



Humanitarian Law Center

Activities and achievements in 2013

Mission

The Humanitarian Law Center (HLC) supports post-Yugoslav societies in the promotion of the rule of law and acceptance of the legacy of grave human rights violations, and therefore in establishing the criminal responsibility of perpetrators, serving justice, and preventing recurrence.

Introduction

The prospects for transitional justice in Serbia and other post-Yugoslav countries were influenced significantly by several important political events that took place in 2013 and two judgments handed down by the Hague Tribunal over the same period.

The most significant political event, was the agreement signed between Serbia and Kosovo (the Brussels Agreement), which, fourteen years after the end of war, formally marked the beginning of the normalization of relations between the two states. The agreement reached under the auspices of the European Union (EU) and signed by the Prime Ministers of Serbia and Kosovo, Ivica Dačić and Hashim Thaçi, addressed a range of issues, such as freedom of movement and access to cadastres (property registries), which will bring improvement to people's lives. The two parties agreed, among other things, that neither side would block or encourage others to block the other side's progress towards EU membership. Questions relating to addressing the grave legacy of crimes committed during the war were not among the subjects covered by the agreement.

In signing the Brussels Agreement, Serbia has fulfilled the remaining political condition for opening the negotiation process with the EU. In December 2013, the European Council decided to launch accession negotiations with Serbia in January 2014. The negotiating framework for Serbia adopted by the European Commission envisaged that the negotiation process would open with Chapter 23 on the judiciary and fundamental rights and Chapter 24 on justice, freedom and security. While the EU *acquis* does not contain provisions addressing implementation of transitional justice measures in post-conflict societies, the very nature of Chapters 23 and 24 will open windows of opportunity for civil society organizations to advocate for the adoption of such laws and policies which would provide for the fulfilment of the rights and needs of both victims and society as a whole, in connection with the grave legacy of the crimes of the 1990s.

The ICTY acquittals in the *Perišić* and *Stanišić and Simatović* cases caused outrage among victims and human rights organizations in Bosnia and Herzegovina, Serbia and Croatia. These acquittals, and the judgments delivered earlier (in 2012) in the *Gotovina* and *Haradinaj* cases, led to the most serious questioning so far of the ICTY's contribution to ascertaining the truth about, and ensuring accountability for, the events of the 1990s, and reinforced the view that criminal judgments alone are not sufficient for a society to overcome the legacy of the crimes committed in the 1990s.

That the very political parties and politicians who made up the backbone of the regime that was involved in the commission of mass crimes across the former Yugoslavia during the 1990s, play key roles in current governments, poses another challenge to the reconciliation process in the region. In this regard, Serbia's government officials have made a few important steps, which have contributed to building trust among the countries in the region. Namely, following-on from statements made immediately before and after taking office, in which he denied the Srebrenica genocide, Serbian President Tomislav Nikolić, in an interview with BiH Radio-Television in April 2013, apologized for the crimes committed in BiH, in the name of the Serbian people. In July, the Serbian President backed the RECOM process by appointing Siniša Važić, a Belgrade Appeals Court Judge, as his personal envoy to the Regional Expert Group, responsible for reviewing the proposed RECOM Statute. In December 2013, Serbian Prime Minister Ivica Dačić attended the opening in Belgrade of the exhibition *The Bogujevci – A Visual History*, dedicated to the Albanian civilians who died at the hands of the Serbian police during the war in Kosovo (on 28th March 1999 in Podujevo). The Prime Minister's presence at the exhibition drew extensive media

coverage and was the first ever symbolic recognition of the suffering of Albanian victims, made by any Serbian government official.

Prosecution of war crimes has continued to be the only institutional response to wrongdoing that occurred during the armed conflicts on the territory of the former Yugoslavia. As in previous years, war crimes prosecutions were hampered by numerous problems and obstructions. First and foremost, by the unwillingness of the Office of the War Crimes Prosecutor (TRZ) in Serbia, to bring charges against high-level police and army officers alleged to have been involved in war crimes. In 2013, for the first time, the European Commission criticized the TRZ for its failure, in its Serbia 2013 Progress Report.¹ There were also other problems, the most important of which related to witness protection, the lack of trials, and the police and army protecting suspects from among their ranks².

During 2013, progress was made towards the institutionalization of the initiative to set-up a Regional Commission for the Establishment of the Facts about All Victims of War Crimes and Other Grave Human Rights Violations Committed on the Territory of the Former Yugoslavia between 1991 and 2001 (RECOM). The Presidents of most of the states in the region have appointed personal representatives to the Regional Expert Group, which is tasked with reviewing the draft RECOM statute and exploring the constitutional and legal options for the establishment of RECOM.³

I Research

During 2013, the HLC collected information on human losses and war crimes perpetrators and other materials pertaining to the armed conflicts in the former Yugoslavia, for its archive.

1. Human Losses During Armed Conflicts in the Former Yugoslavia

The HLC continued verifying and updating registers of persons who were killed or went missing in the armed conflicts in Kosovo, Croatia, and Bosnia and Herzegovina and continued preparation of the Kosovo *Memory Book* (KMB) and the creation of an interactive map of human losses.

1.1. Register of Persons Killed and Disappeared Between 1998 and 2000

The register of human losses during the armed conflict in Kosovo is being compiled in cooperation with the HLC in Kosovo. During 2013, researchers from the HLC and the HLC in Kosovo interviewed 2,170 witnesses (eye-witnesses and victims' family members). During the research, 1,360 documents were collected (photographs of victims and their graves, personal documents, death reports and reports on the identification of mortal remains).

¹ European Commission, *2013 SERBIA Progress Report*, 16th October 2013, available at:

http://www.seio.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/izvestaj_ek_2013.pdf.

² See the HLC Press Release: "Officers Indicted of Crimes against Civilians in Trnje should be Suspended from Serbian Army" of 20th November 2013, and "Persons Indicted for War Crimes in Police Uniform", of 9th December 2013 at: www.hlc-rdc.org

³ The third member of the BiH Presidency, Nebojša Radmanović, and Slovenian President Borut Pahor, have yet to appoint their representatives.

During the reporting period, the HLC team analyzed 5,645 documents and updated files on 12,251 victims of war.

On the basis of the analysis of the material collected during the research, 129 new victims were added to the register as confirmed victims. The research showed that 59 persons were not victims of war, that a further 61 persons were, in fact, alive, and the names of a further 276 persons were found to have been registered twice.⁴ The status of 285 victims remains unknown.⁵

1.1.2. Kosovo Memory Book

During the reporting period, the HLC team worked on the preparation of the second, third and fourth volumes of the KMB. The HLC researchers wrote 2,026 draft narratives describing the fate of 3,705 persons who were killed or who went missing during 1999-2000. Also, around 700 further draft narratives relating to approximately 1,200 victims were reviewed during the period.

1.2. Register of Human Losses of Citizens of Serbia and Montenegro, During Armed Conflicts in Slovenia, Croatia and BiH (1991-1995)

HLC researchers conducted 84 interviews and verified or updated 66 pieces of information with witnesses and family members of citizens of Serbia and Montenegro who were killed or who went missing during the wars fought in Slovenia, Croatia and BiH. During the research, 250 documents⁶ were collected and subsequently analyzed. On the basis of these documents, 1,799 citizens of Serbia and Montenegro who lost their lives in wars in Croatia and BiH were registered and 250 draft narratives relating to the victims of the war in Croatia were written during 2013.

1.3. Register of Human Losses of Citizens of Serbia and Montenegro, During the NATO Bombing

The verification and updating of previously collected information on human losses in Serbia (without Kosovo) and Montenegro during the NATO bombing (24 March - 9 June 1999) was completed in June 2013. The verification showed that 275 persons (180 civilians, 90 Yugoslav Army members, and 5 members of the Ministry of the Interior forces) lost their lives in Serbia (without Kosovo) and Montenegro as a result of the NATO bombing. Other than three Chinese citizens, all of the victims were citizens of the Federal Republic of Yugoslavia.

1.4. Register of Human Losses Among Croatian Citizens, During the Armed Conflict in Croatia

Research into human losses among Croatian citizens is being conducted in cooperation with the Zagreb-based organization, Documenta⁷. The HLC conducts research on killed and disappeared Croatian citizens (of Serbian ethnicity) whose family members currently live in Serbia. HLC researchers interviewed 497

⁴ Double registration was in most cases the result of mis-spelling of victims' names.

⁵ These are persons who were reported, by some of the sources, as having lived or died in certain places, but which could not be confirmed by research.

⁶ Birth certificates, death reports, personal documents, photographs, books etc.

⁷ Documenta researchers conduct their research in Croatia.

witnesses and family members of the killed and missing and compiled 853 relevant documents (photographs of victims and their graves, certificates of circumstances of death, death certificates etc.).

On the basis of an analysis of 1,350 documents (witness statements, court judgments, ICTY trial exhibits and trial transcripts and other documents that have been gathered and analyzed), information on 901 persons was updated.

1.5. Interactive Map of Human Losses in the Former Yugoslavia (1991-2001)

Information about those killed and missing in the wars fought on the territory of the former Yugoslavia⁸ has been made available to view online as the *Interactive Map of Human Losses in Former Yugoslavia* (Interactive map). In addition to key personal details provided for each victim (first name, last name, date and place of birth and date and place of death), the Interactive map also displays photographs of victims and narratives about the victims (from the Kosovo Memory Book and, in the near future also narratives about Croatian citizens who lost their lives during the war in Croatia), and public documents containing information on each individual.

Three locations, where 56 persons lost their lives, were marked on the Croatian page of the Interactive map. 393 locations, and 1,247 related narratives describing the deaths or disappearances of 2,046 persons in 1998, in Albanian, English and Serbian, were marked on the Kosovo page. The Interactive map was redesigned in 2013. Additionally, the process of linking the sources cited in the narratives with electronic copies of the documents stored in the HLC Database continued into 2013 and 1,442 of the 1,842 documents referenced in the narratives and which were chosen to be displayed on the Interactive Map were linked to their corresponding sources.

2. Database

A total of 14,871 documents were entered into the HLC database, of which 3,297 came from the HLC and the HLC in Kosovo as the primary sources (witness statements, verifications and updates, researchers' notes, trial reports), 3,138 were court documents from war crimes trials (mostly from ICTY cases), and over 5,025 were documents from other sources (photographs of victims and headstones, vital records certificates, newspaper articles, etc.) Additionally, another 3,411 documents, intended for general use (monthly activity reports, reports on activities under various projects and the like) were also entered into the database in the reporting period.

3. HLC Archive⁹

More than 1,400 printed documents were archived and catalogued in the reporting period. Another 695 documents which had been stored earlier were also catalogued and a further 2,683 printed documents on 11,000 A4 pages were digitized.

⁸ The information is a product of several years of research conducted by the HLC, HLC-Kosovo, Research and Documentation Centre (IDC) from Bosnia and Herzegovina, and Documenta from Croatia.

⁹ The content of the Archive is available at: www.hlc-rdc.org.

The HLC continued to transfer audio-visual recordings of trials held before the ICTY to its archive: 156 recorded trial days (on 555 DVDs) and 13 documents in BHS languages were copied and transferred to the archive.¹⁰

In order to permanently preserve the recordings of ICTY trials, currently stored on DVDs (which have a limited shelf life), the HLC acquired a new server, to which the entire ICTY material that the HLC keeps in its archive is now being transferred. During the reporting period, 848 trial days, stored on 3,065 DVDs, were transferred.

4. War Crimes Dossiers

During 2013, the HLC team worked on the creation of six dossiers relating to units that were involved in crimes in Croatia, BiH and Kosovo: the Yugoslav Army (VJ) 549th Motorized Brigade, the VJ 243rd Mechanized Brigade, the VJ 125th Motorized Brigade, the Serbian Volunteer Guard, and the Special Operations Unit. The dossiers were created on the basis of information drawn from several hundred witness statements, documents presented as evidence at trials before the ICTY, and other sources.

In March 2013, the HLC released its Dossier on the VJ 549th Motorized Brigade.¹¹ It describes the Brigade's activities from 24th March to 10th June 1999, over the course of which period members of Serbian forces killed 2,174 civilians – Kosovo Albanians – in the Brigade's area of responsibility. The descriptions of mass killings that took place in this period have been substantiated by witness statements and authentic military documents, which all point to the 549th Motorized Brigade being responsible for these crimes. The dossier was published in English and Serbian.

In October 2013, the HLC published its Dossier on the VJ 125th Motorized Brigade, which describes its activities between 22nd September 1998 and 14th May 1999, over the course of which period members of Serbian forces killed 1,813 civilians – Kosovo Albanians¹² – in the Brigade's area of responsibility. The dossier describes mass crimes, substantiated by witness statements and authentic military documents suggesting that responsibility for these crimes lies with members of the 125th Motorized Brigade. The Dossier was published in English and Serbian.

5. Area of (Ir)responsibility

During 2013, the HLC began creating the *Area of (Ir)responsibility*, an internet presentation of the crimes which took place in regions of Croatia, BiH and Kosovo that fell within the areas of responsibility of the Serbian forces, and for which no one has yet been called to account. The purpose of this effort is to raise awareness among the Serbian public of the problem of impunity for serious crimes. The *Area of (Ir)responsibility* will, among other things, allow its visitors to read narratives of crimes, based on witness statements and ICTY records, and to see the chains of command in police and army units in whose areas of responsibility the crimes took place. The website will be launched in early 2014.

¹⁰ Thus far, the HLC has stored recordings of 95 per cent of all trials held to date and publicly available evidence material in its Archive.

¹¹ For more information on the release of this Dossier see page 16.

¹² For more details on the presentation of the Dossier see page 17.

During 2013, the HLC team worked together with web designers to create a design and layout for the website.

II Justice and Institutional Reform

Through a number of activities, the HLC continued its work to ensure the accountability for crimes committed during the 1990s. The HLC represented victims in war crimes trials and reparation lawsuits, filed criminal complaints against persons suspected of committing war crimes and created a list of war crimes suspects. Further, the HLC monitored and analyzed domestic war crimes trials.

2.1. Support for the Development of the 2015-2025 War Crimes Processing Strategy

In early 2013, the HLC embarked on a comprehensive analysis of current war crimes prosecution practice in Serbia.¹³ The analysis will serve as the starting point for consultations with Serbia's key institutional stakeholders dealing with war crimes prosecution (the Office of the War Crimes Prosecutor, judges, representatives of the Ministry of Justice, police, legal professionals etc.), relevant international experts and civil society actors. The meetings will discuss policies for advancing the prosecution of war crimes in Serbia, i.e. the Serbian 2015-2025 War Crimes Processing Strategy. This process will result in a draft strategy, which will be submitted to the Ministry of Justice in mid-July 2014.

During 2013, members of the project team, working together with an external legal expert, developed a research methodology and defined the structure for this analysis. Also, they conducted 13 interviews, and two follow-up interviews seeking additional information, with judges at the War Crimes Department of the Higher Court in Belgrade, judges at the Court of Appeals, prosecutors at the Office of the War Crimes Prosecutor, representatives of the Serbian Ministry of the Interior, attorneys representing persons indicted for war crimes, representatives of the OSCE Mission to Serbia and the Belgrade Center for Human Rights.

The team working on this project have prepared a draft version of their analysis. During the same period, an analysis of public statements made by representatives of various state institutions regarding the prosecution of war crimes and a discourse analysis of the media coverage of war crimes trials were conducted.

2.2. Representing Victims in War Crimes Trials

HLC attorneys represented victims and their family members in six war crimes cases, three of which are being tried before the Higher Court in Belgrade (War Crimes Department) – *Ćuška/Qushk*, *Skočić* and *Tenja II*. Three other cases – *Sotin*, *Trnje* and *Ljubenić*¹⁴ – were still in the investigative phase before the Office of the War Crimes Prosecutor. A total of 61 trial days and four days of investigative actions were held in these cases, during which 152 witnesses were heard, 43 of whom were injured parties and seven, expert witnesses. Four of the witnesses were put forward by HLC attorneys.

¹³ The analysis covers the period from 2004, (when specialized institutions for war crimes processing were established) to the end of 2012.

¹⁴ In November 2013, the TRZ filed indictments in the *Trnje* and *Ljubenić* cases.

An HLC attorney, in his capacity as the legal representative of the victims, monitored three public sessions in the appeals process in the *Lovas* case before the Court of Appeals in Belgrade.

The *Skočić* case resulted in a judgment in February 2013. The HLC organized for Zijo Ribić, to attend as a witness/injured party in this case, and for a group of his friends to attend the pronouncement of judgment, in support of Zijo.

On behalf of 78 Bosniaks, former prisoners of the Šljivovica and Mitrovo Polje detention camps, and family members of prisoners who were killed in these camps, in April, the HLC lodged a constitutional complaint with the Constitutional Court because of the absence of appropriate investigation into the war crimes committed in these two camps in 1995 and 1996.¹⁵

In November 2013, the Office of the War Crimes Prosecutor filed charges against one commissioned and one non-commissioned serving officers of the Serbian Army (VS) and one MUP Gendarmery officer. In both of these cases, the HLC publicly demanded that the competent authorities suspend these individuals from the VS and the Ministry of the Interior, respectively.¹⁶ In January 2014, the TRZ notified the HLC that the MUP Gendarmery officer had been suspended.

2.3. Monitoring of War Crimes Trials in Serbia

Over the year, the HLC trial monitoring team monitored proceedings in eight war crimes trials before the Higher Court in Belgrade (*Bosanski Petrovac*, *Mark Kashnjeti*, *Sanski most*, *Bihać*, *Tuzla Convoy*, *Ovčara V*, *Čelebići* and *Beli Manastir*) and the proceedings against Miloš Lukić before the Higher Court in Prokuplje (*Miloš Lukić*). HLC attorneys also monitored Court of Appeals' sessions in the appeals process in two cases (*Mark Kashnjeti* and *Gnjilane Group*). 44 trial days were held in the reporting period, during which 64 witnesses were examined, of whom 21 were injured parties and four expert witnesses. Members of the trial monitoring team wrote daily trial reports, based on their observations. The reports were posted on the HLC website.

In 2013, the HLC issued four press releases concerning the judgments delivered in war crimes cases, in which it expressed its views on the judgments and offered brief analyses of the proceedings.

Annual Report on War Crimes Trials

In January 2013, the HLC published its *Report on War Crimes in Serbia in 2012*.¹⁷ The report provides basic information about, and legal analyses of, proceedings and rulings in 20 war crimes cases heard by the Higher Court in Belgrade, the Court of Appeals and courts of general jurisdictions, which the HLC monitored, or in which it represented the injured parties during 2012.

In October, the HLC began preparing its report for 2013. By the end of 2013, draft analyses of ten cases which were underway during 2013, were completed.

2.4 Criminal Complaints Against Suspected War Criminals

¹⁵ See the HLC Press Release "Constitutional Complaint because of Absence of investigation into Crimes against Bosniaks committed in Šljivovica and Mitrovo Polje detention camps", of 11th April 2013 at: www.hlc-rdc.org.

¹⁶ See the HLC Press Release: "Officers Indicted for Crimes against Civilians in Trnje should be Suspended from Serbian Army" of 20th November 2013, and "Persons Indicted for War Crimes in Police Uniform", of 9th December 2013 at: www.hlc-rdc.org

¹⁷ More on this report on page 14.

Over the course of the year, the HLC gathered and analyzed material about perpetrators of war crimes in Kosovo. As a result of the analysis, 16 criminal complaints were drawn up, in cases where there were eyewitnesses able to identify the perpetrators. Following additional verification and updating of information, it was found out that witness identification of perpetrators was unreliable.

The HLC filed five criminal complaints with the Office of the War Crimes Prosecutor, against 17 identified and approximately 30, as yet unidentified, individuals. The complaints concern the crimes committed in the municipalities of Prizren, Orahovac/Rahovec, Peć/Pejë, Vučitrn/Vushtrri and Đakovica/Gjakovë. The criminal complaints were supported by documents from the ICTY database, media reports and other evidence, as well as witness information.

2.5. Representing Victims of Past Human Rights Abuses in Reparations Lawsuits

During 2013, the HLC represented approximately 200 victims of war crimes, torture, unlawful detention, persecution and destruction of property in reparations lawsuits.

2.5.1. Support for Victims' Efforts to Realize their Right to Reparations through Court Proceedings

During the reporting period, the HLC represented 187 victims in 52 lawsuits initiated between 2005 and 2010, before the courts in Serbia, Montenegro and Kosovo. HLC lawyers participated in 36 hearings and filed 46 motions to the courts. Ten court judgments were delivered in this period and one decision handed down by the Serbian Constitutional Court. The HLC organized for four victims from Kosovo to give testimonies before the First Basic Court in Belgrade¹⁸ and for a medical expert to travel to Priština/*Prishtinë* to examine six victims of unlawful detention.

Following the decision of the Serbian Constitutional Court to dismiss the constitutional complaint filed by the HLC on behalf of Behram Gigollaj's family members, the HLC took this case to the European Court of Human Rights. This will be the first time that the ECHR has considered a case against Serbia relating to violation of anti-discrimination provisions, the right to life, the right to a fair hearing and access to an effective remedy for victims of ethnically motivated human rights abuses.

Following the decision of the Court of Appeal, partially denying the claim by Nusret Kulovac and Sakib Rizvić, former prisoners of the Šljivovica and Mitrovo Polje detention camps for Bosniaks located in Serbia, the HLC filed a constitutional complaint with the Constitutional Court of Serbia, on the grounds that their right to a fair trial had been violated, for the violation of anti-discrimination provisions, violation of the right to rehabilitation and redress and their right to an effective remedy.

The HLC also filed two constitutional complaints with the Constitutional Court of Serbia on behalf of 21 family members of the victims of the crime which occurred in Sjeverin. In November, a constitutional complaint was filed against the decision of the Court of Appeals in Belgrade to deny the families' claims for compensation for non-pecuniary damage against the Republic of Serbia.¹⁹ Earlier in 2013, the HLC

¹⁸ See the HLC Press Release "Victims Testimonies about Torture in Prisons in Serbia" and "Testimonies of Torture Survivors before the First Basic Court in Belgrade" of 6th June and 31st May 2013, respectively at: www.hlc-rdc.org.

¹⁹ See the HLC Press Release "Family Members of Victims of War Crime From Sjeverin Seek Justice before Constitutional Court" of 6th November 2013.

filed a constitutional complaint claiming the violation of the right to trial within a reasonable time in this case. In October 2013, the Constitutional Court granted the complaint.²⁰

During 2013, the Serbian courts delivered nine decisions in compensation lawsuits; of these, three were trial judgments, five were decisions on appeal, and one, a decision by the Constitutional Court. The courts awarded compensation to 28 victims and denied the claims of 41 others.

Success Stories

In proceedings that the HLC initiated on behalf of 20 residents of the village of Kukurovići against the Serbian state because of its responsibility for the 18 February 1993 mortar attack on the village and the damage inflicted, the Higher Court in Belgrade issued an interim judgment finding the Serbian state responsible for the said war crime. This judgment is important because it is the first judgment to establish the responsibility of the State for the war crimes committed by Serbian forces in Sanjak during the 1990s.²¹

The First Basic Court in Belgrade awarded Kosovo Albanians Jashar Kukaj, and Xheladin and Zenel Bylykbashi each RSD 150,000 in compensation for torture and unlawful detention in 1999 and 2000.²²

In 2013, the Court of Appeals in Belgrade issued a judgment ordering the Republic of Serbia to pay RSD 200,000 in damages to the Kosovo Albanian, Sylejman Bajgora, for torture he suffered at the hands of members of the Serbian Ministry of the Interior forces.²³

The Court of Appeals in Belgrade also confirmed the judgment handed down by the First Basic Court in Belgrade on a compensation claim made by five Kosovo Albanians. The First Basic Court had found the Republic of Serbia responsible for the torture of Tahir Bytyqi, Smajl Gashi, Rrahman Elshani, Hysni Podrmiçaku and Bekim Istogu, by members of the Serbian Ministry of the Interior forces while in unlawful detention in 1999-2000, and ordered the Serbian authorities to award them compensation totaling RSD 1.3 million.²⁴

Analysis of Court Practice

Over the year, the HLC prepared and published its report *'Fulfilling the right for victims of human rights abuses to seek reparation before the Serbian courts: Servicing justice or trivializing crimes?'* The report offers important information on, and legal analysis of, 15 cases in which the HLC represented victims and which resulted in judgments during 2012.²⁵ The report was presented at a press conference held on 12th June 2013.²⁶

²⁰ See the HLC Press Release "Constitutional Court: Right to Fair Trial Violated in Case of Families of Victims from Sjeverin" of 18th October 2013 at: www.hlc-rdc.org.

²¹ For more details about the judgment see the HLC Press Release "Higher Court in Belgrade: State of Serbia Responsible for War Crime in Kukurovići Committed in 1993" of 9th April 2013.

²² For more details see the HLC Press Release "Humiliating compensation for Kosovo Albanians who survived torture by members of Ministry of Interior" of 8th July 2013 at: www.hlc-rdc.org.

²³ See the HLC Press Release "Kosovar Albanian Awarded Compensation for Torture Suffered in 1999" of 21st February 2013 at: www.hlc-rdc.org.

²⁴ See the HLC Press Release "Compensation to Five Kosovar Albanians for Torture and Unlawful Detention" of 30th April 2013 at: www.hlc-rdc.org.

²⁵ The electronic version of the report is available on the HLC website.

²⁶ For more information on the press conference see "Presented Report on Material Reparations for 2012" of 13th June 2013.

2.5.2. Support for Victims in Proceedings Seeking Recognition of Civilian War Victim Status

Representing Victims in Proceedings Seeking Recognition of Civilian Victims of War Status

Between November 2011 and March 2013, the HLC initiated 12 separate administrative proceedings for recognition of civilian victim of war status on behalf of 14 victims of human rights abuses (citizens of Serbia), pursuant to the Law on the Rights of Disabled Civilian Victims of War.²⁷ Ten of the applications were rejected with the explanation that the applicants failed to meet requirements for being accorded the status of civilian victims of war, because they suffered violence at the hands of the Serbian army and police or because the crimes in question took place on the soil of another state.²⁸ One application was granted because the victim was a Serb national who suffered violence at the hands of members of the Kosovo Liberation Army. One case is still ongoing.

On behalf of those whose applications were rejected, the HLC lodged appeals with the relevant ministry, or filed administrative actions before the Administrative Court against the relevant ministry. Ultimately, the HLC will take these cases to the Constitutional Court and the European Court of Human Rights for review of the law in terms of its consistency with the Constitution and international human rights standards.

Advocacy for Changes to the Law on the Rights of Disabled Civilian Victims of War

In 2013, the HLC held two meetings, with Miloš Janković, Deputy Ombudsman, and with Suzana Paunović, director of the Office for Human and Minority Rights of the Government of the Republic of Serbia, in order to draw their attention to the discriminatory nature of the law and the rulings handed down by the administrative authorities in proceedings for the recognition of civilian victim of war status. Both the Ombudsman and the Office expressed their willingness to support amendments to the Law.

The HLC conducted a comparative analysis of Serbian laws governing the rights of victims to receive reparation, legislation in the countries in the region, and international standards. This analysis was sent to the Ombudsman, the Office for Human and Minority Rights and the Commissioner for Protection of Equality.

III Education About the Past

1. Education for Reconciliation – Regional Transitional Justice School

In January and November 2013, the HLC, together with its partner organizations – the HLC in Kosovo and the Lawyers' Association of BiH – organized Regional Transitional Justice Schools, which brought together 50 students and young people from BiH, Kosovo and Serbia. Lecturers included HLC experts on ICTY trials and non-judicial transitional justice mechanisms, experts from BiH, Croatia, Kosovo and Serbia, university professors, journalists and others.

²⁷ "Official Gazette of the RS", no 52/96.

²⁸ According to this law (Article 2), only those persons who have suffered violence at the hands of "enemy forces" may be recognized as civilian victims of war.

At the closing seminar of the first Regional School, held in late March 2013, the students presented papers on various subjects in the area of transitional justice.²⁹ Over the year, the HLC completed preparation of a publication featuring the best papers written by the students. The publication will be issued in Albanian, BHS languages and English. A promotional 20-minute documentary was also made about the Regional School, titled “Education for Reconciliation”.³⁰

Cooperation with Academic Institutions

The HLC met with Dr Orli Fridman and Dr Jelisaveta Blagojević, teachers at the Faculty of Media and Communications in Belgrade, to discuss the possibility of registering HLC educational programs under the Bologna system and bringing the Transitional Justice School into mainstream education, as a part of a Masters program, or by accrediting it as a transitional justice Masters program at the Faculty of Media and Communications.

In March, the *Democracy and Human Rights in South-East Europe* Masters program, implemented jointly by the Center for Interdisciplinary Postgraduate Studies at the University of Sarajevo and the University of Bologna, included the HLC among a group of organizations at which their students may undertake internships. Internship with the HLC will carry 12 ECTS³¹ credit points.

IV Culture of Remembrance

During 2013, the HLC launched initiatives aimed at establishing and fostering a culture of remembrance by preserving the memory of the victims of crimes committed by the Serbian forces during the 1990s.

1. Batajnica – Site of Remembrance and Conscience

In August 2013, the HLC and the HLC in Kosovo undertook the first steps towards promoting their joint initiative to memorialize the largest mass grave connected with the war in Kosovo, which is located in Batajnica, near Belgrade.³² The initiative is aimed at opening a dialogue on memorialization of the mass grave in Batajnica and launching a broader dialogue among young people about the legacy of war crimes.

In the first phase of the initiative, the HLC and the HLC Kosovo will compile oral history interviews, which will be used to make a documentary about the Batajnica mass grave site, and which will focus on the victims.³³ During the year, a team was formed to conduct oral history interviews. Documentary material was analyzed and 15 persons were identified as meeting the criteria to be interviewed. By the end of 2013, eight interviews had been conducted with family members of persons whose bodies were exhumed from the grave in Batajnica.

²⁹ At the closing seminar, the students who attended the Regional School were presented with diplomas by Biljana Sinanović, Justice of the Supreme Court of Cassation and the Judge in the Scorpians case.

³⁰ www.hlc-rdc.org

³¹ European Credit Transfer System.

³² In May 2001, the Serbian authorities found seven mass graves in the special police training ground in Batajnica, containing more than 700 bodies of Kosovo Albanians, mostly civilians. The civilians buried here were either murdered in Kosovo or forcibly abducted from Kosovo and murdered later by Serbian forces.

³³ The documentary will be directed by [Ognjen Glavonić](#).

2. Visit to Šljivovica Detention Camp

On the occasion of the 18th anniversary of the date when Žepa fell under the control of the Army of the Republika Srpska (VRS), the HLC organized the first post-war commemoration of the victims of the former detention camps for Bosniaks from Žepa located in Šljivovica (in Čajetina municipality, Serbia). The commemoration was attended by former prisoners of the camp, representatives of the BiH Association of Detention Camps Survivors, the Youth Initiative for Human Rights, Women in Black, Genocide Victims and Witnesses Associations and the media.

V RECOM Initiative³⁴

Between January and June 2013, the Coalition for RECOM was engaged in the process of public and political advocacy for the establishment of RECOM. During this period, political representatives of the countries in the region made some of the first concrete steps towards the institutionalization of RECOM, i.e. taking the idea for the establishment of the Regional Commission from civil society to an institutional level. The HLC took an active part in all of the activities of the Commission.

1. International Forum for Transitional Justice

The IX International forum on transitional justice, titled *Reconciliation in Post-Yugoslav Countries*, was held on the 17th and 18th May 2013 at Mount Jahorina, BiH. The forum brought together 220 participants, including civil society actors, victims, artists, representatives of religious communities and the scientific community. During the forum, the Assembly of the Coalition for RECOM held its sixth session, at which its report on activities was approved and two working groups were formed.

2. Meetings with Representatives of Domestic and International Institutions and Organizations

In 2013, the public advocates for the RECOM Initiative intensified their schedule of meetings with representatives of domestic and international institutions. Additionally, a joint meeting of public advocates was held on 18th June 2013 in Belgrade. Over the year, the public advocates had more than 10 meetings with representatives of various institutions in successor states to the former Yugoslavia and their ambassadors.

3. Institutionalization of RECOM

During 2013, most presidents of states in the region appointed personal representatives to the Regional Expert Group, which is tasked with reviewing the Draft RECOM Statute, proposed by the Coalition for RECOM, and exploring constitutional and legal options for the establishment of RECOM.³⁵ In September and November 2013, the presidents' personal representatives held two meetings, which were attended

³⁴ For more details on the RECOM process visit: www.zarekom.org.

³⁵ The third member of the BiH Presidency, Nebojša Radmanović, and Slovenian President Borut Pahor, have yet to appoint their representatives.

by representatives of the Coalition for RECOM and a member of the Coalition for RECOM Working Group which drew up the Draft Statute. During the meetings, the personal representatives thoroughly analyzed the provisions contained in eight chapters of the RECOM Draft Statute.

4. RECOM Initiative !Voice

During the year 2013, the HLC continued production of the Coalition for RECOM newsletter, *RECOM Initiative !Voice*. *!Voice* publishes authored pieces and carries media reports from all successor countries of the former Yugoslavia and other countries, concerning the RECOM process and all other issues relevant to the process of dealing with the past in the region of the former Yugoslavia. Six issues of *!Voice* were released during the year and circulated to thousands of recipients across the region.³⁶

5. Coalition for RECOM Meetings

The Regional Council of the Coalition for RECOM met twice during the year, on 1st June and 14th December. Representatives of HLC partner organizations analyzed the activities undertaken, assessed their results, and planned new activities within the context of the institutionalization of the RECOM process.

6. Discussion Events

During a discussion event organized by the Coalition for RECOM on 9th April 2013, the HLC's *Transitional Justice in Post-Yugoslav Countries – Report for 2010/2011*, was presented, by Nataša Kandić, founder of the HLC and advocate for the RECOM Initiative, Sandra Orlović, HLC executive director and Mario Mažić, director of the Youth Initiative for Human Rights in Croatia. On the same occasion, the fourth issue of *Transitional Justice Forum*, was presented to the audience,³⁷ by Denisa Kostovicova³⁸, editor of the issue.

VI Public Information and Outreach

1.1. News and Press Releases

During 2013, the HLC issued 72 news and press releases in Serbian, in which it delivered its reactions to various topical issues and events in the field of transitional justice. Most press releases and news items were translated into English and Albanian.³⁹ Press releases and news is posted on the HLC website, distributed by email to over one thousand addresses and uploaded to the HLC's Facebook and Twitter pages.

1.2. Publications⁴⁰

1.2.1. Report on War Crimes Trials in Serbia in 2012⁴¹

³⁶ Two issues of *!Voice* appeared in print and four in electronic format.

³⁷ For more information on the Transitional Justice Forum see page 15.

³⁸ Denisa Kostovicova is a lecturer at the London School of Economics and Political Science.

³⁹ 69 into English and 28 into Albanian.

⁴⁰ All publications available at: www.hlc-rdc.org.

In January, the HLC released its *Report on War Crimes Trials in Serbia in 2012*. Four hundred copies of the report were published in Serbian. The *Findings* section of the report was translated into English and published. The report was presented at the *Debate on War Crimes Trials in Serbia*, held on 14th January 2013.⁴² The full text of the report was released in electronic format, in English.

1.2.2. Transitional Justice in Post-Yugoslav Countries-2010/2011 Report

In cooperation with its four partner organizations,⁴³ in January 2013 the HLC published a report on progress made in the field of transitional justice. The report draws on research carried out in 2011-2012.

1.2.3. Forum on Transitional Justice – 4th issue

Issue no. 4 of *Forum for Transitional Justice* (Forum) magazine was published in January 2013. The issue features speeches given by participants at the *Transitional Justice in the Context of European Integration* conference.⁴⁴ The issue also includes papers presented at the *International Transitional Justice Forum*, organized by the Coalition for RECOM, in Sarajevo, in June 2011. Among the authors whose texts are included in this issue are John Hocking, Registrar of the ITCY, Florence Hartmann, journalist and former ICTY spokesperson and Diane F. Orentlicher, Professor of international law at American University in Washington. Five hundred copies of the issue were published in Serbian and English.

1.2.4. Report Fulfilling the Right for Victims of Human Rights Abuses to Seek Reparation before the Serbian Courts: Servicing Justice or Trivializing Crimes?⁴⁵

The report, *Fulfilling the Right for Victims of Human Rights Abuses to Seek Reparation before the Serbian Courts: Servicing Justice or Trivializing Crimes?* was presented at a conference held in the Media Center on 12th June 2013. Four hundred and fifty copies, in Serbian and English, were distributed to domestic and international institutions and civil society organizations.

1.2.5. Dossier on the 549th Motorized Brigade of the Yugoslav Army⁴⁶

In March 2013, the HLC released the *Dossier on the 549th Motorized Brigade of the Yugoslav Army*. Four hundred copies were printed in Serbian and in English.

1.2.6. Dossier on the 125th Motorized Brigade of the Yugoslav Army⁴⁷

⁴¹ See page 8 for more information.

⁴² See page 16 for more information.

⁴³ Center for Democracy and Transitional Justice (Banja Luka, BiH), Transitional Justice, Responsibility and Memory Association (Sarajevo, BiH), the Youth Initiative for Human Rights Croatia, and the Humanitarian Law Centre Kosovo. The research in Slovenia was conducted by the journalist Igor Mekina, in Macedonia by Oliver Stanoeski, a PhD candidate and Assistant at the Institute for Security, Defence, and Peace at the Faculty of Philosophy in Skopje, and in Montenegro by Lidija Franović, journalist.

⁴⁴ Seminar “European Integration and Transitional Justice: prospects and policy options for restorative justice in the Western Balkans” was held in the seat of the European Commission in Brussels, in December 2009. The event was jointly organized by the former Centre for the Study of Global Governance of London School of Economics and Political Science and the HLC.

⁴⁵ For more information on the report see page 10.

⁴⁶ For more information on the Dossier on the VJ 549th Motorized Brigade see page 6.

The *Dossier on the 125th Motorized Brigade of the Yugoslav Army* was published in October, in Serbian and English, with a print run of 300 copies.

1.3. HLC Website

In November, the HLC launched its new website. The site has been redesigned and enhanced with some new sections and features. The new website has an improved layout which better reflects the HLC's current program-based framework and activities. A new section, *Transitional Justice in Focus*, was also introduced. Over the past three months, more than 200 media reports dealing with the subject of transitional justice in post-Yugoslav countries and elsewhere in the world were transferred to the new section. Visitors to the HLC website have increased since the re-design.

During 2013, 72 news and press releases were posted on the HLC website, along with 93 trial reports on domestic trials, over 50 transcripts from trials in both the domestic courts and before the ICTY, and HLC publications released during the year. All TV reports and stories about the HLC were uploaded to YouTube before being additionally posted on the HLC website.

The HLC website, in all three languages, had approximately 47,900 visitors in 2013, an increase of roughly three per cent on the previous year. Following the redesign, traffic increased by 7.74 per cent and the number of pages visited increased by 11.89 per cent. The time that a visitor spends on the site increased by 37.09 per cent, and the number of new visitors rose by 9.65 per cent.

The HLC continued updating the Kosovo Memory Book web page⁴⁸, the RECOM Initiative web page⁴⁹ and the Transitional Justice School webpage.⁵⁰

1.4. Conferences and Debates

1.4.1. Debate on War Crimes Trials in Serbia

On 17th January 2013, the HLC organized a debate on war crimes trials in Serbia at the Belgrade Media Center and presented its *Report on War Crimes Trials in Serbia in 2012*. Participants included representatives of the Office of the War Crimes Prosecutor, the Higher Court in Belgrade War Crimes Department, the Court of Appeals in Belgrade, courts outside Belgrade, civil society organizations, the OSCE, diplomats and attorneys.

1.4.2. Presentation of the Dossier on the 549th Motorized Brigade of the Yugoslav Army

On 20th March 2013, the HLC presented the *Dossier on the 549th Motorized Brigade of the Yugoslav Army*, in the HLC library room. HLC representatives and family members of victims of the crimes committed by members of the 549th Motorized Brigade in Landovica (in the municipality of Prizren) in March 1999 spoke at the presentation.

⁴⁷ For more information on the Dossier on the VJ 125th Motorized Brigade see page 6.

⁴⁸ <http://www.kosovskaknjigapamcenja.org/>.

⁴⁹ <http://www.zarekom.org/>.

⁵⁰ <http://tj-school.org/>.

1.4.3. Discussion on the Human Rights Situation in Turkey and Screening of Documentary, *The Bride of the Rain*

On the occasion of a study visit by the Istanbul-based Hafiza Merkezi Center to the HLC, a discussion titled, *Past crimes – possibilities of using transitional justice mechanisms in addressing the Kurdish issue in Turkey*, was held on 28th March 2013 in the HLC library room. Topics discussed included the human rights situation in Turkey, crimes committed against the Kurdish and Armenian minorities and the political opponents of Turkish regime, and transitional justice mechanisms applicable to the country. *The Bride of the Rain*, a documentary about the abuse of the human rights of Kurdish people in Turkey during the internal conflicts of the 1990s, was shown at the event.⁵¹

1.4.4. Conference to Present a Report on Reparations

The HLC organized a conference to present its 2012 report dealing with reparation proceedings before the domestic courts, entitled, *Fulfilling the right for victims of human rights abuses to seek reparation before the Serbian courts: Servicing justice or trivializing crimes?* The conference took place at the Media Center in Belgrade on 12th June 2013. Representatives of the HLC, the local legal community and a former prisoner of the Šljivovica and Mitrovo Polje camps, whom the HLC is representing in a case currently before a domestic court, spoke at the conference.

1.4.5. Presentation of the Dossier on the 125th Motorized Brigade of the Yugoslav Army

On 11th October 2013, the HLC presented its *Dossier on the 125th Motorized Brigade of the Yugoslav Army*. The HLC's Sandra Orlović and Milica Kostić, Sense News Agency journalist Nemanja Stjepanović, and family members of the persons killed in the crimes committed by members of the 125th Motorized Brigade in the municipalities of Glogovac/Glogoc, Vučitrn/Vushtrri, Peć/Pejë, Đakovica/Gjakovë, Istok/Istog and Srbica/Skenderaj in 1998-1999, spoke at the presentation.

1.4.6. Discussion: Children after War

On 19 December 2013, the HLC organized a discussion, *Children after War*, at the Belgrade Cultural Center. Saranda, Jehona and Fatos Bogujevci, Zijo Ribić, Igor Matijašević, Radomir Nevajda and Sudbin Musić, who survived crimes and personal tragedies during the wars in the former Yugoslavia, shared their experiences with the participants. The discussion was attended by forty young people – students of elementary and secondary schools and universities in Serbia.

1.5. HLC Library

The HLC Library contains more than 6,000 publications, covering the fields of transitional justice, international humanitarian law, human rights, history, engaged art etc. It is mainly used by employees and associates of the HLC. Other library users include researchers, students, representatives of various

⁵¹ The documentary follows a group of young Kurds growing up in eastern Turkey and attending the same elementary school, set against a background of internal conflicts and oppression of the Kurdish minority by the Turkish government.

institutions and non-governmental organizations, and other interested individuals. During the reporting period, 215 new titles (303 physical copies) and all recent HLC publications (51 copies) were added to the library.

1.6. Visits to the HLC

During the year 2013, more than 250 students, journalists and transitional justice researchers visited the HLC. During these visits, HLC staff members informed them about HLC's core activities, transitional justice processes in the countries that emerged from the former Yugoslavia, and current political affairs.

The HLC was visited in 2013 by many university students from the region, a group of lawyers from Germany, a group of human rights activists from Burma, several EULEX prosecutors, a group of diplomats and rectors from Sweden, students from France, Germany and the United States and professors from Richmond University in the USA.

1.7. Coalition for Access to Justice⁵²

The Coalition held six meetings during the year and issued two press releases (concerning the Law on Free Legal Aid and public access to documents pertaining to draft legislation). One of the two major journalist associations in Serbia – the Independent Journalists' Association of Serbia – joined the Coalition in 2013.

VII Volunteering at the HLC

Volunteers continued to contribute to the HLC's work in 2013, mainly by entering court documents into the HLC database or transferring the ICTY archival material to the HLC server. Our volunteers in the 2013 were: Milica Stančić, Aleksandra Stošić, Katarina Vesović and Vladimir Koturović.

VIII Internships at the HLC

During the reporting period, the HLC hosted three young interns: Natasha Stamenkovikj from Macedonia (as part of Open Society Human Rights Internship), who worked on the project *Lexicon of facts established by courts* project; Carine Placzek from France, who worked on one segment of the *Justice and Institutional Reform* project; and Andro Petani from Croatia, who did his internship work as part of the Human Rights and Democracy Masters program at the University of Sarajevo Center for Interdisciplinary Studies.

IX HLC Board of Directors

⁵² In December 2011, the HLC and another six human rights organizations and one journalists' association formed the Coalition for Access to Justice. The purpose of the Coalition is to draw public attention to the fact that institutions of the Republic of Serbia, its Government and Parliament in particular, through the adoption of new laws, are jeopardizing standards of human rights protection, especially with regard to access to justice and freedom of opinion.

The HLC Board of Directors met twice (on 16th March and 10th September) during the year, to discuss, among other things, the HLC fundraising strategy. The Board also reviewed and approved the HLC annual reports on activities, the accounts for 2012 and the HLC Program for 2014-2016.

X Strategic Planning

From 29th-31st March, the HLC focused on the strategic planning process. HLC management and the majority of HLC project coordinators worked together to develop a strategic plan for 2014-16. Goran Miletić, from Civil Rights Defenders and Bekim Blakaj from HLC Kosovo, contributed, as friends of the organization, to the strategic planning process.

XI Information System⁵³

Since 2011 the HLC, Documenta and the HLC in Kosovo have been working together to develop new software – Information System – which aims to improve and professionalize record management, retrieval and issuing of documents in all three Centers. During the year, the HLC's official correspondence was transferred from the old correspondence management software to the Information System, and data was imported from the Human Losses projects.

XII Audit Reports

In July 2013, financial reports relating to all projects implemented by the HLC in 2012 and the HLC's financial and administrative management systems were examined by the German auditing firm Fabel, Werner & Schnittke GmbH.⁵⁴ The auditor issued an unqualified report, indicating that financial and administrative affairs are handled by the HLC in a highly professional manner. The report was posted on the HLC website.

XIII Donor support

In 2013, the following organizations provided financial support for HLC activities: the Open Society Institute, the Sigrid Rausing Trust, the Charles Stewart Mott Foundation, the Norwegian Ministry of Foreign Affairs, Civil Rights Defenders, the Rockefeller Brothers Fund, the European Commission, USAID through the Institute for Sustainable Communities, the Robert Bosch Stiftung, the Fund For An Open Society, the Swiss Federal Department of Foreign Affairs, the National Endowment for Democracy, the Embassy of Great Britain in Serbia, the French Catholic Committee Against Hunger and for Development, Columbia University and the OSCE Mission to Serbia.

⁵³ Information System is software which enables professional document and data management.

⁵⁴ www.fws-audit.com.