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Civil Society Consultation on truth-seeking and truth-telling mechanisms about war crimes committed in the former Yugoslavia

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The Humanitarian Law Center (HLC), the Research and Documentation Center (RDC), and Documenta are convinced that a prerequisite of building a democratic society in post-conflict countries is the creation of a factual account about the past conflicts, followed by a social dialogue about the crimes committed. In this regard, HLC, RDC, and Documenta have been facilitating consultations with civil society about mechanisms of truth-seeking and truth-telling about war crimes in a regional context. In these consultations, they have presented their proposal (hereinafter referred to as the Regional Initiative) and debated with participants about other initiatives, conditions for establishing a regional body, obstacles, support strategies, and the mandate of a potential regional body.

Since the beginning of the consultative process in May 2006, when the First Regional Forum was held in Sarajevo, the regional partners have facilitated a Second Regional Forum in Zagreb, and nine consultations at national and regional levels with youth, journalists, writers, artists, and human rights organizations.

All participants of these consultations and forums share the belief that the regional approach is the most appropriate framework to establish an authentic account of the past conflicts.



Fond za humanitarno pravo
dokumentovanje i pamćenje

Conclusions

First Regional Forum

5-6 May 2006, Sarajevo, BiH

Determining Truth in Post Conflict Period: Initiatives and Perspectives in Western Balkan Conclusions from the Regional Conference

The need for public debates and broad consultations on the means and initiatives for establishing truth that would be conducted within the civil society, Parliament, and other institution, was underlined during the debate.

The importance of the regional approach to establishing truth and necessity for strengthening regional cooperation in the war crimes trials was also emphasized during the debate.

The participants supported the conference organizers' intention to continue with the consultation regarding the initiatives and perspectives for establishing truth at the regional level, including the representatives of victims, war veterans, refugees, displaced persons, journalists, artists, writers, and experts' associations, as well as representatives of political parties and institutions in this discussion.

Regional Consultation with Artists

16 December 2007, Belgrade, Serbia

Haris Pašović, Professor and Film Director, Performing Arts Academy in Sarajevo, BiH:

If one speaks of an instrument that would get us closer to our ideal model for historical memory problem resolution, which is not strictly an artistic instrument or an artistic instrument at all, but is a social and political one, and perhaps an anthropological instrument, for me that is a Truth and Reconciliation Commission or an equivalent to this commission, as we know it from the South Africa. I would also appreciate it if we, on the territory of the former Yugoslavia, had such a commission, which would enable people bearing the burden of war crimes inside themselves, and those bearing the burden of victimhood, to communicate at a broader level because these crimes and these victims are massive and courts will only be able to resolve this issue partially.

On the other hand, I believe that what we artists, by being in a reality that is in a way more dedicated to the past or that is more dedicated to the present or the future, that each one of us, according to our feelings, needs, gift, and opportunities, shares a common position to build a better world in which we all would be able to live in an honest manner without becoming witnesses or perpetrators again of atrocities that we have already gone through.



Second Regional Forum

8-9 February, Zagreb, Croatia

Establishing the Truth about War Crimes and Conflicts

Societies in the region need to discuss and critically examine their own responsibility for the heavy burden of the past, as well as to document all cases of plight and injustice committed against all victims, regardless of their ethnic, political, and social background.

Regional partner organizations, Documenta, Humanitarian Law Center, and Research and Documentation Center, will continue organizing public debates and consultations in civil societies, in order to more efficiently influence regional governments and Parliaments to take part in debates on truth-telling and truth-seeking procedures and models, and help guarantee the respect for the dignity of the victims and the creation of the culture of accountability.

The cooperation that has been established between offices of prosecutors, courts, human rights organizations, and victims' associations in the region proved that regional approach is indispensable in truth-telling processes, which ultimately resulted in the voice of victims to be heard in war crimes trials.

Regional artists have undoubtedly shown their willingness to help fight the culture of silence, lies, war crimes denial, and attempts to revise historical facts about the past by tackling these issues in their work.

Regional partner organizations will encourage cooperation between government institutions, victims' associations, human rights organizations, and educational institutions in their effort to support debates and consultations on truth-telling and truth-seeking mechanisms.

A very significant role in truth-telling and truth-seeking processes belong to ICTY archives, which must be readily available to all interested parties in the region and must be preserved for future generations.

All conference participants agreed that it is necessary to compile a list of names of all victims in order to create a historic memory and thwart revisionism attempts.

Regional Consultation with Journalists

29 September 2007, Sarajevo, BiH

Instruments for Establishing the Facts about War Crimes in Former Yugoslavia



The creation of public opinion at regional level which supports the establishment and disclosure of the truth founded on facts about war crimes in the former Yugoslavia is a prerequisite for preventing the manipulation of numbers of victims and the repetition of crimes in the future, and for breaking with the legacy of the past and building a democratic future.

In terms of concrete initiatives, the participants suggested establishing a **Regional Journal**, which would contain information on current war crimes trials, audio-visual material about such trials and about the social response to the crimes that are being tried, which would be aired once a month on public television stations within the region. The content of the journal would primarily comprise footage about war crimes aired on national, public television stations, and could later, depending on available funds, comprise material prepared exclusively for the journal. Regional Consultation organizers agreed to seek support, for pulling together and distributing the regional journal, from directors and editors in chief of information programmes of regional public television stations.

The participants also suggested that a **Regional portal** entitled *Dealing with the Past* be created, where material relating to war crimes and breaking with the past would be filed: films, reports, video programming, oral history, photographs, texts, books, etc. The journalists and member of the *ZaMirNET* (Networking for Peace) from Croatia offered the existing portal on the webpage of this magazine for use for archiving, presenting and storing material created by journalists, human rights organizations, artists, writers, photographers and other participants that contribute to the process of dealing with the past.

Regional Consultation with Youth Organizations

29 October 2007, Belgrade, Serbia

Instruments and Initiatives for Establishing and Disseminating Facts on War Crimes in Former Yugoslavia

Youth are not responsible for what happened but they are for understanding what happened – words of Marko Veličković, one of the participants who attended the regional consultation with youth.

Youth support the regional initiative for establishing the facts about war crimes committed in the former Yugoslavia. They see their role in creating a context in the region for supporting a regional body for truth-seeking and truth-telling. In this context, participants discussed the need for a travelling regional school, volunteer camps, and various seminars and trainings to educate youth about transitional justice. Existing human rights schools could focus part of their content on instruments of transitional justice.



Youth see themselves as having a role, as do other participants in the consultations, in the debate about the mandate of the regional body. A list of victims and the public disclosure of locations of massive war crimes were noted as important tasks of a regional body.

Youth believe that the initiative for forming a regional body for truth-seeking and truth-telling must have legitimacy in its relation towards national governments and the UN as well as be transparently supported by civil society.

It is important to build an interactive internet portal about past events, on which film material, photographs, documents, court documents, testimonies, documentary films and other material which contribute to establishing the facts about war crimes and the armed conflicts in the former Yugoslavia can be gathered and presented.

Informing and educating youth on the basis of facts is a prerequisite of building a future based on the values of, and respect for, human rights. The precondition for that is to establish facts which are regionally accepted. And such acceptance can only be reached through dialogue. Youth will use various forms of cooperation to support regional dialogue about war crimes committed in the past, about human rights, about freedom, about youth policies, through volunteer camps, travelling regional schools, exhibitions, trainings, seminars, etc. Within the regional dialogue it is necessary to develop joint responses in the event of denial of war crimes, which have been either confirmed by court judgments or for which indictments for war crimes or genocide exist.

It is necessary to conduct a mapping in the region of initiatives and projects which focus on dealing with the past and which could support the regional initiative for establishing the facts about war crimes. On the basis of such mapping, it will be possible to identify gaps and create synergies for new activities and projects.

Besides the regional context, the local and national levels are also important for supporting the initiatives for forming a regional body for truth-seeking and truth-telling. Gaining the youth's support demands a youth-friendly approach. Information and communication about facts about the past must be presented with the style, language, message and approach of youth towards the past and future. Youth respond to a multidisciplinary approach.

The aim of the consultation must be clearly presented. Is it a matter of support for a regional body, the roles of youth and other consultation participants in establishing the facts and forming of a commission or of how to convey the facts which a regional body will establish to youth so that they are comprehensible?

Regional Consultation with Human Rights Organizations

29 October 2007, Belgrade, Serbia

Instruments and Initiatives for Truth-seeking and Truth-telling about War Crimes



Human rights organizations from the post-Yugoslav countries support the initiative for establishing a regional, independent, and official body for truth-seeking and truth-telling about war crimes committed in the former Yugoslavia. Human rights organizations believe that their priority is the creation of a coalition that would promote the creation of such a body.

The regional body for truth-seeking and truth-telling about war crimes must be victim-oriented and, because of this, it is very important to create a public platform for hearing the voice of the victims.

Human rights organizations support the creation of a list of victims on a name by name basis in Serbia, Croatia, Montenegro and Kosovo, as it already has been in BiH.

The creation of a web portal where material about dealing with the past would be made available is a priority in future cooperation of human rights organizations.

Participants believe that it is necessary to trigger debate on the character of the regional truth-seeking and truth-telling body, and above all, to define its objectives, mandate, structure, and working methodology.

