

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 Pšenića, 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: Koća 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: Koća 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-