



# Transitional Justice Bulletin

Belgrade, March, 2008

## Meeting on the Future of the Hague Tribunal archive

On March 21, 2008, HLC convened a meeting of human rights NGOs, journalists, historians, the Serbian Commissioner for Information of Public Importance, a representative of the War Crime Investigation Unit of the Serbian Ministry of Interior and the ICTY Liaison Officer to Serbia to discuss the future of the Hague Tribunal archive in the context of war crime trials, building historical memory, establishing the facts about the recent past and the need for the documentation of the Hague Tribunal archive to be accessible to experts and the general public.



*Meeting on the Future of the Hague Tribunal archive*

All participants agreed that the Hague Tribunal archive must be accessible. From the outset, Nataša Kandić, HLC Executive Director, stressed that saying “it is important that the Hague Tribunal archive be accessible to courts, prosecutors' offices, journalists, researchers, victims' family and to all persons interested in learning about events in the armed conflicts in the former Yugoslavia”. She said that easy access to the archive is the strongest measure against manipulation and revisionism.

Commissioner for Information of Public Importance, Rodoljub Šabić, said that a serious problem concerning the future of the Hague Tribunal archive is that “we're waiting unprepared.”



*Commissioner for Information of Public Importance,  
Rodoljub Šabić*

The question is not where the archive will be located, but rather one of access. “The question arises: should we treat this archive as something that should be accessible to the public or not? Is it the rule or the exception that the archive is accessible to the public? On what basis are certain documents secret? It is a fact that, unlike other European countries, we do not have a law on the classification of secret information. In Serbia, the story about secrecy is based on the good faith or the honour of the functionary that classifies a piece of information as secret. If someone were to give us the Hague Tribunal archive, we would not be able to say if it were generally public or generally secret. Next, if it is classified why is it classified and by what procedure can we access a certain document? This is the first answer that we must find. There is an especially important mechanism for regulating access to information. To my mind, the requirement to protect the privacy of information is even more important than state secrets. And it is not necessary to remind you that we do not have a law on the protection of personal information. So we do not have the two fundamental regulations that are necessary for us to be able to deal with such a huge amount of information.”





Matias Hellman, ICTY Liaison Officer in Belgrade, pointed out that “at this point in time no one has made a final decision about how access to the documents will be organized.” Many documents of the Hague Tribunal are already accessible on the internet, and everything that is on the court lists is public, apart from *in camera* hearings”.

The issue of the Hague Tribunal archive opens up the need “for change in the mentality in the way a society functions,” said Silvija Panović – Đurić (Council of Europe) adding, “one aspect is access of courts [to the documentation] and it would be necessary to give them priority when documents are being classified because of protected witnesses and court hearings. According to Ms. Panović – Đurić: “only the issue of the Hague Tribunal archive can be used to introduce certain laws into Serbian legislation, which at present don’t exist.” Also, “there is plenty of material that can be used by future generations to influence how society thinks about itself. In this, the role of NGOs is very important.”

Dragan Popović from the Youth Initiative for Human Rights (YIHR): “There is a need to use the Hague archive for public information for education, and there is also a need for qualified persons to work with the material, who would know where to find information linked to particular persons, cases or toponyms. Alongside experts and archivists, it is important that the archive is managed by persons who have significant knowledge of international humanitarian law, and especially knowledge of the work of the Hague Tribunal and of other courts.”



Dragan Popović, Youth Initiative for Human Rights

Goran Marković from the war crimes investigation department of the Ministry of Interior of Serbia said that “in view of the department’s work their full access [to the archive] is most essential,” adding, “the official position of the Ministry of Interior of Serbia is that the archive is accessible. It is unimportant where it is located. What is important is that the documentation is accessible and searchable.”

Miroslav Alimpić, investigating judge of the Novi Sad District Court, pointed out that “besides the accessible part of the Hague Tribunal archive, there are in the archive reports and various analyses prepared by investigators for internal use only”. They would “summarize the many years of work of investigators and the legal team, and indicate in certain given cases if there is enough evidence or not to prosecute. Such documents would be invaluable for investigation of cases before our courts,” said Alimpić.



HLC war crimes documentation archive

Thanks to the support of the Hague Tribunal and US Congress, HLC began copying the Hague Tribunal archive in 2005, which today amounts to more than 5,000 days of trial and 100,000 documents in digital format. HLC will continue this initiative to become the repository of a satellite Hague Tribunal archive, in the belief that it should be used to establish the facts about war crimes, build historical memory and guard against renewed conflict in the Western Balkans.

