



Humanitarian Law Center

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**Report on HLC activities
Period: January 01st – December 31st, 2011.**

Mission

Humanitarian Law Center [HLC] supports post-Yugoslav societies establish the rule of law and accept the legacy of gross human rights violations in order to establish criminal responsibility of perpetrators, serve justice, and prevent recurrence.

Introduction

The arrests of the last fugitives indicted before the International Criminal Tribunal for the Former Yugoslavia (ICTY), Ratko Mladić and Goran Hadžić, were the most important events in the context of establishing transitional justice in Serbia during 2011. Other politico-legal events in 2011 have rather supported the impression that dealing with the past is not on the agenda of the Serbian political élites.

The arrest of Ratko Mladić on May 26th, 2011, and of Goran Hadžić on July 20th, 2011, became the central event in the political life of Serbia for a short period of time. However, politicians and members of the media who emphasized the serious crimes that Mladić and Hadžić are indicted for were rare. Instead, as was the case after the arrest of Radovan Karadžić, the focus was on trivial details regarding their hiding and arrest. The official news that Ratko Mladić was under arrest was announced personally by the President of the Republic of Serbia, Boris Tadić. In his address to the media, the President stated that by arresting Ratko Mladić, “a difficult period of time in our history is over and the infamy has been cleansed from the name of Serbia and Serbian citizens”, adding that by arresting Mladić, Serbia had “opened doors” to the European Union, without mentioning the need for opening debate about the legacy of the past.

The reactions of institutions to two civil society initiatives also speak about the unwillingness of institutions to substantially open the issues of the difficult legacy of the past. In June, President Boris Tadić refused to receive either the signatures collected during the campaign *One Million Signatures for RECOM* or the representatives of the Coalition for RECOM. The Office of the President of Serbia informed the Coalition for RECOM that the President was busy and recommended that the petition be handed over to the Office of the President of Serbia – a recommendation which was turned down by the Coalition for RECOM as an unacceptable and insulting solution. In September, the HLC organized the promotion of the first volume of the *Kosovo Memory Book*, dedicated to victims and their families. None of the representatives of any of the institutions appeared, with the explanation that they were busy.

In December 2011, the European Council voted to postpone the process of decision-making as regards Serbia’s status as a candidate for membership until March 2012, because of Serbia’s support to parallel institutions in the north of Kosovo. The negotiations between Serbian and Kosovo institutions on



Humanitarian Law Center

subjects important for the better life of the citizens of Kosovo and Serbia, which started in March 2011, were the first step in the normalization of relations between Serbia and Kosovo since 1999. However, the burning of the Jarinje border crossing, and then the several-months-long barricade of two border crossings (Jarinje and Brnjak), the murder of a Kosovo police officer and the conflicts between Serbs from the north of Kosovo and KFOR indicate that the influence of the institutions of the Republic of Serbia and certain opposition parties on events in Kosovo is still very strong.

Owing to its criticism with relation to the work of the Office of the War Crimes Prosecutor of the Republic of Serbia during 2011, the HLC was confronted with great pressure and attacks from this institution¹. Among other issues, the HLC criticized the Prosecution's strategy of prosecuting citizens of other post-Yugoslav countries, while not being ready to prosecute Serbian army and police officers. Also, the HLC presented information and evidence that has raised serious concern regarding the professionalism of the Deputy Prosecutor Dragoljub Stanković. As a response to the criticism, the Deputy Prosecutor filed a private criminal complaint for slander against the HLC Executive Director, while the Office of the War Crimes Prosecutor published answers to the statements made in the HLC report about war crimes trials, in which he blamed Nataša Kandić for remaining "invariably committed to her own interest to obtain proofs that our state is responsible for all crimes in Croatia, Bosnia-Herzegovina and in Kosovo, rather than individual perpetrators against whom proceedings are conducted"².

During the year of 2011, HLC carried out a number of activities aimed at providing support to societies of the former Yugoslavia in establishing transitional justice.

I Documenting

During 2011, the HLC worked on compiling the registry of human losses in the armed conflicts of 1991 – 1995 and 1998 – 2000, documenting war crimes and other human rights violations, creating files on potential perpetrators and transferring the International Criminal Tribunal for Former Yugoslavia (ICTY) Archive. The collected materials have been professionally organized and stored in the HLC Archive, entered and analysed in the HLC War Crimes Database.

1. Human Losses

During 2011, the HLC continued to collect, verify and supplement the registry of human losses in the armed conflicts of 1991 – 95 and 1998 – 2000. In the year 2011, after two years of work, the HLC published the preliminary results of the Register of Human Losses in Serbia and Montenegro during the Armed Conflicts in Slovenia, Croatia and Bosnia and Herzegovina, as well as the first volume of the *Kosovo Memory Book*.

¹ See the report Irregularities and Abuse of Power in Processing War Crimes in the Republic of Serbia, March 10th, 2011. As confidential, the Report was sent to the institutions and the European Commission delegation in November 2011. It was disclosed on March 10th, 2011.

² *Objections to the Humanitarian Law Center reports by the Office of the War Crimes Prosecutor of the Republic of Serbia*, www.tuzilastvorz.org.



Humanitarian Law Center

1.1. Register of Killed and Missing in Kosovo in the Period 1998-2000.³

Research

HLC researchers interviewed 508 witnesses and victims' family members. On the basis of their statements, information on 644 persons who were killed or went missing on the territory of Kosovo has been gathered. Besides the interviews, the researchers also worked on the verification of existing data, the assessment of information available on the internet, the review of records and the identification and search for contacts of relevant witnesses. During the research, over 400 documents have been collected (certificates, obituaries, birth certificates, newspaper articles and so forth), and also over 1.700 photographs (photographs of victims, headstones, crime scenes).

Also, the field researchers verified information on approximately 350 persons believed to have died in circumstances related to the armed conflicts. However, in the majority of cases, it was determined that these persons died either of natural causes or under circumstances not directly related to the war.

Data Analysis

By processing over 2,000 documents, analysts registered 574 new victims, while the existing victim files were supplemented with over 15,000 new pieces of information⁴. On the basis of data analysis during 2011, the files of 377 persons have been removed from the main records of killed and missing persons⁵.

In 2011, the HLC paid special attention to the analysis of documents from the ICTY Judicial Database – evidence presented during trials in cases related to crimes committed in Kosovo. This evidence includes statements of 400 witnesses, war journals, orders, armed forces' battle reports, reports from exhumations and forensic reports, photographs, and other relevant documentation. Over 3,000 documents have been reviewed, 662 of which have been selected and entered into the database. Concrete information about individual victims was obtained from 422 documents.

1.1.2. Kosovo Memory Book

In 2011, the HLC worked on the production of the first and second volumes of the *Kosovo Memory Book*⁶. On the basis of over 500 documents, analysts created 420 new entries describing the fates of 706 persons who were either killed or went missing in mass or individual crimes/incidents in Kosovo in the period 1998 – 1999. Also, analysts supplemented the existing 887 entries with new information related to 1,540 persons who died or went missing.

³ This project is jointly implemented by the HLC and HLC Kosovo, which has been an independent organization since April 2011.

⁴ The HLC documented over 600 names of persons for whom, according to established methodological rules, there is not enough information to establish that the loss of their lives was related to the armed conflict.

⁵ It has been determined for these persons that: a) they have already been recorded in the Database under a different name or similar name; b) they have been found alive; c) they died of natural causes; d) they died under circumstances that cannot directly or indirectly be linked to the war in Kosovo; e) they lost their lives by suicide; f) the sources regarding their deaths or disappearances were not reliable enough.

⁶ The first volume covers the period January – December 1998, while the second volume covers the period January – March 1999.



Humanitarian Law Center

In the first half of the year, the HLC worked on the preparation for printing of the first volume of the *Kosovo Memory Book*. Over 1,000 narratives were first translated into the Albanian and English languages and then edited (editing of source statements, toponyms, micro-locations and similar); narratives in all three languages (Serbian, Albanian and English) were edited; other segments of the book were also prepared (introduction, statistics, list of acronyms and sources, index of names, places of last residence and scenes of crime/incident); the summary of the book was prepared in all three languages; and two proofreading of the book were also conducted in all three languages.

In September, the HLC published the first volume of the *Kosovo Memory Book*, containing narratives about 2,046 persons who either lost their lives or went missing in Kosovo during 1998⁷.

2. Register of Human Losses in Serbia and Montenegro during the Armed Conflicts in Slovenia, Croatia, and Bosnia and Herzegovina (1991-1995)

Research

During this period, researchers interviewed 162 witnesses and family members of the killed and missing during the wars in Slovenia, Croatia and Bosnia and Herzegovina. On the basis of the statements, information on 171 people has been collected. Researchers also collected approximately 300 relevant documents (Yugoslav Army documents on circumstances in which soldiers died, obituaries, and so forth) and 179 photographs of the killed and of headstones.

Data Analysis

During the reporting period, analysts, after analyzing 1,570 documents (witness statements, newspaper articles, obituaries, photographs of headstones, lists and reports), registered 174 persons about whom the HLC has not so far received information, while the files of already registered persons have been supplemented with approximately 1,500 new pieces of information. At the same time, analysts have removed from the main registry the names of 25 persons for whom it has been determined that they: a) have already been registered in the Database under a different or similar name; b) have been found alive; c) have died under circumstances that are not in direct or indirect relation to the state of war.

Document analysis also included data comparison with the lists of the killed and missing created by the Research and Documentation Center (RDC) and *Veritas- Documentation and Information Centre*, in order to determine the last places of residence of persons for whom it had not yet been determined.

In April, the HLC held three public presentations of interim results of the Register of Human Losses of Serbia and Montenegro in the wars in Slovenia, Croatia and Bosnia and Herzegovina⁸.

3. Register of Human Losses during NATO Bombing

According to the analysis of documentation (reports, newspaper articles, publications), the HLC, during 2011, recorded 75 victims of NATO raids, while files on the previously recorded victims have been

⁷ See more about the book and its promotion in Chapter IV *Public Informing and Outreach* (page 13).

⁸ For video footage, reports, and statistical data presented at the presentations, see at www.hlc-rdc.org



Humanitarian Law Center

supplemented with over 670 new pieces of information. The HLC has so far individually registered 742 persons who died during NATO raids in Serbia, Kosovo and Montenegro.

4. Mapping of Potential War Crime Perpetrators

During 2011, according to the analysis of verdicts, transcripts and evidence from the trials held before the ICTY, as well as trials held before the War Crimes Department of the Higher Court in Belgrade, and statements of witnesses and victims collected by the HLC, as well as other documents from the HLC Archive, the HLC has created over 600 files of war crimes and suspected perpetrators of war crimes on the territory of former Yugoslavia, in which the description of the crime and legal qualification of the act has been stated. On the basis of the dossiers created, the HLC in 2011 created and filed two criminal complaints⁹.

Dossier: 10th Sabotage Detachment of the Republic of Srpska Army Headquarters

In September 2011, the HLC published the dossier of the 10th Sabotage Detachment of the Republic of Srpska Army (VRS). This was a special operations unit under the command of the Headquarters of the Republic of Srpska Army that participated in the execution of the genocide in Srebrenica in July 1995. The dossier presents general information about this unit, the so far unidentified members of the unit, as well as the relations between this unit and the then Yugoslav Army. The dossier is based on interviews that members of the Detachment gave to the ICTY investigators, testimonies and exhibits from the cases *Radislav Krstić* and *Vujadin Popović et al*, conducted before the ICTY, and HLC statements, as well as other relevant documents.

5. Transfer of the ICTY Archive¹⁰

5.1. Video Archive and Trial Exhibits

The materials created during the 18 years of the ICTY's work represent the most valuable source of information about crimes committed on the territory of the former Yugoslavia. As such, it represents the basis for establishing the rule of law and dealing with the past in the successor countries of the former Yugoslavia. Consequently, during 2011, the HLC continued to transfer the video archive of the trials held before the ICTY, as well as exhibits presented in these trials. During the reporting period, the HLC copied a total of 941 days of trials and 8,733 documents in the English and BCS languages.

By the end of 2011, the HLC had stored in its Archive the video footage of more than 90 percent of the trials held so far before the ICTY - that is, 8,165 days of trials in DVD format - and about 110,000 documents from the JDB¹¹.

⁹ See Chapter II *Justice and Reform of Institutions* (page 7)

¹⁰ According to the memorandum of understanding signed with the Secretariat of the ICTY, the HLC started with the copying of the ICTY Archive in February 2005.

¹¹ See the content of the video archive at www.hlc-rdc.org



Humanitarian Law Center

5.2. Transcripts of Trials held before ICTY¹²

Considering the fact that the official languages of the trials held before the ICTY are English and French, the wider audience in the former Yugoslavia could not have an insight into the progress of the trials held before this court. For this reason, the HLC has been transcribing the video recordings of trials in BCS languages since 2002.

During the reporting period, the HLC transcribed and conducted the editing of a total of 33 days of trials on 1,404 pages of A4 format in the case *Gotovina et al.*

Six cases have so far been completely transcribed (*Slobodan Milošević, Naser Orić, Mitar Vasiljević, Mrkšić et al, Limaj et al, Haradinaj et al*). A total of 1,168 days of trials have so far been transcribed on about 52,000 pages of A4 format. All the transcripts have been posted on the HLC website and are available to the general public.

6. Database¹³

The Database is the HLC's most important instrument for research and analysis of war crime data and other violations of human rights. It is, among other things, used for recording documents, analysis and grouping of data according to defined criteria and the production of statistical analysis.

In 2011, over 5,100 documents have been entered into the Database, including over 2,000 documents whose primary source is the HLC (witness statements and research notes), over 1,800 court documents (mostly from ICTY cases), as well as over 1,200 documents from other sources.

Since 2005, when the Database became functional, until 2011, over 40,500 documents have been entered in the Database, while over 25,500 files on war crime victims, victims of other human right violations, and members of armed forces who died in combat, have been created through data analysis. The Database also contains files of over 1,700 potential perpetrators.

7. HLC Archive¹⁴

Materials about mass human rights violations committed during the armed conflicts in the former Yugoslavia are stored in the HLC Archive. The materials are professionally categorized, maintained and used for HLC activities. The HLC's vision is that the HLC Archive be open for academics, researchers, institutions, journalists and artists.

¹² Starting in 2010, the ICTY began the independent transcription of trials to BCS languages. However, the ICTY does not transcribe entire cases but only those parts of trials relevant to pending cases, that is, the prosecution of war crimes before local judicial systems.

¹³ The planned improvements of the Database, as part of the project *Information systems of documentation centres*, have not been implemented during the reporting period owing to the decision of the Swiss Ministry of Foreign Affairs to postpone their support for this project due to the filing of a criminal complaint against Mirsad Tokača, the President of the Research and Documentation Centre from Sarajevo.

¹⁴ See about the HLC Archive content at www.hlc-rdc.org



Humanitarian Law Center

During the reporting period, approximately 1,000 printed documents and 3,183 discs, with video archives and exhibits from ICTY trials, have been stored in the HLC Archive. The cataloguing of a total of 3,122 documents and 683 days of trials in the cases *Milan Milutinović et al* and *Slobodan Milošević* have also been completed. In order to permanently preserve the archive material and in order to ensure easier access to it, in 2011 the HLC continued with the digitization of documents. A total of 2,490 documents have been digitized in 2011¹⁵.

During 2011, the HLC Archive was used by several journalists and researchers as well as the Office of the War Crimes Prosecutor of the Republic of Serbia. In November, the HLC Archive received a significant recognition, whereby the International Council of Archives (ICA) included the HLC Archive in the international directory of archives which preserve documents relating to human rights violations.

II Justice and Institutional Reform

During 2011, the HLC represented victims in war crimes trials and administrative and court proceedings for the realization of their right to reparations. HLC observers monitored all trials for war crimes and other ethnically and politically motivated criminal acts before courts in Serbia and informed the public about their findings. The HLC filed two criminal complaints against suspected perpetrators of war crimes. The HLC continued to provide expert assistance to victims of human rights violations in Sandžak, by independently advocating for their right to reparations before the institutions of the Republic of Serbia.

1. Representing victims in trials for war crimes and ethnically motivated criminal acts¹⁶

The HLC in 2011 provided legal assistance to victims of war crimes in criminal cases against the individuals responsible held before the Higher Court in Belgrade War Crimes Department. The five victim representatives, provided by the HLC, represented the interests of the victims and their families in three cases, related to crimes committed in Croatia, Kosovo and Bosnia and Herzegovina - namely, *Lovas*, *Čuška/Qushkë*, and *Skočiči*.

A total of 90 trial days have been held, in which 152 witnesses were examined, nine of whom were examined upon the recommendation of the HLC representative.

Thanks to the HLC, nine family members of victims of the crimes committed in Lovas and Skočiči attended the main hearing sessions during the majority of trial days. The HLC provided for their arrival from Croatia and Bosnia and Herzegovina, and provided them with accommodation and other kinds of support during their stay in Belgrade.

¹⁵ By the end of 2011, the HLC had digitized over 85% of the archive materials.

¹⁶ By the end of March 2012, the HLC will publish a special report on the analysis of trials in which the HLC has represented victims.



Humanitarian Law Center

The HLC attorney, in the capacity of victim representative, also participated in the pre-investigative proceedings held before the Kraljevo Higher Court against the unidentified perpetrators of the murder of Behram Gigollaj, an Albanian, and the attempted murder of his son Gani Gigollaj, in Mataruška Banja on March 24th, 1999. The HLC attorney was present at six witness hearings as part of the pre-investigative actions.

2. Monitoring of War Crime Trials in Serbia¹⁷

Monitoring of Trials

HLC expert observers monitored the progress of the main hearings in ten war crime cases held before the Belgrade Higher Court's War Crimes Department [*Bijeljina, Bitići, Beli Manastir, Rastovac, Lički Osik, Prijedor, Medak, Gnjilane group, Tuzla column, and Zvornik III and IV*], one case [*Orahovac*] before the Požarevac Higher Court, one case [*Kušnin*] before the Niš Higher Court and one case [*Srbica*] before the Kraljevo Higher Court, as well as nine cases held before the Belgrade Court of Appeal's Department for War Crimes [*Suva Reka, Vukovar, Lički Osik, Tenja, Prijedor, Medak, Stara Gradiška, Gnjilane group, and Banski Kovačevac*]. A total of 87 trial days have been monitored during which 114 witnesses have been examined. After each of the trial days, the expert observers produced a daily report published at the HLC website.

Analysis

On the basis of trial monitoring, the team of expert observers produced an annual report on the trials for war crimes and ethnically motivated criminal acts in Serbia in 2010. The report gives an overview of the general characteristics of war crimes trials in Serbia and an overview of individual cases. As part of the review of individual cases, five war crimes cases and one ethnically motivated criminal case have been analysed, as well as 15 war crimes cases monitored by HLC observers in the role of expert public. Each individual analysis of the cases contains information about the beginning of the trial, the number of trial days, the number of witnesses (victim witnesses) and court experts, as well as information about the verdicts rendered.

The HLC legal team created an analysis of the procedures and court decisions in the case of Suva Reka (defendant Radoslav Mitrović et al) held before the Belgrade Higher Court's Department for War Crimes. The analysis contains information about the procedure and an assessment of each individual phase and court ruling, created on the basis of constant monitoring of trials by the HLC Executive Director Nataša Kandića and Attorney Dragoljub Todorović, in the capacity of victims' representatives.

The HLC also created the report on irregularities in the prosecution of war crimes in Serbia. The report, among other issues, includes information about the unprofessional actions of the Deputy Prosecutor for War Crimes, the withdrawal of a witness from the witness protection program, information about the intimidation of witnesses and the HLC letter to the institutions of the Republic of Serbia on these subjects.

Gathering of Documents

¹⁷ By the end of March 2012, the HLC will publish a special report about the analysis of trials in cases that the HLC monitored during 2011.



Humanitarian Law Center

In order to collect court documents related to the war crimes cases that have already been completed, the HLC addressed the Supreme Court of Cassation, the Military Archive of Serbia and the Higher Courts in Serbia (Belgrade, Kraljevo, Leskovac, Niš, Požarevac, Prokuplje, Valjevo and Vranje) by sending requests for access to information of public importance. The respective bodies delivered 10 verdicts, three decisions, four indictments and one set of minutes from a main hearing to the HLC, in response to the requests sent.

3. Filing of criminal complaints against persons suspected of committing war crimes

During 2011, the HLC legal team, on the basis of victims' statements and other relevant documents, created two criminal complaints and filed them with the Republic of Serbia Office of the War Crimes Prosecutor.

In September 2011, the HLC filed a criminal complaint against several members of the Yugoslav Army and the Ministry of the Interior for the war crimes committed against Muslim civilians and soldiers in the Šljivovica and Mitrovo Polje camps in 1995/1996.¹⁸ In October, a criminal complaint against several members of the Yugoslav People's Army, territorial defence, and volunteers was also filed for war crimes committed against Croatian civilians in Tenja in 1991 (in the vicinity of Osijek, the Republic of Croatia)¹⁹.

4. Delivery of Documentation to Courts

During 2011, the HLC submitted five witness statements to the Belgrade Higher Court's War Crime Department related to the war crime in Čuška/Qushkë. Also, the HLC delivered three witness statements related to the murder of Behram Gigollajto to the Kraljevo Higher Public Prosecution Office.

5. Representing victims of past human rights violations in lawsuits for the implementation of their right to reparations

The HLC in 2011 continued to represent victims of war crimes, torture, illegal detention, forcible mobilization and other violations of human rights, in lawsuits for the implementation of the right to material and non-material damages against the state.

5.1. Support to victims in implementation of their right to reparation through courts

HLC attorneys in 2011 represented 204 victims of human rights violations for which the institutions of Serbia, Montenegro and Kosovo are responsible, in lawsuits for the implementation of the right to material reparations. During the reporting period, 57 hearings were held in which 11 victims and five witnesses were examined. During the reporting period, the HLC organized the arrival of 12 victims to attend witness testimonies and medical examinations. During 2011, HLC attorneys filed 27 submissions, including 5 complaints, while receiving 12 verdicts, in cases where the HLC has represented victims of

¹⁸ See press release: *HLC files criminal complaint for war crimes committed at the Šljivovica and Mitrovo Polje camps*, September 19th, 2011.

¹⁹ See press release: *The Humanitarian Law Center files a criminal complaint against more than 30 individuals for war crimes in Croatia committed in 1991*, October 13th, 2011.



Humanitarian Law Center

human rights violations in Serbia. No verdicts have been rendered by the courts in the Republic of Montenegro or the Republic of Kosovo during the reporting period.

In 2011, courts in Serbia have either dismissed in its entirety or accepted only partially the right to material damages of the victims of the Serbian army and/or police. The HLC reached an out-of-court settlement with the state on behalf of the Roma Jovica Dimitrov, who in 1996 was a victim of police torture, to the amount of 450,000 dinars.

Negotiations with the Ministry of Justice about an out-of-court settlement in the Podujevo/Podujevë Case

During 2011, the HLC held two meetings with representatives of the Ministry of Justice of the Republic of Serbia related to an out-of-court settlement in the cases where the HLC had been representing the survivors and family members of the Albanian civilians executed by members of the Ministry of the Interior of Serbia on March 28th, 1999 in Podujevo/Podujevë.

5.1.1. Report on judicial practice in lawsuits for implementation of right to reparations

In December, the HLC published a report containing an analysis of judicial practice in lawsuits for the realization of the right to material reparations in Serbia – *Material Reparations for Human Rights Violations Committed in the Past – Judicial Practice in the Republic of Serbia*. Besides an analysis of the most significant negative characteristics, the report also contains an analysis of trials in eight cases in which the HLC represented victims before courts, as well as a review of procedures and verdicts rendered in other cases before courts in Serbia.

6. Provision of support to victims in realization of administrative reparations

As a result of the analysis of documents and direct contacts with victims and associations of victims, the HLC identified 15 victims' family members and victims of human rights violations that were committed during the armed conflicts in the 1990s, who, due to the restrictive (discriminatory) legal requirements in Serbia, do not have the right to administrative reparations. The HLC informed the victims about the procedure, potential results and required documents. After obtaining the relevant documents and powers of attorney from the victims, during 2011 the HLC filed three requests for the realization of the right to administrative reparation. In the case of a negative decision, HLC will initiate procedures before the Constitutional Court of Serbia, and then the European Court, by referring to Article 14 of the European Convention for the Protection of Human Rights and Freedoms (prohibition of discrimination).

7. Support to victims in advocating for their right to reparations

During the reporting period, the HLC and the Association for the Protection of the Rights of Displaced Citizens from Priboj Municipality (Association) organized two meetings with the Minister without Portfolio Sulejman Ugljanin, in which they discussed the content and implementation of the comprehensive aid programme for victims of human rights violations in Priboj municipality. The Ministry without Portfolio created a document titled Programme for Return of Bosniaks Displaced from Priboj



Humanitarian Law Center

Municipality²⁰ in the Period 1991-1999, upon the initiative and in consultation with the HLC over period of several months, the implementation of which depends on the funding allocated for this project.

8. Representing victims for other human rights violations

During the reporting period, the HLC continued to represent 20 victims of torture, discrimination, and violations of property rights in civil and criminal proceedings before courts in Belgrade. Three hearings have been held and no verdict has yet been rendered.

III Program of Informal Education about Transitional Justice

The HLC organized a brainstorming meeting on May 13th, 2011 relating to the future transitional justice education programme, which gathered the Executive Director, HLC programme coordinators, Vladimir Petrović (historian), Nemanja Stjepanović (journalist) and Marijana Toma (historian).

Transitional Justice School

From October 17th to December 10th, 2011, the HLC organized the first Transitional Justice School (School), attended by 37 undergraduate and graduate students and civic education teachers. The goal of the School was to provide education on court-established facts about war crimes committed on the territory of the former Yugoslavia, the practice of fact-finding through investigative commissions, the right to reparations of victims of human rights violations and the significance of the archived materials in preserving the memory of past crimes. The educators were employees and associates of the HLC and persons who acquired their knowledge about the aforementioned topics by working at the ICTY or other domestic and international organizations dealing with transitional justice.

Symbolically, and thereby indicating the significance of establishing and nourishing the culture of human rights, the diplomas on completion of the School Course were handed out on December 10th, 2011, the International Day of Human Rights.

Students evaluated the lectures and the School with high grades, and many of the participants stated that the School was the first place where they were able to obtain information about court-established facts related to the crimes committed in Srebrenica, Višegrad, Vukovar and Kosovo. They also stated that they heard about some of the events for the first time.

IV Public Information and Outreach

In 2011, the HLC, through press releases, publications and the website, informed the general public, institutions of the Republic of Serbia and countries in the region, the media, and international

²⁰ The plan consists of the following measures: reconstruction of real estate, infrastructure building (roads, water-supply and electric power networks), payment of mandatory social security contributions for displaced persons, who were forced to leave their jobs; favourable loans for starting small businesses, as prerequisites of sustainable return.



Humanitarian Law Center

governmental and non-governmental organizations about their activities and topics with respect to establishing transitional justice in the region.

The HLC continued advocating for the idea of establishing the RECOM (Regional Commission for Establishing Facts About War Crimes and Other Serious Human Rights Violations on the Territory of the Former Yugoslavia), implementing a debate on the Draft RECOM Statute, supporting the implementation of the media campaign of the Coalition for RECOM and the signatures collection campaign, and participating in the advocacy for the establishment of RECOM.

1. Informing the Public

1.1. Press statements

The HLC in 2011 issued 41 press statements reacting to issues and problems in the domain of transitional justice. Through the press statements, the HLC expressed its stance towards and offered its analysis of war crime trials, the functioning of institutions and judgements in reparation cases, and informed the public about filing for criminal complaints and so forth. The majority of these statements have been translated into English, while a smaller number have been translated into Albanian.

1.2. Publications

1.2.1. Edition *The End of Yugoslavia*

In 2010, the HLC and the Institute for Contemporary History in Belgrade initiated the publication of *The End of Yugoslavia*. This publication aspires to collect and critically portray the key documents important for the understanding of the breakup of Yugoslavia and the war that followed afterwards on its territory.

Bosnia and Herzegovina during the Break up of Yugoslavia

In April, the HLC and the Institute for Contemporary History, as part of the joint project *Yugoslav Crisis*, published a collection of documents entitled *Bosnia and Herzegovina during the Breakup of the Socialist Federal Republic of Yugoslavia*. The Collection was prepared by Dr. Kosta Nikolić from the Institute for Contemporary History. The Collection contains eight documents presented as evidence in the trial against Slobodan Milošević before the ICTY, which have not yet been used in the historiographical works on the subject of the territory of the former Yugoslavia, the introductory study containing a short analysis of the most significant political events in Bosnia and Herzegovina from the beginning of 1990 to the Spring of 1992, as well as a biographical register of the most significant players in the Yugoslav and the Bosnia and Herzegovina crises. The Collection was printed in 500 copies, and distributed to libraries, universities, non-governmental organizations and other interested individuals and institutions.

From Peace to War – Documents of the Presidency of the Socialist Federal Republic of Yugoslavia, January - March 1991.

In November, the HLC and the Institute for Contemporary History published a collection of documents entitled *From Peace to War – Documents of the Presidency of Socialist Federal Republic of Yugoslavia, January – March 1991*. This Collection is based on stenographic notes from sessions of the Presidency of the Socialist Federal Republic of Yugoslavia, the collective head of the state, from the beginning of 1991.



Humanitarian Law Center

This institution played one of the most significant roles in the dynamics of the development of the Yugoslav crisis. The stenographic notes became available to the public after being exhibited before the ICTY as evidence in the trial of Slobodan Milošević. The Collection was printed in 300 copies. It was distributed to libraries, universities, non-governmental organizations and other interested individuals and institutions.

1.2.2. Kosovo Memory Book

The first volume of the Kosovo Memory Book, containing narratives about 2,046 persons who lost their lives or went missing during 1998, has been printed in the Albanian, Serbian and English languages with a circulation of 3.100 copies (Albanian 1.800, Serbian 700 and English 600). The book has been distributed to victims' families, libraries, institutions and universities in Serbia, Kosovo and abroad, the media, international organizations and other relevant and interested individuals and organizations. A bookmarker has also been printed with the book, inscribed with the main message of the book – *Let People Remember People* along with a website dedicated to the Kosovo Memory Book.

Kosovo Memory Book Website

In September, the HLC posted the entire content of the book on the website dedicated to the *Kosovo Memory Book*²¹, which enables visitors to search the book electronically in all three languages. Besides the narratives about victims, the website also contains information about the promotion of the book, data about the Register of Human Losses in Kosovo and so forth. Between the beginning of September 2011 and the end of December 2011, this page was visited by 8,104 persons.

1.2.3. Dossier: 10th Sabotage Detachment of the Main Staff of the Republic of Srpska Army²²

In September 2011, the HLC published *Dossier: 10th Sabotage Detachment of the Republic of Srpska Army*²³. This publication was printed in the Serbian and English languages, with a circulation of 400 copies. It was distributed to prosecutors, courts, domestic and foreign organizations for human rights, victim associations, the media and other relevant institutions and individuals in Serbia and abroad.

1.2.4. Trials for War Crimes and Ethnically Motivated Criminal Offences in Serbia in 2010 Report

The publication has three parts: 1) A report on trials for war crimes and ethnically motivated criminal acts; 2) an analysis of procedures and court decisions in the Suva Reka case and 3) a report on irregularities in the prosecution of war crimes. It was printed in the Serbian and English languages, with a the circulation of 400 copies. It was distributed to judicial institutions, domestic and foreign human rights organizations, victims' associations, the media and other relevant institutions and individuals in Serbia and abroad.

²¹ The website can be accessed from three addresses: www.kosovskaknjigapamcenja.org , www.kosovomemorybook.org , www.liberkujtimiikosoves.org.

²² The file in the electronic version is available at www.hlc-rdc.org.

²³ For more about the content of the file see at the Chapter *I Documenting* (page 5).



Humanitarian Law Center

1.2.5. *Material Reparations for Violations of Human Rights in the Past – Court Practice in Serbia* Report

The publication *Material Reparations for Violations of Human Rights in the Past – Court Practice in Serbia* contains a short analysis of the relevant legal regulations and points to the negative characteristics of court procedures for the realization of material reparations on the basis of cases in which the HLC has represented victims. In the annexes to the Report, the HLC has presented findings and reports by relevant international institutions which monitored the implementation of the right to reparations in Serbia, as well as the European Convention concerning compensation to victims of violent criminal acts. The report was printed in the Serbian and English languages, with a circulation of 450 copies. It has been distributed to institutions, universities, legal experts, organizations for human rights and democracy and other interested organizations and individuals in Serbia and the region.

1.3. Internet Presentation of HLC

During the reporting period, the HLC updated the contents of its web page by posting press releases, electronic publications, reports, video clips, transcripts and trial-monitoring reports, event announcements, etc. The HLC has begun creating a new web page, which will improve the visibility and search engine.

During the reporting period, 40 press releases related to current events in Serbia and HLC activities, over 300 transcripts from trials held before local courts and the ICTY, one publication and six reports have been posted on the HLC webpage. In the “HLC in the media” sector of the site, 18 media reports about the HLC have been posted on the webpage. All TV reports have been previously uploaded to the *YouTube* and *Blip.tv* sites. During 2011, the HLC website received 46,000 visits in all three languages.

In 2011, the HLC published its new internet presentation, harmonized with HLC program activities. The new website has made user access to certain pages and the download of information from the website easier.

1.4. Conference and debate²⁴

1.4.1. The “Is Serbia giving up on European Integrations?” Debate

The HLC, on October 11th, 2011, organized a debate entitled “Is Serbia giving up on European Integrations”?

The debate was organized in reaction to the state policy towards Kosovo, especially in the light of the barricades in the north of Kosovo, and as a reaction to indications that the political élites are giving up on European integrations. The debate was also organized as a consequence of the limitation of human rights and freedoms guaranteed by the Constitution (the banning of the organization of the Pride Parade). Thirty university professors, artists, politicians, human rights activists and representatives of the organizations of civil society, as well as representatives of the media, participated in the debate.

²⁴ More details about the conferences and debates organized by the HLC during 2011 can be found at www.hlc-rdc.org.



Humanitarian Law Center

1.4.2. Conference on Domestic War Crimes Trials

On September 16th, 2011, the HLC and the Balkan Investigative Reporting Network (BIRN) organized a Regional Conference on War Crimes Trials. At the conference, the challenges in prosecuting war crimes before local judiciaries, the legacy of the ICTY and the problems in witness protection programs were discussed by four panels. One hundred and twenty representatives of judicial institutions from countries of the former Yugoslavia (Serbia, Croatia, Bosnia and Herzegovina, Montenegro and Kosovo), representatives of the ICTY, international governmental organizations, representatives of civil society from the region, victims and witnesses in the trials for war crimes held before domestic courts were present at the conference.

1.4.3. Conference on *Right of Victims of Human Rights Violations Committed during 1990s to Material Reparations in Serbia*

With the intention of triggering a debate and making the representatives of institutions and decision-makers in Serbia more sensitive to the rights of victims to reparations and to the problems that victims are being confronted with in procedures for achieving their right to reparations, on December 21st, 2011, the HLC organized a conference on the right of victims of human right violations committed during the 1990s to material reparations in Serbia. Seventy-eight participants took part in the conference, including representatives of ministries, judicial institutions, attorneys, lawyers, human rights activists and representatives of civil society and victims' associations.

1.5. Press conferences and promotions²⁵

1.5.1. Public Presentations of Interim Results of the Register of Human Losses

In April, the HLC held three public presentations of the interim results of the Register of Human Losses of Serbia and Montenegro in the wars in Slovenia, Croatia and Bosnia and Herzegovina. About 300 family members of the killed and missing, representatives of victim associations, war veterans, non-governmental organizations, media and institutions were present at the presentations held in Podgorica, Belgrade and Niš. At the presentation, the HLC made public the interim results of the Register, while family members of the killed, dead and missing verified the accuracy and comprehensiveness of the data about their closest family members presented in the HLC Database.

1.5.2. Promotion of *Kosovo Memory Book*

The first volume of the Kosovo Memory book was promoted on September 7th, 2011 in Priština/Prishtinë at the National Library. One day later, the book was presented in Belgrade, at the HLC Library. Members of victims' families, representatives of victims' associations, institutions, embassies, international institutions, domestic and international non-governmental organizations, artists, intellectuals, journalists and other interested individuals were present at the promotions. The book was also promoted at the British Academy in London on September 15th. More information about the promotions can be found at www.kosovomemorybook.org.

²⁵ Detailed reports from press conferences and promotions can be found at www.hlc-rdc.org



Humanitarian Law Center

1.5.3. Promotion of *Dossier: 10th Sabotage Detachment of the Main Staff of the Republic of Srpska Army*

On September 10th, 2011, the HLC organized a press conference for the publishing of *Dossier: 10th Sabotage Detachment of the Main Staff of the Republic of Srpska Army*. About 30 journalists, representatives of organizations for human rights, institutions and other interested individuals were present at the conference organized at the HLC Library.

1.5.4. Promotion of Collection of Thematically Related Documents *Bosnia and Herzegovina at the Time of the Breakup of the former Yugoslavia*

On April 15th, the HLC and the Institute for Contemporary History, organized at the HLC Library the promotion of the collection of thematically related documents entitled *Bosnia and Herzegovina at the time of the Breakup of the Former Yugoslavia*. About 40 participants – historians, lawyers, journalists, activists from non-governmental organizations and other interested individuals, were present at the promotion. The promotion was followed by a debate.

1.5.5. Promotion of publication *Global Civil Society*

The HLC organized a promotion of the *Global Civil Society 2011* yearbook issued by the London School of Economics Centre for the Study of Global Governance on January 24th, 2011. The yearbook contains essays by a number of experts from various areas of the social sciences regarding civil society which creates, contest and promotes values which contribute to the establishment of social justice at a global level.

1.6. HLC Library

The HLC Library is dedicated to collecting, preserving and lending out for use books, multimedia publications and magazines from the fields of transitional justice, humanitarian law, the history of the conflicts in former Yugoslavia in the 1990s, the documenting of war crimes and so forth. The HLC Library is mostly used by the employees of the HLC, but also by researchers, students, representatives of institutions and other non-governmental organizations. During 2011, the HLC Library was used by several dozens of users.

During 2011, the HLC Library acquired 257 new publications. The HLC Library possesses approximately 6,000 publications from the fields of transitional justice, international humanitarian law, human rights, history, engaged art and so forth.



Humanitarian Law Center

2. Outreach

2.1. RECOM Initiative²⁶

Consultative process

During the reporting period, the HLC, on behalf of the Coalition for RECOM, organized the final regional consultation with the legal community on the Draft RECOM Statute (Belgrade, January 22nd and 23rd, 2011) and the Fourth Assembly session of the Coalition for RECOM, in which the Draft RECOM Statute was adopted.

On behalf of the Coalition, the HLC edited and published the *Consultative Process on Establishing Facts About War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia* publication. The report relates to the period May 2006 – January 2011, and it contains all the suggestions and recommendations of participants in the consultative process on the establishment and model of the RECOM and the Draft RECOM Statute.

Media campaign

In the period from April 26th until June 30th, 2011, the HLC implemented the media campaign entitled *One Million Signatures for RECOM* in Serbia, which supported the signatures collection campaign. The purpose of the campaign was to increase the public visibility of the Initiative for RECOM and motivate citizens to sign the petition for establishing RECOM.

On behalf of the Coalition for RECOM, the HLC prepared a publication entitled *RECOM Initiative in the Media*, containing press releases in the printed and electronic media of all the successor countries of the former Socialist Federal Republic of Yugoslavia from 2007 until 2011, as well as transcripts of selected broadcasts whose topic was the RECOM process.

Public advocacy

In Serbia, the HLC led the public advocacy campaign for the establishment of RECOM, aimed at obtaining political support for the project. The HLC organized meetings with the President of the Republic of Serbia National Assembly, associations of Members of Parliament from the governing coalition and opposition LDP, the leadership of the Democratic Party and the Serbian Socialist Party, the Serb Renewal Movement, the War Veterans' Movement, and the President of the Republic of Serbia, Boris Tadić. All representatives of political parties and state institutions with whom meetings were held, offered public support for the establishing of RECOM.

The HLC Executive Director presented the Initiative for RECOM to the Council of Europe Parliamentary Assembly Foreign Affairs Committee on January 26th, 2011. On the same day, the Council of Europe Parliamentary Assembly adopted the *Reconciliation and Political Dialogue Between the Countries of the Former Yugoslavia (1786/2011)* resolution, in which it welcomes the efforts of the Coalition for RECOM to establish a regional commission, which would collect and establish facts about the war crimes that had been committed, thus recognizing and paying respect to all victims.

²⁶ More details about the RECOM process can be found at www.korekom.org



Humanitarian Law Center

As part of the preparation for public advocacy, the HLC organized two trainings about the RECOM Draft Statute. The training was led by members of the Working Group for the Creation of the Draft of the RECOM Statute/working group for the creation of the Draft of the RECOM Statute.

Coalition for RECOM

For the purpose of organizing future HLC activities, HLC organized two meetings of members of the Coalition for RECOM in Belgrade and Zagreb (July 16th, 2011 and November 4th, 2011 respectively). Participants in the meeting proposed further broadening of the Coalition for RECOM, collection of support signatures for the establishing of RECOM, continuation of public advocacy for the establishing of RECOM and the establishing of a regional public advocacy team, and a more intensive involvement of religious communities in the RECOM process.

2.2. Research on the Progress of Transitional Justice in the Region of Former Yugoslavia

In 2011, the HLC continued to monitor the establishing of transitional justice in post-Yugoslav countries. In October, research into the progress of transitional justice during the period 2010 – 2011 was initiated. The research is focused on the monitoring and analysis of the mechanisms of transitional justice adopted by institutions and civil society organizations.

The HLC is implementing the research with partner organizations from the region: the Banja Luka Centre for Democracy and Transitional Justice (Republic of Srpska, Bosnia and Herzegovina), the Sarajevo Centre for Transitional Justice (Bosnia and Herzegovina), the Youth Initiative for Human Rights in Croatia and Humanitarian Law Center Kosovo (Kosovo). The HLC organized several meetings with the partners in order to discuss the introduction of the research methodology and the preparation of the research plan.

2.3. *The Pictures of a War Crime* Research

King's College London, in cooperation with the HLC, organized a research project into the significance of visual evidence in the practice of the ICTY in the context of establishing international judicial bodies, and of the judicial process; and in the context of the consolidation of peace and security in post-conflict societies. The research was conducted in the HLC library in the period April 11th-13th, 2011. The research project gathered over 30 young journalists, lawyers, activists of non-governmental organizations, political parties, and HLC programme coordinators.

The *Pictures of a War Crime – visual documents and the way they impact war crimes trials* seminar was held as part of the research in the HLC library on April 15th, 2011 and it gathered about 20 journalists, attorneys, and representatives of non-governmental organizations and embassies. The results of the research were briefly presented in the seminar, and the participants also had an opportunity to discuss, among other things, the role of the media in instigating a conflict and the significance of video material in ICTY trials.



Humanitarian Law Center

2.4. Visits to HLC

During 2011, the HLC hosted over 100 students, artists and journalists, mostly from abroad, who were in Serbia on different study programs. During these visits, the HLC representatives presented the organization's activities since its founding until now, discussed transitional justice on the territory of the former Yugoslavia and discussed the RECOM initiative and other topics related to dealing with the past.

During 2011, numerous diplomats and representative of international governmental and non-governmental organizations for human rights and democracy also visited the HLC. The HLC was visited by, among others, the European Mission's Special Investigative Task Forces, led by the Head of the Team, Clinton Williams. The Team representatives and the HLC discussed war crime investigations, including research into alleged detention places, missing persons, torture and killings, as well as mass grave sites, with relation to the statements from Dick Marty's report for the period 1999-2000 in Kosovo.

V Voluntary Work for HLC

Four volunteers worked for the HLC during 2011: Bojana Stojadinović, Jelena Jovanović, Katarina Janković and Maša Kovačević. The volunteers worked on the Human Losses, RECOM Initiative and Transfer of Hague Archive.

VI Coalition for Access to Justice

Together with six other human rights organizations and one journalists' association, the HLC in December 2011 founded the Coalition for Access to Justice. The objective of the Coalition is to point out to the public that the institutions of the Republic of Serbia, primarily the Government and the Parliament, by adopting several new laws (Civil Procedure Code, Criminal Code, Criminal Procedure Code) are negatively influencing the already acquired level of human rights and freedoms, especially in the area of citizens' free access to the judicial system and freedom of opinion²⁷.

VII Executive Board of HLC

In 2011, the HLC Executive Board held three meetings. During the meeting held on March 25th, 2011, the Executive Board adopted the annual report on HLC activities for 2010 and the financial report. During the meeting held on June 7th, 2011, the Executive Board accepted the resignation of Nora Ahmetaj and appointed Tihomir Loza, a *Transition Online* journalist, as a new member of the Executive Board. The Board members at this meeting were informed about the implementation of the HLC program, the development of the program of informal education, the process of the transformation of the HLC Kosovo into an independent organization and about the secured funding for the implementation of HLC programs. During the meeting held on October 6th, 2011, the Executive Board, among other issues, adopted a decision on the cessation of work at the HLC office in Priština/Prishtinë and on the allocation of its property to the newly founded organization HLC Kosovo. During this session, the Executive Board

²⁷ See press release of the Coalition for Access to Justice, *Coalition for Access to Justice Demands Respect for Acquired Rights and Freedoms*, December 27th, 2011.



Humanitarian Law Center

adopted the report on the implementation of the HLC program, and the financial report for the first six months of 2011.

VIII Development of Information System²⁸

Together with Documenta and HLC Kosovo, the HLC in 2011 started with the implementation of the project whose objective is the installation of the information system which will significantly advance the recording, manipulation and issuance of documents in all three centres. The HLC team (IT Manager, two analysts, two archivists) actively participated in the project design and creation of the information system, by participating in nine meetings with representatives of the other two centres and the programmers. Also, the HLC team prepared the documents needed for manipulation of documents (coding, rules and regulations). Since the new Database (new software) will also be part of the new information system, the HLC Team created and implemented activities with the objective of the preparation and safe transfer of documents from the old to the new Database. According to the plan, the HLC is supposed to start using two of the planned six modules in March 2012.

IX Audit Reports

An audit of financial reports for all HLC projects in 2010 and the administration and financial system was conducted in May upon the request of the HLC. The audit was done by a German audit agency, *Fabel, Werner & Schnittke GmbH*²⁹, which presented a positive report, stating that finances and administration are maintained at a highly professional level.

In addition to this, the HLC conducted revisions of individual projects of the RECOM Initiative, Human Losses and Reparations. All the audit reports were positive.

VII Donor support

HLC activities in 2011 were sponsored by: the Aegis Trust, the Balkan Trust for Democracy, the Charles Stewart Mott Foundation, Civil Rights Defenders, the European Commission (EIDHR), the European Commission Delegation to Serbia (EIDHR), the Fund for an Open Society – Serbia, the Institute for Sustainable Communities, the National Endowment for Democracy, the Royal Netherlands Embassy (Balkans Regional Program), the Norwegian Ministry of Foreign Affairs, the OAK Foundation, the Open Society Institute, the Rockefeller Brothers Fund, the Sigrid Rausing Trust, the Swiss Federal Department of Foreign Affairs, and the UN Voluntary Fund for Victims of Torture.

²⁸ The Information System is a software system which will enable professional manipulation of documentation and information. It contains five modules: Entry of Documentation, Analysis of Documentation, Document Management Protocol, Educational Program, Finances and Record Keeping of Employees.

²⁹ www.fws-audit.com