

Report on the RECOM Process January – June 2014



Since its foundation in July 2013, the Regional Expert Group, made up of the personal envoys of state presidents' and the Presidency of Bosnia and Herzegovina (BH), became formally operational, "RECOM has succeeded in progressing to becoming an inter-governmental body concerned with the issues of the past."¹ In this new phase, the envoys to RECOM have the task of preparing a document on the constitutional, legal and political conditions for the establishment of RECOM. In the discharge of their task, they will receive expert and operational assistance from the public advocates for the RECOM Initiative and the Regional Council of the Coalition for RECOM. The Coalition's Assembly will decide in October at the latest, whether the inter-governmental proposal is compatible with the objectives set out in the RECOM Statute as proposed by the Coalition.

The passing of Aco Todorović

Aco Todorović was one of the 25,671 'erased' residents of Slovenia, who were arbitrarily struck from the register of permanent residents. He was found dead in the town of Ptuj on 15 February 2014. He was one of the courageous ones, and, one of the best. He emerged from obscurity, undocumented, secured the public's attention and began to speak out about the erasures, to organize others who had been similarly erased and to fight back. At first he was unsure of himself, although he was nevertheless forthright, determined and unyielding. He gathered around him a handful of people who were prepared to speak out in public, in doing so directly brought the non-existent into clear reality. Todorović, who pulled himself from the abyss of non-existence unaided, restored dignity to himself and to others, and became a person in his own right and a responsible political being. He was an ardent advocate for the establishment of RECOM.

We have the deepest respect for the courage displayed by Aco Todorović.

Activities of the Coalition for RECOM

On the occasion of the 22nd anniversary of the abduction of 19 Muslim passengers, all Montenegrin and Serbian citizens, from a train at Štrpci station and their subsequent execution, the Centre for Civic Education (CCE) held a press conference on February 27th 2014, noting that the criminal justice system had done little with regard to the victims' cases and that the failure to prosecute those perpetrators who hold Montenegrin citizenship was conspicuous. The CCE pointed out the need to use other instruments to determine the facts, such as RECOM, which has the potential to prevent the collective oblivion of crimes.

A delegation of the Coalition for RECOM, comprising Nikola Knežević, coordinator of the Coalition for RECOM for relations with religious communities, Dragan Pjevač, member of the Coalition for RECOM, Dženana Karup-Druško, public advocate for the RECOM Initiative, and Nataša Kandić, coordinator of the RECOM Process, met the Bishop of

¹ Professor Žarko Puhovski, speaking at the public advocates' press conference in Belgrade on January 24th 2014.

Zahumlje-Herzegovina, Grigorije, in Mostar on **April 6th 2014**. “[Taking] A selective approach to the victims is a big problem and it is very important that every victim should be identified by name,” said Bishop Grigorije. “All prejudices must be put aside in order to establish the exact number of the victims and their names,” he said, adding that he would call for Republika Srpska to support the establishment of RECOM because “identifying victims is in the interests of all the victims regardless of their faith and nation.”

On **April 13th 2014**, in Mavrovo, Macedonia, the Centre for Research and Policy Making (CRPM) presented the RECOM process at a seminar dedicated to the role of young people in dealing with the past.

During April and May 2014, the Youth Initiative for Human Rights in Serbia (YIHR), the Humanitarian Law Center (HLC), the Humanitarian Law Center Kosovo (HLCK) and the CRPM organized five ‘*I support RECOM*’ street events. At the events, Coalition for RECOM activists collected signatures in support of establishing the Commission, distributed leaflets bearing the title, *I support RECOM*, and promoted forthcoming ‘*I Run for RECOM*’ events to be held during marathon races scheduled in Belgrade, Pristina and Skopje. During the ‘*I support RECOM*’ events, petitions for the establishment of RECOM were signed by 284 people in Belgrade, 188 in Skopje and 161 in Pristina.

On **May 10th 2014**, the CRPM held a **press conference** in Skopje at which the RECOM Process was promoted by public advocate Professor Židas Daskalovski, national coordinator Petranka Delova Miladinova, Ilija Nikolovski from the Association of Army and Police Veterans and Abedyn Zymberi from the Association of National Liberation Army Veterans. They urged young people in particular to take part in the ‘*I run for RECOM*’ event during the Skopje marathon and in doing so, expressed their support for the establishment of RECOM.

Participants in the 5-km ‘*I run for RECOM*’ event held during the Belgrade marathon² on **27th April 2014** included young activists from the Coalition for RECOM, active supporters of the RECOM Initiative and regular recreational runners who, of course, were first to reach the finishing line! The ‘*I run for RECOM*’ event was particularly popular among young people in Pristina.³ On May 11th 2014, more than 100 young people wearing RECOM T-shirts took part in the first marathon in Kosovo. Nearly all of them reached the finishing line. A photograph of the Coalition for RECOM activists taking part in the marathon was featured online on RTK’s front page. The participation of Coalition for RECOM activists in the Skopje marathon the same day also attracted attention.⁴ At least 60 young people wearing RECOM T-shirts started and more than half of them reached the finishing line 5 kilometers distant.

RECOM supports documentation of camps and other places of detention⁵

Since July 2013, the Association Transitional Justice, Accountability and Remembrance in BH (TJAR) headquartered in Sarajevo and the Centre for Democracy and Transitional Justice

² Participation in the marathon event was organized by YIHR.

³ Organized by HLC Kosovo.

⁴ Organized by CRPM.

⁵ At the beginning of 2012, the Coalition for RECOM in BH supported the proposal of the public advocates, Zdravko Grebo, Dženana Karup Druško and Dino Mustafić, to establish two non-governmental organizations: one headquartered in Banja Luka and another headquartered in Sarajevo. The organizations were to extend technical support for the RECOM Process and, once they had procured resources independently, would over time, launch projects, which contributed to the establishment of the facts about the war crimes and other grave violations of human right committed during the war in BH.

(CDTJ) headquartered in Banja Luka, have been jointly implementing the project 'Mapping the Camps and Other Places of Detention in BH'. The object of the project is to help RECOM to carry out its task of 'collecting information about places of detention connected with the war, about persons who were unlawfully detained, subjected to torture and inhuman treatment, and compiling a comprehensive register of such persons', a task envisaged in the Proposed RECOM Statute. In February 2014, TJAR and CDTJ held their first press conference, at which they presented the profiles of 15 camps, based on an analysis of judicial documentation and investigators' interviews with former camp inmates. The launching of the project and the initial findings drew considerable media support and attention; however, associations of Bosniak and Serb camp inmates issued a sharply-worded statement to the media and foreign embassies saying that associations of camp inmates alone had the moral authority to deal with the issue of the camps. The project is ongoing, with support from Civil Rights Defenders, the National Endowment for Democracy and the Rockefeller Brothers Fund.⁶

RECOM's public advocates⁷

On **January 24th 2014**, the public advocates for the RECOM Initiative held a **meeting** in Belgrade to reach agreement on preparations for an Assembly of the Coalition for RECOM tasked with determining whether the *Amendments to the RECOM Statute (Amendments)*, to be drawn up by the envoys to RECOM and approved by the state presidents/members of the Presidency of BH as a document on the constitutional and legal possibilities for establishing RECOM, are compatible with the fundamental purposes and substance of the Proposed RECOM Statute drawn up by the Coalition (Draft Statute). Given that the envoys will need a few more months to complete their examination and analysis of the provisions of the Draft Statute, the public advocates concluded that an Assembly of the Coalition for RECOM should be organized at the end of October 2014.

On the same day, the public advocates held a press conference in Belgrade. Žarko Puhovski, Dino Mustafić, Adriatik Kelmendi and Nataša Kandić called on the post-Yugoslav countries to establish RECOM together saying that it had the potential to reduce ethnic tensions and hatred and contribute to the development of a culture of compassion, solidarity and respect for victims of the wars on the territory of the former Yugoslavia.

Professor Puhovski summed up the progress achieved so far, saying: "RECOM has succeeded in progressing to a step away from becoming an inter-governmental body concerned with the issues of the past."

On February 6th 2014 in Skopje, public advocates, Adriatik Kelmendi, Nataša Kandić and Židas Daskalovski, and the national coordinator of the RECOM Process, Petranka Delova Miladinova, held talks with the Macedonian Deputy Prime Minister, Fatmir Besimi, on the RECOM Process and the lack of participation of the Macedonian President's envoy in the work of the Regional Expert Group. The Deputy Prime Minister voiced strong support for the

⁶ Civil Rights Defenders, the National Endowment for Democracy, the Rockefeller Brothers Fund.

⁷ Professors Zdravko Grebo, Žarko Puhovski and Židas Daskalovski (who in October 2013 succeeded Professor Biljana Vankovski following her decision to step down after her failure to ensure the active participation of President Ivanov's personal envoy in the work of the Regional Expert Group), journalists Adriatik Kelmendi, Duško Vuković, Dženana Karup Druško, Dinko Gruhonjić (Igor Mekina terminated his engagement in the RECOM Process in January 2014), theatre producer Dino Mustafić and Coordinator of the RECOM Process Nataša Kandić.

formation of the Regional Commission that among other things will examine the fate of the victims of the war in Macedonia. President Ivanov's envoy, Luben Arnaudovski, said that his participation in the work of the Regional Expert Group was necessary both in order to intensify regional cooperation and for the sake of the victims themselves.

Public advocate, Professor Židas Daskalovski, had a meeting with the envoy of the President of Macedonia, Luben Arnaudovski on **June 3rd 2014**. He reiterated President Ivanov's unreserved support for the establishment of RECOM and stressed that the decision to establish RECOM was in the power of the Government. As regards the Regional Expert Group, Arnaudovski said that he followed its work closely and supported it.

During the reporting period the public advocates were in daily contact on all relevant matters concerning the RECOM Process by e-mail and Skype.

The Regional Expert Group for RECOM

The Regional Expert Group of RECOM is made up of the following personal envoys of the state presidents/members of the Presidency of BH.⁸ Professor Zlata Đurđević-Petković, envoy of the President of Croatia, Professor Sonja Šundić-Tomović, envoy of the President of Montenegro, judge Siniša Važić, envoy of the President of Serbia, Deputy Mayor of Sarajevo Aljoša Čampara, envoy of Member of the Presidency of BH Bakir Izetbegović, liaison officer with the ICTY Goran Mihaljević, envoy of Member of the Presidency of BH Željko Komšić, and legal adviser Selim Selimi, envoy of President of Kosovo, Atifere Jahjaga. Although the President of Macedonia, Gjorgje Ivanov, appointed his personal envoy, Luben Arnaudovski, Mr. Arnaudovski has not taken part in the work of the expert group.⁹ The President of Slovenia, Borut Pahor, and the third Member of the Presidency of BH, Nebojša Radmanović, have not appointed their envoys to RECOM.¹⁰

Midhat Izmirlija, a member of the Statute Working Group of the Coalition for RECOM, and Nataša Kandić, Coordinator of the RECOM Process, are participating in the work of the Regional Expert Group on behalf of the Coalition for RECOM. Their task is technical in nature, consisting of interpreting articles of the Proposed RECOM Statute put forward by the Coalition (Draft Statute) and making sure that all proposals by the envoys are entered in the *Amendments*, correctly and in a timely fashion. Other public advocates have occasionally taken part in their capacity as observers.

The duty of the envoys to RECOM, as described by the Croatian President Ivo Josipović, consist of analyzing the Proposed RECOM Statute from the point of view of the constitutional, legal and political conditions for the establishment of RECOM with regard to each country. The envoys held a total of four meetings: on September 8th, October 24th and March 8th 2014 in Zagreb, and on May 4th in Belgrade. At their second meeting, the envoys

⁸ The state presidents/members of the Presidency of BH appointed their personal envoys between January and July 2013.

⁹ President Ivanov appointed Luben Arnaudovski, Deputy Secretary-General for legal and organizational affairs in his office, as his personal envoy to RECOM.

¹⁰ Professor Žarko Puhovski approached the President of Slovenia in person on behalf of the Coalition for RECOM and the public advocates. On April 24th 2014 he received a reply from the President's foreign affairs adviser saying that the matter of RECOM fell within the jurisdiction of the Slovenian government. He recommended that the Coalition for RECOM approach the Ministry for Foreign Affairs of the Republic of Slovenia. The third member of the Presidency of BH, Nebojša Radmanović, did not respond to letters or the public appeal from the Coalition for RECOM regarding the appointment of an envoy to RECOM.

adopted a decision to consult the state presidents/members of the Presidency of BH on the 'period and scope of the investigation' before forwarding to them the final text of the *Amendments* for their examination and decision.

The consultations, which the envoys began in May, were still ongoing as of the end of June 2014. The public advocates took an active part in these consultations.

RECOM !Voice Initiative

Between January and June 2014 the Coalition for RECOM published one issue of its magazine *!Voice*, which was devoted to reconciliation from the point of view of veterans, and included an article by Lea David PhD, a lecturer from Ben Gurion University in Tel Aviv. In his article he discusses the case of a veteran of the Army of BH, Narcis Mišanović, who joined the army at the age of 11 following the murder of his brother and father. He says that, reconciliation is possible only if there are guarantees that no one will have to go through what he did, namely living without a father and having to pick up a rifle. Spasoje Kulaga, a veteran of the Army of Republika Srpska, came out of the war 100 per cent disabled. He believes that the combined work of men who fought on different sides is a method of reconciliation because it contributes to the elimination of hatred. Zvonko Lucić, a Croatian Army veteran who spent more than a year in the field near Mostar, says he is disillusioned with what he was a part of, what happened and how it happened. Gani Balaj, a former member of the Kosovo Liberation Army, says that he thinks that Serbia must first apologize for the crimes it committed before any cooperation with veterans in Serbia is established. Dalibor Trajković was sent to Kosovo as a conscript and returned suffering severe trauma. For him, respect for others as human beings is a key condition for recovery and reconciliation. Lea David has researched the attitude of Croatia and Serbia towards veterans, for years. The results of her investigations show that veterans in Croatia constitute not only the strongest and most influential community of remembrance but also a community exercising strong political influence. She attributes this to the fact that Croatia emerged from the war as a victor and that the post-war elites have portrayed the veterans as war heroes, out of self-interest. On the other hand, David says, in Serbia the veterans are marginalized and stigmatized. Their narratives are absent from the public stage, and this produces a community of remembrance permitted to exist only in the private sphere, a throwback to the period following the Second World War.