The Main Office of the Commission in Sarajevo, following consultation with the Executive Secretary and the Offices in a particular Party to the Agreement, may establish mobile inquiry teams and local offices in other towns on the territory of that Party to the Agreement, and appoint and relieve from duty the leaders of these mobile teams and local offices.
3. On a proposal from the Executive Secretary, the Commission may establish a mobile inquiry team to collect information in the territory of any Party to the Agreement.
4. Employees and other persons performing duties in the offices of the Commission in Parties to the Agreement and in mobile inquiry teams shall be engaged without regard to their citizenship.

Article 41

Archives of the Commission

1. The Executive Secretariat shall set up an Archive and Database Department of the Commission, which shall establish the archiving and digitalization methodology for collected documents.

2. After establishing the methodology referred to in paragraph 1 of this Article, but no later than six months after it has been set up, the Archive and Database Department shall become the Archives and Database of the Commission, tasked with archiving and digitalizing all collected documentation.
3. Each Office in a Party to the Agreement shall establish its own archive and database department tasked with archiving and digitalizing all collected documents. No later than six months after their establishment, the archive and database departments shall become the Archives and Databases of the respective Office.
4. The Archives and Database of the Commission in Sarajevo shall be integrated with the archives and databases of the offices in each Party to the Agreement no later than three months prior to the expiry of the mandate of the Commission.
5. No later than 15 days before the expiry of its mandate, the Commission shall submit copies of the integrated archives and databases to the state archives of the Parties to the Agreement or to institutions with the capacity to maintain the data.
6. Upon the expiry of the mandate of the Commission, the archive material and the database material of the Commission shall be made available without limitation to all interested institutions and persons, except for the classified documents.

Part X – FINANCIAL MATTERS

Article 42

Financing

1. The commission shall be financed by funds provided by the Parties to the Agreement and through donations.
2. Funds provided by the Parties to the Agreement shall come from annual budgetary contributions for the duration of the Commission's mandate.
3. The contributions of the Parties to the Agreement to the financing of the Commission shall be determined in nominal amounts corresponding to each Party's proportional share of the total amount necessary for the functioning of the Commission.
4. The Parties to the Agreement shall reach an agreement on the contributions from each Party, as necessary for the functioning of the Commission.
5. The Commission shall endeavour to obtain donations from various sources, including from international organizations and domestic legal entities.
6. Donations, for the purposes of this Statute, represent "funds which are managed directly" and shall be used in accordance with agreements reached between the Commission and the international donor organizations and domestic legal entities.
7. Donations in kind, including those received from Parties to the Agreement, shall not be considered part of the contributions stipulated in paragraph 2 of this Article.

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Article 43

Financial Reporting

1. The Executive Secretariat shall prepare annual financial reports on the implementation of the basic budget, in accordance with the financial rule-books of the Commission.
2. The Executive Secretariat shall prepare reports on the use of donated funds, in accordance with the financial rule-book of the Commission and in compliance with the specific requests of donors.
3. An independent auditor shall conduct an independent annual audit of the use of basic budget funds and contributions received from the Parties to the Agreement and other donors. In line with an agreed procedure, and along with the comments made by the Commission, the Final Audit Report shall be made public.
4. The reports from paragraphs 1 and 2 of this Article shall be subject to revision by the independent auditor.

Part XI – FINAL REPORT OF THE COMMISSION

Article 44

Publishing the Final Report

1. Three months prior to the expiry of its mandate, the Commission shall publish its Final Report.
2. The Commission shall submit its Final Report to the Presidents and Presidencies of the Parties to the Agreement and publish it at the same time on the official web site of the Commission in all official languages of the Parties to the Agreement and in English, as well as in audio-format.
3. The Commission shall publish a short version of the Final Report at the same time or after the complete version has been submitted.

Article 45

Contents of the Final Report

1. The Final Report shall include: an introduction; description of relevant facts about war crimes and other gross violations of human rights in accordance with the functions of the Commission as stipulated in Article 14 of the Statute; registers of human losses; a list of places of confinement; a list of detained individuals; a list of individuals who were subjected to torture and a list of recommendations.
2. Recommendations shall include, but shall not be limited, to:
 - (a) Further steps to be taken by the Parties to the Agreement aimed at advancing trust among the States and communities on the territory of the former SFRJ;
 - (b) Appropriate forms of material and symbolic reparations, models of institutional reform, and mechanisms which will help integrate the established facts into the educational systems of the Parties to the Agreement; and,
 - (c) Ways to monitor the implementation of the recommendations of the Commission, which may include a proposal to form a separate mechanism for that purpose.

Article 46

Findings on War Crimes and Other Gross Human Rights Abuses

1. The Commission may conclude in the Final Report that the established facts lead to a serious suspicion that an individual committed a war crime or other gross violation of human rights. Such findings shall not have the effect of a court decision and shall not prejudice the outcome of criminal proceedings, if any.
2. In the Final Report, the Commission shall not make an adverse finding against any person unless it has taken all reasonable steps to:
 - (a) Give that person reasonable notice of the intention to make the finding;
 - (b) Disclose to that person the contents of the proposed finding, the relevant material relied on for that finding, and the reasons on which the finding is based;

- (c) Give that person an opportunity to respond to the proposed finding within a reasonable period of time; and
 - (d) Check findings on a deceased individual with at least three independent sources.
3. With respect to cases that have been processed by an international or domestic court in the presence of the accused, the Commission shall in the Final Report refer to the relevant judgment. The Commission may establish new facts.

Article 47

Obligations on Parliaments and Cabinets to Consider the Final Report

1. Following the publication of the Final Report, the President or the Presidency of each Party to the Agreement shall submit a copy of the Final Report to the Speaker of Parliament, who shall convene a special session of Parliament no later than 30 (thirty) days after receiving the Final Report, for the purpose of analysing the findings and recommendations from the Report, or shall include it in the agenda of a regular parliamentary session. One or more Commissioners shall attend the session.
2. In the six-month period following the publication of the Final Report of the Commission, the cabinets of all Parties to the Agreement shall adopt and publish in their country's Official Gazette their position on the implementation of the recommendations of the Commission.
3. Following the response of the cabinet, the Speaker of Parliament of each Party to the Agreement shall convene another special session of the Parliament for the purpose of analysing the response of the cabinet and considering the possible engagement of Parliament in the process of implementing the recommendations of the Commission.

Part XII – MISCELLANEOUS

Article 48

Offences and Penalties

1. Any person proven to have:

- (a) deliberately provided false information to the Commission, i.e. to a person or body acting on behalf of the Commission;
- (b) used threats, force, or promises of personal gain with the purpose of coercing another individual to give false information or refuse to give information to the Commission i.e. to a person or body acting on behalf of the Commission;
- (c) destroyed a document or a piece of physical evidence in order to prevent the Commission from conducting an inquiry; or,
- (d) made public a piece of information that the Commission received on condition of confidentiality, or disclosed identity of the confidential source;

shall be considered to have committed a criminal offence punishable by a maximum one year prison sentence or by a fine of up to EUR 5,000.

2. The penalties stipulated in paragraph 1 of this Article shall also apply to officials or private individuals who refuse without justifiable cause to respond to a request submitted by the Commission, i.e. by a person or body acting on behalf of the Commission, to produce a document or other item.
3. If a person refuses to respond to the summons or refuses to give a statement to the Commission, Article 17, paragraph 8 of this Statute shall apply.

Article 49

The Role of the Commission in the Criminal Prosecution

The Commission shall have the authority to:

- (a) Recommend that, in the case of a criminal trial, the court conducting the case should consider, at the request of the accused, as a significant mitigating circumstance in the determination of sentence the fact that the person who is suspected by the Commission to have committed a war crime or other gross violation of human rights shared with the Commission information relevant to the disclosure of locations containing the bodily remains of missing persons or information relevant to identifying other possible perpetrators or other crimes;
- (b) Make a recommendation for partial pardon of a perpetrator of a criminal act who shared with the Commission information relevant to the disclosure of locations containing the bodily remains of missing persons or information relevant to identifying other possible perpetrators or other crimes, provided that it does not run counter to the national legislation; and,
- (c) Propose an extraordinary sentence reduction for a perpetrator of a criminal act who sha-

red with the Commission information relevant to the disclosure of locations containing the bodily remains of missing persons or information relevant to identifying other possible perpetrators or other crimes, provided that it does not run counter to the national legislation.

Part XIII – FINAL PROVISIONS

Article 50

Termination of the Mandate of the Commission

1. The mandate of the Commission shall be terminated no later than three months after the Final Report of the Commission has been published.
2. In the three-month period following the publication of the Final Report, the Commission shall undertake measures to systemise, distribute, and preserve the Archives of the Commission, to rearrange its property, to fulfil its obligations with respect to third parties, to distribute and present the Final Report, and to compile final financial reports and a report on the work of the Commission.

Article 51

Entry into Force

1. The original texts of this Statute in Albanian, Bosnian, Croatian, Macedonian, Montenegrin, Serbian, and Slovenian languages are equally authentic and shall be deposited with a competent body of the host state of Bosnia in Herzegovina.
2. Parties to the Agreement shall inform each other about the ratification of the Statute in their parliaments.
3. The Statute shall enter into force on the first day of the month after the fifteenth day following the date of the last ratification.

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