

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, Peščanik, B92, PCNEN Montenegro, CDM Café del Montenegro, PG Portal Info, Regional Business Journal, Centre for Development of Nongovernmental Organizations, and Smedia.

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 Teršelić (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 nongovernmental 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 Qerkini, Kujtimi Association, Kosovo, Budva, Montenegro, Fifth Regional Forum on Transitional Justice, May 29th - 30th 2009.

We need to create an office and each of these places should have its documentation in order to avoid manipulation.

Statement: Jusuf Osmani, Kosovo State Archive, Fifth Regional Forum on Transitional Justice, Budva, Montenegro, May 29th - 30th 2009.

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 subcommissions 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 commissioners should provide for the representation of all social groups, including academics, psychologists, sociologists, lawyers, human rights activists, associations of victims and all commissioners should take an oath, which would represent a moral obligation for them.

The moral sense of the selection process should also be defined by certain criteria, for example, biographies (...) I wouldn't want to assess if he is a former police officer, former soldier, or somebody else. It is irrelevant in this moment (...) Just like doctors, these people as well should take some sort

of an oath, which would establish this moral dimension of what they will do tomorrow.

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.

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 on 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 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, 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.

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

Therefore, public hearings will be some sort of a relief, a form of catharsis and, of course, valuable help to those who will prosecute war crimes.

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.