

REPORT  
AFTER THE  
ICTY:  
ACCOUNTABILITY,  
TRUTH  
AND JUSTICE  
IN FORMER  
YUGOSLAVIA

REPORT

# AFTER THE ICTY:

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## I EXECUTIVE SUMMARY

Twenty years after the conflicts in the former Yugoslavia and a year after the International Criminal Tribunal for the Former Yugoslavia closed down, accountability, truth and justice still seem more like ideals than reality.

During 2018, under the umbrella of BIRN's Transitional Justice Initiative, a series of events was organised to discuss regional cooperation over war crimes prosecutions and missing persons, victims' participation, and the role of archives, art, media and museums in dealing with the past.

Participants from civil society, the expert community, institutions, academia and the media tried to answer the overarching questions – how far we are from reconciliation, and what more can we do to combat impunity and increase intercultural dialogue?

Although several protocols regulating cooperation in the area of war crimes prosecution are in place, the offices of the national prosecutions in Bosnia and Herzegovina, Croatia, Montenegro, Kosovo and Serbia still haven't engaged in meaningful cooperation to address the legacies of the grave violations that took place during the breakup of Yugoslavia. Regional cooperation is at its lowest level in years, there is a stagnation in the number of new cases launched - and in some countries a significant fall in new cases - while only a few middle- and high-ranking officers have been indicted. National prosecutions are often subjected to political pressure, and lack resources and other institutional support.

Another main challenge in addressing the legacies of the 1990s wars is victims' participation and reparations. Most victims who participated in trial proceedings as witnesses got limited support through victims' and witnesses' units. But overall, victims' participation was piecemeal, and war survivors were just passive observers, with limited space to make compensation claims. Victims are often not adequately informed about reparation schemes, while reparation processes - if they exist - are lengthy and burdened with bureaucracy and legal challenges. There is a general perception that the justice systems in former Yugoslav countries have betrayed victims.

Survivors of crimes and families of killed and missing persons also say that the right to truth has not been fulfilled. While almost all missing persons are listed as such, name-by-name lists of all the people killed during the conflicts are lacking. Politicians and state institutions in the region have often showed a lack of coordination and cooperation on issues dating from the conflicts, while their approach to the issue of missing persons has been from a strictly national and ethnocentric perspective.

Although significant documentation about human rights violations during the conflicts has been amassed by the ICTY and domestic courts, few members of the general public are aware of its existence. Another problem is the lack of openness of the archives of institutions in former Yugoslav states. Where archives are open, institutions struggle with limited resources.

Regardless of the documentation and resources that are available, there is still no sign of fact-based narratives on war legacies being created in countries in the region, mainly due to the persistent predominance of nationalistic discourse. Official representatives of all countries in the region continue to use ‘us and them’ rhetoric with regards to wartime crimes, while political elites and state institutions have repeatedly supported and even promoted convicted war criminals. Meanwhile human rights activists who challenge the official narratives are attacked and sometimes even prosecuted.

Nationalistic discourse also spills over into memorialisation and education. Memorialisation processes in post-Yugoslav countries are ethnically-based, with state commemorations only organised for victims of the dominant ethnicity. In schools, history textbooks lack impartiality when it comes to the wars in the former Yugoslavia.

The report concludes with recommendations for governments and judicial institutions in the former Yugoslav countries to take meaningful steps in the process of dealing with the past, and to the European Union to include transitional justice policies as EU benchmarks throughout these countries’ integration process, as well as ensuring that transitional justice forms part of its other policy interventions in the region.

## II INTRODUCTION

This report summarises the key issues that came out of discussions that took place in Sarajevo on October 3rd and 4th, 2018 as part of BIRN's regional conference entitled 'After the ICTY: Regional Cooperation, Accountability, Truth and Justice in the Former Yugoslavia'. The conference brought together over 140 stakeholders from the region (Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia) – including policy-makers, governmental and institutional representatives, CSO workers, victims' groups, academics, journalists and editors, and students of political and media studies.

The conference provided a space for a public debate to discuss and gain insights into where the Western Balkan countries are now in the process of facing up to the legacies of the wars of the 1990s in the light of the last year's closure of the International Criminal Tribunal for the former Yugoslavia. It also posed a question about what steps that need to be taken next, as well as seeing how to enhance cross-regional cooperation between major stakeholders, with special emphasis on institutions that are dealing with transitional justice issues in the region (prosecution offices, courts, ministries of justice).

The conference was divided into eight panels, aiming to address issues arising from all four pillars of transitional justice (criminal justice, truth, reparations and institutional reform):

- *Regional cooperation in prosecuting war crimes: perspective from the prosecutors*
- *War crime trials before national and international courts: view from the judges and lawyers*
- *Victims' participation and reparations through court proceedings*
- *The right to truth: victims and regional cooperation;*
- *Archives and dealing with the past;*
- *Narratives from war crime trials: youth programmes, museums, art and media;*
- *Transitional justice beyond the courtroom: where are we now?*

This report also takes cues from discussions from the four additional stakeholder events that BIRN held during 2018 in Belgrade, Zagreb, Sarajevo and

Pristina - meetings with relevant representatives of judicial institutions, victims' groups, media, civil society, academia and governmental institutions.

The report further takes into account the continuous monitoring of the remaining international and domestic war crime trials and the in-depth reporting carried out by BIRN journalists over the past decade.

The conference, stakeholder events and this report are part of BIRN's Transitional Justice Initiative, co-funded by the Kingdom of the Netherlands and the European Commission. The initiative, which has been operating since 2011, aims to increase general public understanding of transitional justice issues in the countries of the former Yugoslavia through continuous reporting, monitoring of war crimes trials, public events and policy focused research.

### **III REGIONAL COOPERATION**

From the very beginning, when the ICTY was established in the early 1990s, it was clear that this UN-backed tribunal would manage to prosecute only a limited number of those responsible for the killing of around 125,000 people and the expulsion of millions from the various parts of the former Yugoslavia. Aware of the limitations of the ICTY, the international community firmly advocated the formation of local war crimes chambers and courts that would complement the work of the ICTY by indicting the lower-level perpetrators and, once the ICTY shuts down, continue the necessary work of war crimes prosecution. In the late 1990s and early 2000s, specialist chambers for war crimes were established in national courts in Croatia and Serbia with local prosecutors, mostly backed with funding and training from the US and EU. In Bosnia and Herzegovina and Kosovo, the international community opted for hybrid court models, setting up war crimes chambers initially consisting of only internationals, then mixed international and local staff, and by the end only local judges and prosecutors. In the case of Kosovo, local prosecutors and judges started operating completely on their own only last year, after the EU Rule-of-Law Mission, EULEX, which from 2008 was in charge of war crimes prosecution, moved to an advisory role.

In addition, the Kosovo parliament in 2015 under heavy international pressure passed a law creating one more hybrid institution - the Kosovo Specialist

Chambers and Specialist Prosecutor's Office, which is yet to issue its first indictments.

Although each of the countries and their judicial authorities are have different issues, there are several common challenges hampering war crimes prosecution before national courts.

The number of new indictments and cases in most of the cases has stagnated or dropped compared to the previous years. All former Yugoslav countries, except Kosovo, have signed protocols enabling them to cooperate in the prosecution of international grave crimes, focusing on exchange of evidence and information.<sup>1</sup>

One of the main concerns raised at the conference, but also during stakeholder meetings, is regional cooperation fatigue and a drop in the number of cases exchanged. This was also noted in the latest report issued by Serge Brammertz, the chief prosecutor of the Mechanism for International Criminal Tribunals, which says that "regional judicial cooperation in war crimes matters among the countries of the former Yugoslavia is at its lowest level in years and faces increasingly immense challenges."<sup>2</sup> Brammertz's report lists the example of Croatia, as it "illustrates well what is happening throughout the region". In recent years, the Croatian authorities have been providing less cooperation, causing delays in investigations and prosecutions in neighbouring countries, especially in Bosnia and Herzegovina.

The country also holds trials in absentia, and many independent experts and civil society representatives have noted the ethnic bias of Croatian prosecutors and courts<sup>3</sup>. Since 1991, there have been 3,500 proceedings in Croatia, of

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<sup>1</sup> See the overview of the agreements signed so far at the websites of Serbian Office of the War Crimes Prosecutor <http://www.tuzilastvorz.org.rs/sr/saradnja/regionalna-saradnja>; State Attorney of Republic of Croatia <http://www.dorh.hr/Default.aspx>; Court of Bosnia and Herzegovina <http://www.sudbih.gov.ba/stranica/14/pregled>

<sup>2</sup> See the United Nations Security Council Progress report of the Prosecutor of the International Residual Mechanism for Criminal Tribunals, Serge Brammertz, for the period from 16 May to 15 November 2018, Accessed on December 13, 2018, available at <http://www.irmct.org/sites/default/files/documents/181119-progress-report-s-2018-1033-en.pdf>

<sup>3</sup> Excerpt from a speech by Maja Munivrana Vajda, professor of law at the University of Zagreb, at the BIRN regional conference 'After the ICTY: Regional Cooperation, Accountability, Truth and Justice in the Former Yugoslavia', Sarajevo, October 2018

which just 119 were against members of Croatian forces<sup>4</sup>; additionally, sentences given to members of Croatian forces were lower than the ones given to non-Croat defendants for the same categories of crimes.

Another example that demonstrates a lack of cooperation which led to the de facto blocking of new indictments related to the Kosovo war is the non-existent cooperation between the Kosovo and Serbian judicial authorities due to non-recognition.<sup>5</sup> Kosovo and EULEX issued more than 50 warrants for Serbian citizens through the UN mission UNMIK, but none of them was ever extradited or arrested. On the other side, the Serbian war crimes prosecution has not issued a single indictment for Kosovo war crimes in the last four years, while the Kosovo prosecution has only managed to launch cases against suspects who are actually in Kosovo, mostly former members of the Kosovo Liberation Army.<sup>6</sup>

Although former Yugoslav countries have pledged to cooperate and exchange evidence and information, they generally refuse to extradite fugitives and suspects for war crimes to the requesting state, while in some cases convicted war criminals have managed to remain free by fleeing to another country.<sup>7</sup>

Beyond the lack of cooperation and non-extradition, other challenges facing the most of the prosecutors and judicial offices in the former Yugoslavia is political pressure, a focus on low-level perpetrators, a lack of adequate staff and limited resources and time limitations. In Croatia and Serbia, government ministries glorify war criminals and deny or challenge the rulings of Interna-

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4 Excerpt from a speech by Maja Munivrana Vajda, professor of law at the University of Zagreb, at the BIRN regional conference 'After the ICTY: Regional Cooperation, Accountability, Truth and Justice in the Former Yugoslavia', Sarajevo, October 2018

5 See the article Serbia-Kosovo Stalemate Allows Fugitives to Stay Free, Balkan Insight, May 2018, available at <http://www.balkaninsight.com/en/article/serbia-kosovo-stalemate-allows-fugitives-allows-criminals-to-stay-free-05-17-2018>

6 See the article Ivanovic Killing Shows Serbia and Kosovo Must Cooperate, Balkan Insight, January 2018, available at <http://www.balkaninsight.com/en/article/ivanovic-killing-shows-serbia-and-kosovo-must-cooperate-01-23-2018>

7 See the article Djukic Trial for Tuzla Massacre Delayed Again, Balkan Insight, January 2018, available at <http://www.balkaninsight.com/en/article/tuzla-massacre-trial-delayed-again-in-serbia-01-19-2018>

tional Criminal Tribunal for the former Yugoslavia.<sup>8</sup> In Kosovo, a prosecutor claimed he was pressured over his work<sup>9</sup>, while Bosnian judiciary members received death threats.<sup>10</sup>

Analysing the defendants put on trial before domestic courts in the countries of the former Yugoslavia, most of the prosecutors opted to indict low-level perpetrators, leaving the mid- and high-ranking officials to walk free. In the last year, the only progress made in that area was by the prosecutor's office in Bosnia and Herzegovina.

Meanwhile many judicial authorities and prosecutors expressed two main concerns - limited resources in terms of financial support, but also lack of quality staff and expertise on war crimes and the lack of access to evidence due to time limitations and the passage of time, as witness die or become less reliable due to deteriorations in memory.

## IV VICTIMS' PARTICIPATION

The primary function of victims' participation during trials was to provide evidence in court through their testimonies. However, with the development of international justice, other aspects of their participation and functions of their testimonies are equally important. In the last decade, there has been an increasing trend to include reparations in war crime trial proceedings.

Trials and public hearings represent victims' opportunity to publicly state what happened to them, and for their testimonies to be written down and

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8 See the United Nations Security Council Progress report of the Prosecutor of the International Residual Mechanism for Criminal Tribunals, Serge Brammertz, for the period from 16 May to 15 November 2018, Accessed on December 13, 2018, available at <http://www.irmct.org/sites/default/files/documents/181119-progress-report-s-2018-1033-en.pdf>

9 See the article Kosovo Ex-Prosecutor Probing Veterans' List Faced 'Constant Threats', Balkan Insight, August 2018, available at <http://www.balkaninsight.com/en/article/fake-veterans-lists-damaged-kosovo-post-war-budget-the-most-prosecutor-08-20-2018/1431/4>

10 See the article Death Threats Against Bosnian Judges a Cause for Serious Concern, Balkan Insight, July 2018, available at <http://www.balkaninsight.com/en/article/death-threats-against-bosnian-judges-a-cause-for-serious-concern-07-24-2018>

recorded for posterity. The ICTY heard 4,650 witnesses during the 24 years of its existence, providing a platform for victims to publicly talk about their traumas, which was often the only time victims were being heard. According to a study about the impact of testifying before the ICTY, most had a positive experience of testifying, believing they were making a valuable contribution to truth and justice.<sup>11</sup> The process of testifying appears to be more positive than negative, although there were a number of witnesses who faced social, economic and other repercussions as a result of their testimony, and there was a small, but critical group of witnesses who faced security threats before and after they testified.

Unlike the trials before the ICTY, trials before local courts are less well-organised; victims are often seen just as part of the procedure, and are often challenged by defendants, causing retraumatisation for many. It should be noted that victims testify about very painful events from their past that may involve torture, rape, the murder of family members and other people close to them, etc. There are also situations in which victims come to testify in an environment they consider hostile (for example, Kosovo Albanians or Bosniaks who have to travel to Serbia to testify at trials in which they can be insulted by the defendants in the courtroom)<sup>12</sup>.

As noted by the conference and stakeholder participants, many victims are also not motivated to take part in the trials, mostly because trials take a long time, and have unsatisfactory outcomes. In many countries, victims are also not well-informed about trials and their rights - both in terms of procedure and opportunities for reparations and appeals.<sup>13</sup> In some countries, courts made a procedure for testimonials more complicated, enabling a number of victims to appear. In the case of Serbia, reimbursement for expenses is made possible only through bank accounts, which according to Humanitarian Law

11 See the report *Echoes of Witnesses: A pilot study into the long-term impact of bearing witness before the ICTY*, 2017, available at [http://www.icty.org/x/file/About/Registry/Witnesses/Echoes-Full-Report\\_EN.pdf](http://www.icty.org/x/file/About/Registry/Witnesses/Echoes-Full-Report_EN.pdf)

12 See the article *Bosnian Woman Confronts Vojislav Seselj Over Srebrenica*, *Balkan Insight*, March 2018, available at <http://www.balkaninsight.com/en/article/bosnian-woman-confronts-seselj-over-srebrenica-genocide-denial-03-29-2018>

13 See the report *Status and Rights of Victims of Crime in Republic of Croatia*, *Documenta*, 2017, available at <https://www.documenta.hr/assets/files/publikacije/polozaj-i-prava-zrtava-kaznenih-djela-2017-web.pdf>

Centre negatively affected the number of victims appearing in court. “For elderly witnesses, some of whom are sick or illiterate, opening a foreign currency account is a tricky task and creates an additional encumbrance. Most of the witnesses who testify in war crimes proceedings, vulnerable witnesses in particular, find this new procedure distressing,” said a report by the Humanitarian Law Centre.<sup>14</sup>

Only in a few cases before the Court of Bosnia and Herzegovina have reparations been awarded to victims as part of the criminal proceedings against war crime defendants.<sup>15</sup> In most of the cases, victims are asked to file a separate civil lawsuit to seek compensation. As only a limited number of alleged perpetrators are ever put on trial, some victims opt to file lawsuits against the state instead of against individual suspects. In the case of Serbia, the average compensation won in this way is considered by legal experts to be too low - around 4,000 euros - while the procedures often last more than five years. For example, a case for compensation brought by the Albanian Bogujevci family of war survivors has continued since 2007 and is still on the second instance.<sup>16</sup> Although new courts have been established that include a victims’ participation office, the challenge remains to secure reparations through criminal justice proceedings. Even at the new Kosovo Specialist Chambers, victims are expected to seek compensation before civil courts upon the completion of the war crime trial.

Meanwhile limited options remain for victims to receive administrative reparations.

There is no uniform practice that is common to all former Yugoslav countries when it comes to reparations, as each country has its own rules and regulations - procedures are different, as well as the terms on which someone can be recognised by his or her government as a war victim.

<sup>14</sup> See the report Initial Report on the Implementation of the National Strategy for the Prosecution of War Crimes, Humanitarian Law Centre, 2017, available at [http://www.hlc-rdc.org/wp-content/uploads/2017/12/Izvestaj\\_Strategija\\_1\\_eng.pdf](http://www.hlc-rdc.org/wp-content/uploads/2017/12/Izvestaj_Strategija_1_eng.pdf)

<sup>15</sup> See the report Compensating Survivors in Criminal Proceedings: Perspectives from the Field, Trial International, 2016, available at [https://trialinternational.org/wp-content/uploads/2016/11/TRIAL-International\\_compensation-publication\\_EN\\_web.pdf](https://trialinternational.org/wp-content/uploads/2016/11/TRIAL-International_compensation-publication_EN_web.pdf)

<sup>16</sup> Excerpt from a speech by Ivana Zanic, lawyer from the Humanitarian Law Centre, at the BIRN regional conference 'After the ICTY: Regional Cooperation, Accountability, Truth and Justice in the Former Yugoslavia', Sarajevo, October 2018

In most cases, administrative reparations are not comprehensive, usually excluding a certain group of victims based on political decisions. For example, Kosovo just recently acknowledged that wartime victims of sexual violence have the right to reparations. Following legal amendments in 2014, a process is now in place for survivors to apply for support. From January 2018, they have been entitled to receive a monthly payment of 230 euros as compensation for the physical, psychological, economic and social impact of conflict-related sexual violence on their lives.<sup>17</sup> However, only victims of sexual violence committed before July 1999 will be able to apply, leaving survivors of crimes committed after this period unable to apply for compensation.

Previously, only Croatia had adopted a law to support rape survivors - victims receive a one-off payment of 100,000 kuna (13493 euros) and a monthly allowance of 2,500 kuna (337 euros), and are entitled to free counseling, legal and medical aid.

Meanwhile in 2018, the National Assembly of Republika Srpska (Bosnian Serb-dominated entity) adopted legislation aimed at supporting wartime torture victims. It will provide former detention camp prisoners and torture victims with a basic package of rights, including monthly benefit payments, largely free healthcare and guaranteed advantages when applying for public sector jobs. But the law also sparked fears that it might deepen ethnic discrimination, because it only applies to those who currently live in Republika Srpska, not people who were detained and tortured there during wartime and have not returned to their homes in the entity since the conflict.<sup>18</sup>

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17 See the report "Wounds that burn our souls": Compensation for wartime rape survivors, but still no justice, Amnesty International, 2017, available at <https://www.amnesty.org/en/latest/news/2017/12/kosovo-compensation-for-wartime-rape-survivors-but-still-no-justice/>

18 See the article Bosnian Serb War Victims Law Praised and Criticised, Balkan Insight, May 2018, available at <http://www.balkaninsight.com/en/article/bosnian-serb-war-victims-law-praised-and-criticised-05-08-2018>

## V THE RIGHT TO TRUTH

The conflicts in the former Yugoslavia that continued from 1991 until 2001 resulted in the deaths of between 130,000<sup>19</sup> and 140,000<sup>20</sup> people<sup>21</sup>, while approximately 12,000 are still listed as missing<sup>22</sup> and over four million were internally and externally displaced.<sup>23</sup>

Despite numerous verdicts handed down by the ICTY, as well as by domestic courts, and the work of the International Commission on Missing Persons (ICMP), the International Committee of Red Cross and national missing persons' commissions, survivors of crimes and families of killed and missing persons still say the right to truth has not been fulfilled.<sup>24</sup> This includes the right of victims and their families to know the truth about the gross human rights violations, the names of the individuals and state institutions responsible for the crimes, and the fate and whereabouts of missing family members.

While the ICTY and domestic courts have amassed a vast amount of documentation on the conflicts, key facts are yet to be established. While almost all missing persons are listed as such, name-by-name lists of all the people killed during the conflicts are lacking. More than 23 years after the conflicts in Bosnia and Croatia, and 19 after the conflict in Kosovo, state institutions have not shown a commitment to making such efforts.

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19 See the web archive of Humanitarian Law Centre, available at <https://web.archive.org/web/20110522141442/http://www.hlc-rdc.org/stranice/Linkovi-modula/About-us.en.html>

20 See the publication *Transitional Justice in the Former Yugoslavia*, International Centre for Transitional Justice, 2011, available at <https://www.ictj.org/publication/transitional-justice-former-yugoslavia>

21 Brief conflicts in Slovenia in 1991 and Macedonia in 2001 resulted in a few hundred casualties

22 See the Joint Declaration on Missing Persons in the Framework of the Berlin Process on July 10, 2018, available at <https://www.icmp.int/wp-content/uploads/2018/09/Deklaracije.pdf>

23 See the Watkins, Clem S. (2003). *The Balkans*. Nova Publishers. p. 10. ISBN 9781590335253

24 See the Resolution 9/11, The United Nations Human Rights Council (UNHRC), available at [http://ap.ohchr.org/documents/e/hrc/resolutions/a\\_hrc\\_res\\_9\\_11.pdf](http://ap.ohchr.org/documents/e/hrc/resolutions/a_hrc_res_9_11.pdf)

Moreover, many state actors use nationalist rhetoric in rejecting facts established before courts, thus denying the crimes that were committed and contributing to an overall dissatisfaction among all victim groups. Politicians and state institutions in the region have often showed a lack of coordination and cooperation on issues dating from the conflicts, including cooperation on missing persons. Some institutions refuse to fully cooperate and open their archives which could help establish the fate of some of the wartime missing.<sup>25</sup>

In avoiding a comprehensive process for dealing with the past, state bodies approach the crimes from a strictly national perspective, ignoring some of the facts in order to establish and reaffirm a highly ethnocentric narrative on the conflicts. Politicians in the region fail to recognise victims outside their ethnic or national groups and thus hinder reconciliation processes. Despite numerous agreements and memorandums,<sup>26</sup> regional cooperation on these issues is not satisfactory, according to experts and victim groups. Often associations of families of missing persons complain that institutions are not fully committed to finding the missing persons and that they are not working to their full capacities.

Although Croatia claimed that the issue of missing persons is high on its agenda, saying it was ready to block Serbia's EU path over the issue, its approach has yet to yield significant results. The Croatian and Serbian presidents have appointed special envoys for the missing persons issue, but there has only been a little progress in cooperation on the regional level.<sup>27</sup> Moreover, during his visit to Zagreb in February 2018, Serbian President Aleksandar Vučić

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25 Associations of families of missing Croats in Croatia, as well as some Croatian officials, often accuse the Serbian military of not opening its archives, whose documentation could shed light on the whereabouts of Croats who went missing in Eastern Slavonia in 1991. At the same time, associations of families of missing Serbs from Croatia are not satisfied with the Croatian Administration on Detainees and Missing Persons' progress in exhuming and identifying Serbs who went missing during and after military operations 'Flash' and 'Storm' in 1995.

26 The agreement on cooperation on missing persons issues between Croatia and Serbia is from 1996 and does not clearly notion competences between different actors.

27 See the agreement 'Database of active missing persons cases from the armed conflicts in the former Yugoslavia', January 2017, available at <https://www.icmp.int/wp-content/uploads/2018/05/agreement-icmp-and-ministry-of-croatian-defenders-re-regional-list.pdf>

brought his Croatian counterpart Kolinda Grabar Kitarović documentation on the missing persons which appeared to be outdated.<sup>28</sup>

As a result of this, many associations of families of missing persons claim that the process of revealing their fates is highly politicised, with all sides using missing persons as bargaining tools. Furthermore, public and mainstream media are not dealing with the issue of missing persons, apart from in specific situations.<sup>29</sup> While many associations of families of missing persons often publicly urge witnesses to give information about the locations of mass graves, the process of informing state bodies creates potential problems for those who do decide to give information.<sup>30</sup> Only rarely have war crime defendants decided to reveal information about mass graves in exchange for a reduced sentence, in agreement with courts.<sup>31</sup>

Neglected by state authorities, the right to truth was mostly promoted by civil society organisations in the region. Funded from abroad, many NGOs managed to give a voice to the victims and cooperate on a regional level. But despite this informal cooperation between NGOs on the regional level, there were only a few initiatives that managed to sustain their activities on a regional level on the long term, and which had a strongly regional, instead of national, focus.

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28 See the article Serbia Gave Croatia 'Outdated Missing Persons Data', Balkan Insight, February 2018, available at <http://www.balkaninsight.com/en/article/serbian-institutions-not-cooperating-on-croatia-s-missing-persons-issue-02-26-2018>

29 In Croatia and Serbia, media dealt with the issue in the context of Vučić's arrival in Zagreb or Croatia's blocking of Serbia's opening of Chapter 23 in its EU talks.

30 For example, in initial test exhumations at the location of potential mass graves in Croatia, representatives of the court and state attorney's office are present alongside the Administration on Detainees and Missing Persons. Therefore, someone giving out information risks being subjected to a criminal investigation if present at the location. However, although less precise and efficient, there is a service which allows people to call the administration to report the location of a potential mass grave, which protects the anonymity of the caller.

31 See the article Justice Hopes Fade for Victims of Devastated Vukovar, Balkan Insight, November 2017, available at <http://www.balkaninsight.com/en/article/justice-hopes-fade-for-victims-of-devastated-vukovar-11-15-2017>

The most prominent are the Women's Court<sup>32</sup> and the Coalition for RECOM<sup>33</sup>. The Coalition for RECOM had some success in recent years, attracting support from some of the presidents in the region, as well as being recognised by the EU as a contributor to reconciliation. Although officials from Kosovo, Macedonia, Montenegro and Serbia expressed the will to sign the declaration for the foundation of RECOM at the Western Balkans summit in London in July 2018 (a part of the Berlin Process<sup>34</sup>), the signing ceremony was taken off the agenda.<sup>35</sup> There was an additional setback in November 2018, when Croatian President Grabar Kitarović refused to meet the leader of the Coalition for RECOM, Nataša Kandić, to discuss regional cooperation on war crimes prosecutions. Grabar Kitarović's office explained to the Coalition that "determining the facts about victims and war crimes committed during the wars of the 1990s is not under the authority of the President of the Republic of Croatia".<sup>36</sup>

Several projects by organisations that founded RECOM stand out as examples of good practice in fact-finding. One of them is the Kosovo Memory Book 1998-2000, create by the Humanitarian Law Centre Belgrade and the Humanitarian Law Centre Pristina, which gathers the names of killed and forcibly disappeared persons from the conflict in Kosovo between January 1, 1998, and December 31, 2000. The project managed to name 13,548 people who were killed or disappeared, as well as their ethnic background, affiliation (armed combatant or civilian), and the date and location of their death or disappear-

<sup>32</sup> Founded in 2010, the initiative brings together ten women's organisations from all former Yugoslav states, who tackle the legacy of the 1990s wars and post-war gender violence in the region from a female perspective.

<sup>33</sup> The Coalition for RECOM brings together organisations and individuals advocating the formation of a regional commission to establish the facts about war crimes and other gross human rights violations committed in the former Yugoslavia between 1991 and 2001. The Coalition managed to gather over 500,000 signatures across all the post-Yugoslav states in 2011, asking national authorities to establish the regional commission. If established, RECOM would make a name-by-name list of all those killed, missing, displaced, imprisoned and tortured during the conflicts.

<sup>34</sup> The Berlin Process is a German-led diplomatic initiative for the enlargement of the EU in Western Balkans that started in 2014 as a reaction to rising Euroscepticism in the region as well as the announcement of no further EU enlargement in the region in the following five years.

<sup>35</sup> See the article How the Balkans Summit Failed on Truth and Justice, Balkan Insight, July 2018, available at <http://www.balkaninsight.com/rs/article/how-the-balkans-summit-failed-on-truth-and-justice-07-13-2018>

<sup>36</sup> However, previous Croatian President Ivo Josipović strongly supported the initiative to establish RECOM, even naming a personal envoy to help draft the statute of the future RECOM.

ance.<sup>37</sup> Another similar project is the Bosnian Book of the Dead, created by the Research and Documentation Centre from Sarajevo and the Humanitarian Law Centre Belgrade, gathering the names of killed and forcibly disappeared people from the conflict in Bosnia between 1992 and 1995. The book managed to name more than 95,000 people who were killed or disappeared, as well as their ethnic background, affiliation (armed combatant or civilian), and the date and location of their death or disappearance. The book could not establish circumstances of death with absolute certainty for an additional 5,000 people.<sup>38</sup> The Zagreb-based Documenta - Centre for Dealing with the Past and the Humanitarian Law Centre are still working on projects to count the human losses from the conflicts in Croatia, Slovenia, Macedonia and the NATO bombing campaigns in Serbia and Montenegro.<sup>39 40</sup>

As states have failed to commit to establishing the facts about the conflicts, the lack of proper information has exposed the younger generation to nationalist interpretations of history. Although there have been some improvements since the early 2000s, many historical textbooks in the region still do not give students a full picture of the 1990s conflicts, ignoring verdicts passed by the ICTY or the International Court of Justice (ICJ), while focusing almost exclusively on victims from one national group.<sup>41</sup> Alongside media and politicians, history textbooks have contributed to a lack of information on the 1990s conflicts among the region's youth.<sup>42</sup> Furthermore, in portraying wartime events

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37 See the Kosovo Memory Book 1998–2000 website, available at [http://www.kosovskaknjigapamcenja.org/?page\\_id=29&lang=de](http://www.kosovskaknjigapamcenja.org/?page_id=29&lang=de)

38 See the excerpts from the book promotion, available at <http://www.hlc-rdc.org/?p=22376&lang=de>

39 See the Documenta website, available at <https://www.documenta.hr/en/dokumentiranje-ljudskih-gubitaka.html>

40 See the press release 754 Victims of NATO Bombing, Humanitarian Law Centre, 2018, available at <http://www.hlc-rdc.org/?cat=266&lang=de>

41 See the publication Udžbenici istorije u post-konfliktnim društvima: obrazovanje za pomirenje, Humanitarian Law Centre, December 2015, available at [http://www.hlc-rdc.org/wp-content/uploads/2016/03/Forum\\_5.pdf](http://www.hlc-rdc.org/wp-content/uploads/2016/03/Forum_5.pdf)

42 See the article Koliko mladi znaju o poslednjim ratovima, Radio Free Europe, July 2010, available at [https://www.slobodnaevropa.org/a/tema\\_sedmice\\_koliko\\_mladi\\_znaju\\_o\\_posljednjim\\_ratovima/2103056.html](https://www.slobodnaevropa.org/a/tema_sedmice_koliko_mladi_znaju_o_posljednjim_ratovima/2103056.html)

national education systems often favour a strictly national perspective in the way they present the conflicts.

State officials from former Yugoslav states also often fail to recognise and accept verdicts passed by the ICTY,<sup>43 44</sup> contributing to the overall lack of information about the 1990s conflicts and prolonging a feeling of injustice for victim groups. On top of that, national parliaments in Croatia and Serbia adopted declarations that either deny or undermine ICTY-established facts.<sup>45 46</sup> Furthermore, factual findings are largely neglected by state-funded institutions researching the 1990s conflicts, which represent wartime events only partially.<sup>47 48</sup>

At the same time, while state-funded institutions are failing to properly research the events of the 1990s conflicts by using court-established facts and

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43 See the article Croatia PM: Bosnian Croats' Convictions Were 'Moral Injustice', Balkan Insight, November 2017, available at <http://www.balkaninsight.com/en/article/croatia-rejects-party-of-bosnian-croats-verdict-11-29-2017>

44 See the article Mladic Verdict Highlights Bosnia's Ethnic Divisions, Balkan Insight, November 2017, available at <http://www.balkaninsight.com/en/article/mladic-verdict-highlights-bosnia-s-ethnic-divisions-11-22-2017>

45 In 2000, the Croatian parliament passed the Declaration on the Homeland War (official name for the 1990s war in Croatia), which states that Croatia waged 'a defensive and liberating, and not aggressive nor conquering war'. However, a number of ICTY verdicts against Bosnian Croats point at Croatia's non-defensive role in the war in Bosnia and Herzegovina. Furthermore, the ICTY verdict in the Prlić et al case established that Croatia's 1990s President Franjo Tuđman headed a joint criminal enterprise aimed at the 'unification of the Croatian people' within the borders of the Banovina of Croatia from 1939.

46 In 2010, the Serbian Assembly passed the Declaration on Condemnation of Crimes from Srebrenica, referring to the massacres committed by Bosnian Serbs against Bosniaks from Srebrenica in 1995. Although the ICJ affirmed that this was an act of genocide, it did not establish that Serbia committed the genocide, but that it breached the Convention on the Prevention of Genocide by failing to prevent the genocide from occurring. However, in the Serbian Assembly Declaration, the genocide was referred to as simply 'a crime'.

47 See the interview Ante Nazor za Dnevnik.ba: Haški sud presudio sam sebi, Dnevnik, November 2018, available at <https://www.dnevnik.ba/teme/ante-nazor-za-dnevnikba-haski-sud-presudio-sam-sebi>

48 See the article Croatian Institution Promotes Bosnian Croat Hague Convict's Book, Balkan Insight, August 2018, available at <http://www.balkaninsight.com/en/article/croatian-institution-promotes-bosnian-croat-hague-convict-s-book-08-28-2017>

documentation, war crime convicts and defendants are publishing books and publications downplaying and denying the crimes that were committed.<sup>49</sup>

Because of the work of the ICJ and particularly the ICTY, some experts claim that the conflicts in the former Yugoslavia are probably some of the most documented ones in recent history.<sup>50</sup> War crime trials have provided a huge amount of documentation and established facts. During the 24 years in which it operated, the ICTY had 10,800 trial days, hearing 4,650 witnesses and digesting 2.5 million pages of transcripts.<sup>51</sup> In addition to the ICTY's archive and documentation from trials before domestic courts, a rich archive has also been created by civil society organisations from the Western Balkans such as the Humanitarian Law Centre, the Humanitarian Law Centre Kosovo, Documenta, Association Transitional Justice, Accountability and Remembrance in Bosnia and Herzegovina, etc.

Former Yugoslav states had to cooperate with the ICTY to a certain degree and even confidential documentation from the wartime. However, even in cases in which this documentation was used by prosecution offices, it does not mean that the information contained in the documents became known to the public. To access the widest range of confidential documentation and build the strongest possible indictments, the ICTY could only use some of the documentation in closed sessions and therefore it is not available to the public. This documentation is potentially crucial for further war crime investigations, locating individual and mass graves or contributing to the writing of history based on facts. While other evidence and documentation is open for public access on the ICTY's website, its judicial records and archives database is not user-friendly and even experts sometimes struggle to use it efficiently. Additionally, it is hard for inexperienced members of the public to find evidence within the massive amount of documentation gathered by the ICTY. Therefore, publications and books, as well public presentations on archival research, are needed

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49 See the article State of Denial: The Books Rewriting the Bosnian War, Balkan Insight, October 2018, available at <http://www.balkaninsight.com/en/article/state-of-denial-the-books-rewriting-the-bosnian-war-10-18-2018>

50 See the interview 'We are Very Far From Reconciliation' in the Western Balkans, Justiceinfo, September 2016, available at <https://www.justiceinfo.net/en/tribunals/icty/29020-%E2%80%98we-are-just-at-the-end-of-beginning%E2%80%99-the-non-reconciliation-process-in-the-western-balkans.html>

51 See the ICTY Facts and Figures, available at <http://www.icty.org/en/content/infographic-icty-facts-figures>

in order to reach the wider community. It remains to be seen how successful the transfer of ICTY's archives to capitals across the former Yugoslavia will be. Acceptance of the facts established by court documents is also important for reforming institutions in former Yugoslav states. Reformed institutions can take over responsibilities for crimes and human rights breaches, as well as assuring that similar breaches will not occur in the future. This can lead to potential lustrations and vetting within institutions that breached human rights. Another problem concerning archived documentation is that the archives of institutions in former Yugoslav states are often not open to the public. State institutions often refuse to open access to archived documents before 30 years have passed. As the region approaches the 30-year anniversary of the start of the conflicts in 1991, some experts are sceptical about whether archives will be opened then or not.<sup>52</sup>

As well as preventing researchers and the public from accessing the documentation, this restricted approach to archives can result in a lack of public trust in these institutions and the state itself, triggering conspiracy theories about why access is restricted. However, it is important to ensure that archives have a clear working procedure and are not misused. State authorities also have to ensure that archival material is not destroyed or hidden in attempts to conceal potential criminal activities from the past. Looking at best practices for making the archives of secret services accessible to the public, Germany's Stasi archives offer a good model, and in the region, so does Slovenia. In 2006, Slovenia opened the archives it has from the Yugoslav State Security Service (SDB), which exist until 1990, when newly-independent Slovenia established its own intelligence agency.

Archives in the region are often neglected by researchers due to lack of funds or interest. One additional problem is that only a fraction of these archives are accessible online, making physical visits essential.

Some civil society organisations do have archives of human right abuses from the conflicts in former Yugoslavia, some of them very advanced, but there is a potential problem with such archives if the organisation maintaining them loses funding or ceases to exist.

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<sup>52</sup> See the article Jakovina, Klasić, Lučić i Nazor za Telegram govore o Mostovom prijedlogu da se otvore arhivi, Telegram, February 2017, available at <https://www.telegram.hr/politika-kriminal/jakovina-klasic-lucic-i-nazor-za-telegram-govore-o-mostovom-prijedlogu-da-se-otvore-arhivi-do-90-ih/#>

## VI NARRATIVES FROM TRIALS IN MUSEUMS, ART AND THE MEDIA

‘Narratives from war crime trials’ serves as an umbrella term for how post-Yugoslav societies treat their own pasts in various different ways – in literature, memorials, films, museums, youth exchange programmes, school textbooks, etc.

Although it’s been over two decades after the wars in former Yugoslavia, official narratives are still being created based on ethnicity, which means they are usually one-sided. Official representatives of all countries in the region use narratives with a strong emphasis on creating an ‘us versus them’ dichotomy. In these narratives, ‘our people’ are portrayed as victims in the 1990s conflicts, while ‘they’ are portrayed as perpetrators.

Another trend is for those who champion human rights to be portrayed as traitors, and for those who have abused human rights to be portrayed as patriots. The region is currently facing the issue of convicted war criminals who have returned after serving their sentences being treated as heroes. While addressing the United Nations Security Council, ICTY and MICT prosecutor Serge Brammertz said that “convicted war criminals continue to be seen by many as heroes, while victims and survivors are ignored and dismissed”.<sup>53</sup> The reason, he said, is that “there is still no true will within the region to accept the immense wrongdoings of the past and move forward, sadly most of all among the political leadership”.

There are numerous cases which show how political elites and institutions are embracing and promoting convicted war criminals, while human rights activists challenging the official narratives are being attacked and sometimes even sentenced.<sup>54</sup> As Amnesty International’s annual report for 2017/18 noted, “slurs by officials and media close to the government created a toxic envi-

<sup>53</sup> See the press release Prosecutor Serge Brammertz Addresses the United Nations Security Council, December 2017, available at <http://www.icty.org/en/press/prosecutor-serge-brammertz-addresses-the-united-nations-security-council-1>

<sup>54</sup> See the article Sentence for Protest Against Serbian War Criminal Confirmed, Balkan Insight, October 2018, available at <http://www.balkaninsight.com/en/article/sentence-for-protest-against-serbian-war-criminal-confirmed-10-30-2018/>

ronment for transitional justice activists and independent media”.<sup>55</sup> Human Rights Watch in its World Report for 2017 also stated that human rights activists who challenge the glorification of war criminals and try to document human rights abuses operate in a hostile environment and that pro-government media smear them as “traitors” and “foreign mercenaries”. The same report also said that “online threats against human rights activists are commonplace and rarely investigated by authorities”.<sup>56</sup>

In such an atmosphere, it is clear that those who might be interested in using archives and documentation from war crime trials are faced with challenges and obstacles to obtaining the documents<sup>57</sup>, including those that should be public (as recommended by UN resolutions<sup>58</sup>).

Regardless of the rich documentation and the sources that are available, there is still no sign that fact-based narratives on the legacy of the wars is being created in the countries of the region, mainly because of the strong nationalistic political discourse in all of these states.

Memorialisation processes in post-Yugoslav countries are ethnically determined. State-sponsored commemorations are organised only for victims of the dominant ethnicity in any given country. Victims of other ethnicities are usually commemorated only by CSOs and human rights activists who seek to emphasise the responsibility of their own governments. These commemorations are never supported by states and very often police see them as security threats, which means that activists usually gather under police protection.

Rival narratives about mass atrocities committed during the 1990s wars are highlighted on important anniversaries. For example, every July 11, the anni-

55 See the Annual Report for 2017/18, Amnesty International, 2018, available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>

56 See the World Report 2017, Human Rights Watch, 2017, available at <https://www.hrw.org/world-report/2017>

57 See the article Serbian Ministries Block Public Access to War Files, Balkan Insight, April 2016, available at <http://www.balkaninsight.com/en/article/serbian-ministries-block-public-access-to-war-files-04-07-2016>

58 See the resolution Right to Truth, United Nations, 2012, available at [https://www.ohchr.org/EN/Issues/Truth/Documents/A\\_HRC\\_21\\_7.pdf](https://www.ohchr.org/EN/Issues/Truth/Documents/A_HRC_21_7.pdf)

versary of the Srebrenica genocide, there is huge debate between Serbs and Bosnian Muslims about whether or not the massacres were a genocide. Meanwhile the anniversary of the Croatian Army's 1995 Operation Storm is celebrated<sup>59</sup> in Croatia while at the same time commemorated as a tragedy<sup>60</sup> in Serbia. In both cases, the narratives around the anniversaries aren't based on facts established before the ICTY, which dealt with both of these events during its proceedings.

One of the reasons why media often neglect the facts from the trials is that only few media organisations are interested in following such legal proceedings. As a result, news about war crime trials rarely reaches the wider public, mainly because mainstream media are not interested or don't have the capacities to reporting from the trials. When they do however, the reports are usually tendentious and ethnically motivated.

According to a report<sup>61</sup> by the Humanitarian Law Centre, mainstream media report poorly on trials in which the accused is from their own nation/ethnic group. When it comes to trials for war crimes committed by the 'other side', the situation is reversed. These reports are given major prominence by media and usually include statements from victims or politicians.

When it comes to building a narrative about the wartime past for future generations, probably the most important task is work with young people in primary and secondary schools. But unfortunately this topic is being dealt with inadequately in history textbooks, or completely neglected.

According to a report entitled 'History textbooks in post-conflict societies: Education for reconciliation?'<sup>62</sup> there is a "lack of objectivity in presenting the events related to the wars in the former Yugoslavia, particularly in the presen-

59 See the article Croatia Celebrates Victory in Operation 'Storm', Balkan Insight, August 2018, available at <http://www.balkaninsight.com/en/article/croatia-celebrates-victory-in-operation-storm--08-05-2018>

60 See the article Serbia Marks 23rd Anniversary of Operation 'Storm', Balkan Insight, August 2018, available at <http://www.balkaninsight.com/en/article/serbia-marks-23rd-anniversary-of-operation-storm-08-04-2018>

61 See the report Media Discourse, Humanitarian Law Centre, 2014, available at [http://www.hlc-rdc.org/wp-content/uploads/2014/11/medijski-diskursi\\_SR.pdf](http://www.hlc-rdc.org/wp-content/uploads/2014/11/medijski-diskursi_SR.pdf)

62 See the publication History textbooks in post-conflict societies: Education for reconciliation?, Humanitarian Law Cetr, 2016, available at [http://www.hlc-rdc.org/wp-content/uploads/2016/03/Forum\\_5.pdf](http://www.hlc-rdc.org/wp-content/uploads/2016/03/Forum_5.pdf)

tation of the war crimes that were committed and of the victims who suffered those crimes”.

As there is a lack of impartiality in formal education, another way of working with young people is through informal education, which is mainly being done by civil society organisations. However representatives of such organisations often complain that it’s hard to attract young people to participate in their informal programmes since CSOs are being described by political elites and pro-governmental media as “traitors” and “foreign mercenaries”.<sup>63</sup> There is also a lack of cooperation between activists and CSOs on one side and governments on the other.

The only significant attempt by institutions to work with young people on a regional basis was the establishment of the Regional Youth Cooperation Office (RYCO), which was founded in 2016. RYCO is an institutional mechanism founded by Albania, Bosnia and Herzegovina, Kosovo, Montenegro, Macedonia and Serbia, aiming to promote the spirit of reconciliation and cooperation between young people in the region through youth exchange programs.<sup>64</sup> Although it’s good that such an institutional mechanism exists, it’s questionable how effective it can be - firstly because Croatia and Slovenia refused to be a part of RYCO, and secondly because it’s very hard for a regional mechanism to function and promote peace and reconciliation among young people while political elites are inflammatory nationalistic rhetoric. Another big issue for RYCO is that while it should promote mobility and youth exchanges in the region, two of its signatories (Kosovo and Bosnia and Herzegovina) have imposed visa regimes on each other.

Meanwhile there are no state-created and state-sponsored museums that thoroughly cover the wars of the 1990s. Such museums are usually one-sided in approach, and do not explore the perspective of the ‘other side’.

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63 See the article Svinjarija! Evo koliko je para dobila Anita Mitić: Stranci joj dali 1.004.237 evra da pravi haos širom Srbije, Informer, January 2017, available at <http://informer.rs/vesti/politika/313487/svinjarija-evo-koliko-para-dobila-anita-mitic-stranci-joj-dali-1-004-237-evra-pravi-haos-sirom-srbije>

64 See the Regional Youth Cooperation Office website, available at [https://www.rycowb.org/?page\\_id=152](https://www.rycowb.org/?page_id=152)

Individuals who decide to deal with the legacy of the wars by creating films, theatre plays or literature using documents and evidential material are very rare, especially those who want to point out the responsibility of their own governments. However, even the small number of people who do attempt this encounter two types of problems. The first is that the state is not interested in financing and supporting such projects, which makes it difficult to raise funds; this is the main reason why the vast majority of such projects are financed by civil society organisations. The second problem is that such projects often cause negative publicity, and their authors face strong criticism from right-wing groups.

## VII RECOMMENDATIONS

### **To governments, prosecutors and judicial authorities and other state institutions:**

- Assure full and effective cooperation among prosecutor's offices across the region
- Assure that all countries have signed protocols and agreements on legal aid and regional cooperation
- Prioritise cases, focusing on large-scale crimes and high- and middle-level perpetrators, and avoid politicisation and ethnic bias
- Assure that all relevant institutions adopt and implement relevant national strategies for war crime prosecutions
- Implement current strategies, documents and laws adopted as part of EU accession processes
- Implement the Geneva Conventions and their Additional Protocols
- Ministries of justice should take an active and constructive role in enforcing regional protocols and have a proactive approach to resolving legal matters, without politicisation
- Avoid initiating cases in absentia
- Assure full cooperation with international courts and hybrid courts, including the Mechanism for International Criminal Tribunals and the Kosovo Specialist Chambers and Prosecutor's Office
- Ensure that prosecutor's offices are provided with sufficient specialised and trained staff and resources, especially in cases of wartime sexual violence, with due respect for participating witnesses/survivors
- Increase the security of prosecutors, judges and investigators; investigate and prosecute threats and prevent external attempts to exert influence

- Sign and implement extradition agreements in cases related to the violation of international grave crimes
- Amend current laws to secure adequate reparations schemes for victims
- Ensure both material and non-material reparations schemes for victims
- Ensure that victims and witnesses are properly informed about ongoing criminal justice efforts
- Amend current categorisations of civilian and war victims in order to create comprehensive recognition models
- Empower victims to take an active role in criminal justice proceedings and other transitional justice processes through support, training and consultations
- Ensure free legal aid for victims and other adequate support in court proceedings
- Assure full cooperation on the issue of missing persons, along with exchanging all documentation between state institutions that may reveal the whereabouts of potential mass graves or individual graves
- Include regional cooperation over war crimes, missing persons and other transitional justice topics in the ongoing Belgrade-Pristina dialogue
- Improve models for anonymous reporting of locations of potential individual and mass graves, and ensure that full state support is given to missing persons commissions to enable them to work to their full capacities
- Assure regional cooperation in fact-finding attempts, and support the establishment of RECOM
- Ensure state funding and support for regional education programmes through the Regional Youth Cooperation Office; ensure that these programmes also include extra-curricular school activities and study visits on wartime events to give a wider picture of the conflicts
- Re-evaluate history textbooks and start working on textbooks emphasising a multi-perspective approach, taking into account verdicts passed before the ICTY and domestic courts
- Amend parliamentary declarations and other acts of parliament to acknowledge verdicts passed by the ICTY and ICJ
- Exchange archival material between the various archives in the former Yugoslav region, and secure funding and grants for archival research by students and researchers from inside and outside the former Yugoslav region, which may result in the creation of new publications based on archival research

- Create and enforce adequate memorial policies based on facts established by the ICTY and domestic courts, taking into account victims' perspectives
- Refrain from using commemoration events for political purposes and nationalistic agendas

#### **To the EU:**

- Include transitional justice process in the EU benchmarks as part of the EU integration process
- Include regional cooperation on war crimes, missing persons and other transitional justice topics in the ongoing Belgrade-Pristina dialogue
- Ensure that relevant parts of the Western Balkans strategy related to reconciliation turn into concrete policies and actions
- Include transitional justice policies in other policy interventions in the Western Balkans
- Ensure that candidate countries promote EU values and make governments refrain from nationalistic and warmongering actions
- Ensure that candidate countries have reparations schemes and make this part of EU accession benchmarks
- Use the EU negotiation talks to establish permanent and long-term models of regional cooperation on the issue of missing persons
- Support and strengthen civil society organisations and other actors dealing with transitional justice processes

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It works to improve the state of reporting in this field by creating a regional network of journalists who are trained to competently cover all aspects of the process and by allowing local media to republish high-quality contributions.

The programme aims to increase and strengthen the capacities of local journalists, civil society activists and victims' groups to monitor, effectively engage and shape ongoing transitional justice processes, including the implementation of the EU policy framework on transitional justice.