



HlcIndexOut:35-F120120  
Belgrade, March 3, 2016

## **Report on Activities and Result Achieved by HLC in 2015**

### **Mission**

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



## Introduction

A number of social and political events were recorded during 2015, which pointed to the weak impact of transitional justice in Serbian society. The year was marked by the process of Serbia's European integration; declarations made by the Serbian Prime Minister on the need for regional reconciliation, with a parallel lack of efforts aimed at a more significant development of an institutional framework for transitional justice mechanisms; and declarations made by other representatives of Serbian institutions, which they used to directly obstruct war crimes proceedings and the wider process of dealing with the past.

During 2015, the Government of Serbia prepared for the opening of negotiations with the European Union concerning chapters 23 and 24. In the Action Plan for Chapter 23 concerning Judiciary and Fundamental Rights, the Ministry of Justice undertook a significant number of activities for enhancing the prosecution of war crimes, based on the recommendations made by the Humanitarian Law Center (HLC).<sup>1</sup> On the other hand, the Ministry of Justice rejected all of those recommendations made by the HLC which referred to the improvement of the status and rights of victims in Serbia.

War crimes trials are still the only applied mechanism of transitional justice in Serbia. However, the work of the institutions responsible for the prosecution of perpetrators of war crimes is characterized by a number of systemic faults. The key problems concern the work of the Office of the War Crimes Prosecutor (OWCP) - or, more particularly, the lack of cases against middle and higher ranking perpetrators, the small number of cases, the absence of more complex cases, and so forth. During 2015, the OWCP raised only two new indictments (the *Štrpci* and *Srebrenica* cases), and they have not yet been confirmed by the court.<sup>2</sup>

Two events from late 2015 pointed to a certain further weakening of efficiency in the prosecution of war crimes in the forthcoming period, as well as the possibility of a greater political impact on institutions. The process of the election of the new Prosecutor for War Crimes, conducted owing to the fact that the mandate of Prosecutor Vladimir Vukčević has expired, showed that the institutions responsible were predominantly led by political criteria and not the criteria of expertise, professional integrity and candidates' experience in the matter of war crimes.<sup>3</sup> Parallel to the process of the election of the new

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<sup>1</sup> Joint comments by civil society organizations regarding the Action Plan for Chapter 23, Negotiation Group for Chapter 23, Ministry of Justice of the Republic of Serbia, 2015, available at <http://www.mpravde.gov.rs/tekst/8851/treci-nacrt-akcionog-plana-za-poglavlje-23-nakon-okoncanog-konsultativnog-procesa.php>, last visited on March 2<sup>nd</sup>, 2016.

<sup>2</sup> Report on War Crimes Trials in Serbia 2014 and 2015, the Humanitarian Law Center, March 2015.

<sup>3</sup> Ibid.



Prosecutor, the Ministry of Justice announced the Draft Strategy for the Prosecution of War Crimes, which, apart from several very good elements, contains solutions which do not provide for the enhancement of efficiency, but certainly lead to the greater impact of the executive branch of the government on the prosecution of war crimes<sup>4</sup>

The publishing of the “Rudnica Dossier” by the HLC in January 2015 reopened the question of the responsibility of individuals who hold high-ranking positions within institutions today. The Dossier presents evidence about the crimes committed against Albanian civilians in Kosovo whose bodies were found in the mass grave at Rudnica in the south of Serbia in 2014, which raises serious suspicions about the responsibility of members of the 37<sup>th</sup> Motorized Brigade, which was at the time under the command of the present Chief of the General Staff of the Serbian Army, General Ljubiša Diković. The highest ranking representatives of the Government defended General Diković, and at the same time made serious accusations against the HLC.<sup>5</sup> In their public declaration, they did not mention the indisputable crimes committed against Kosovo Albanians at all, or the need to establish responsibility for the mass crimes. The President of Serbia, Tomislav Nikolić, went the furthest way in defending the compromised General Ljubiša Diković and awarded him a medal, and then publicly threatened the Prosecutor for War Crimes, after the Prosecutor had stated that the Prosecution would verify the allegations in the “Rudnica Dossier”, to „be careful about what he is digging up in Serbia“.<sup>6</sup> On the other hand, a part of the civil society and local public, as well as a number of international officials, including the Ambassador of the US for War Crimes, Stephen Rap, provided support to the HLC and their request to have the allegations from the “Rudnica Dossier” investigated in a more professional manner.<sup>7</sup>

The judicial proceedings initiated by General Diković against the founder of the HLC, Nataša Kandić, and the HLC, continued during 2015.<sup>8</sup> The acting judge, in violation of the law and existing judicial practice, refused to let journalists follow the trial during the hearings in which Nataša Kandić was supposed to ask questions. Even before concluding the main hearings, the judge rejected evidence proposed by Nataša Kandić and the HLC.

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<sup>4</sup> HLC's press release: “Draft Strategy Does not Provide for a More Efficient Prosecution of Perpetrators of War Crimes “, January 4<sup>th</sup>, 2016, last visited on March 2<sup>nd</sup>, 2016: <http://www.hlc-rdc.org/?p=30969&lang=de>.

<sup>5</sup> B92, Vučić: Vodi se kampanja protiv Vojske Srbije, 29.01.2015, pristupljeno 22.02.2016:

<http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:531401-Dikovicu-ponovo-podmecu-zlocine>.

<sup>6</sup> B92, Nikolić odlikovao Dikovića, 7.02.2015, pristupljeno 2.03.2015:

[http://www.b92.net/info/vesti/index.php?yyyy=2015&mm=02&dd=07&nav\\_id=955593](http://www.b92.net/info/vesti/index.php?yyyy=2015&mm=02&dd=07&nav_id=955593); Blic, Nikolić: Vukčević da razmisli šta to kopa po Srbiji kada istražuje generala Dikovića, 14.02.2015, pristupljeno 2.03.2016: <http://www.blic.rs/vesti/politika/nikolic-vukcevic-da-razmisli-sta-to-kopa-po-srbiji-kada-istrazuje-general-a-dikovica/yx5fd78>.

<sup>7</sup> Blic, Rap: Nužno je istražiti slučaj u kome se pominje Diković, 19.02.2015, pristupljeno 2.03.2016:

<http://www.blic.rs/vesti/politika/rap-nuzno-je-istraziti-slucaj-u-kome-se-pominje-dikovic/se68f6z>

<sup>8</sup> Ljubiša Diković submitted a civil law suit in 2014 against Nataša Kandić and HLC after the HLC published a Dossier ‘Ljubiša Diković’ in 2012, claiming that the allegations from the Dossier caused damage to his honor and reputation and that he is in no connection with the crimes which were committed .



By organizing a government reception at the end of last year for General Vladimir Lazarević, who had been convicted by the ICTY for crimes committed in Kosovo, the government officials in Serbia showed once again how they treat the facts established in judicial proceedings about mass crimes committed in Kosovo, and how they lack basic respect for the victims of these crimes. Three ministers were in the high government delegation which welcomed the general after he had served his sentence, including the Minister of Justice, Nikola Selaković, who stated on this occasion that General Lazarević „will be a role model for future generations.“<sup>9</sup>

During 2015, the Government of Serbia ignored its international obligations with regard to the protection of the rights of victims of human rights violations committed during the nineteen-nineties. The Bill on the Rights of Victims of War was not withdrawn from the adoption procedure, despite the remarks made by the civil society and certain associations of victims. On the contrary, the Ministry of Labour, Social and Veterans Policy continued with the procedure for passing this Bill, which leaves the majority of civilian victims of war who live in Serbia today, without formal recognition or support from the institutions.

At the regional level, 2015 has proved that different interpretations of the events which took place in the 1990s still represent the greatest obstacle to reconciliation between the ethnic communities. During the year, two important anniversaries were marked – 20 years since the Srebrenica genocide and 20 years since Operation Storm. The position of Serbia with regard to the marking of the Srebrenica genocide showed the obvious ambiguity and contradiction in Serbia's official policy regarding this crime. On the day marking the anniversary of the Srebrenica genocide, Prime Minister Vučić personally paid his respects to the victims of the genocide in Potočari. In his public appearances prior to and after the trip to Potočari (when an incident happened in which a group of individuals assaulted him), he underlined how important solidarity with the victims of this crime is, and he promised financial assistance to Srebrenica. And several days prior to his trip to Potočari, Prime Minister Vučić expressed public support for the establishment of RECOM.<sup>10</sup>

However, the period preceding the marking of the anniversary of Srebrenica was marked by an attempt to pass a Resolution condemning the genocide in Srebrenica and other crimes committed during the war in the former Yugoslavia, at the United Nations Security Council. Serbia, with the strong diplomatic support of the Russian Federation, managed to stop the passing of this Resolution, with the essential argument that it does not recognize the legal qualification of genocide for the crime committed in

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<sup>9</sup> News from the South, Government Leadership Welcomed Lazarević , December 3<sup>rd</sup>, 2015, last visited on March 2<sup>nd</sup>, 2016: <http://www.juznevesti.com/Drushtvo/Lazarevica-dopratio-i-u-Nisu-docekao-i-drzavni-vrh.sr.html>.

<sup>10</sup>Blic, Vučić: We Will Support Establishment of RECOM, July 6<sup>th</sup>, 2015, last visited on March 2<sup>nd</sup>, 2016: <http://www.blic.rs/vesti/politika/vucic-podrzacemo-osnivanje-rekom-a/crlm2ty>.



Srebrenica.<sup>11</sup> This action caused much bitterness among the members of the Bosniak community in BiH, and raised suspicions regarding the honesty of the symbolic gestures made by the Prime Minister of Serbia.

In this given social and political context, the HLC has continued to work on advocating the realization of the rights of victims of serious crimes committed during 1990s to justice and truth and institutional reform, which would guarantee the remembrance of the crimes and prevent their recurrence.

## I Documentation

During 2015, the HLC continued to collect information on human losses and possible perpetrators of war crimes during the armed conflicts on the territory of the former Yugoslavia.

### 1. Human Losses during Armed Conflicts in the Former Yugoslavia<sup>12</sup>

During 2015, the HLC collected information about the persons who were killed or forcibly disappeared during the armed conflicts in Kosovo, Croatia and Bosnia and Herzegovina (BiH), and prepared the following volumes of the *Kosovo Memory Book* (KMB).

#### 1.1. Registers of Persons Killed and Disappeared in Kosovo Between 1998 and 2000<sup>13</sup>

The HLC and HLC Kosovo worked in a joint effort to establish a list of individual victims of killings and enforced disappearances in the period 1998-2000. On the basis of 668 statements from Serbia and Kosovo, information about 1,071 new victims of war and 177 potential victims was collected. By verification of the status of 177 potential victims, it was established that 19 were victims, and 140 were not victims of war; while the status of 18 of them could be confirmed to date, and in these cases the research will continue.

Apart from 668 statements given by witnesses and family members about the victims of war and potential victims, another 7,137 documents were collected during 2015 and entered in the Database, including 2,607 death certificates, 2,240 victims' photos, 754 media reports in Albanian and 754 summaries of reports made in the Serbian language.

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<sup>11</sup> Free Europe, Russian Veto Blocked Srebrenica Resolution, Harsh Reactions from US and Great Britain, July 8<sup>th</sup>, 2015, last visited on February 23<sup>rd</sup>, 2016: <http://www.slobodnaevropa.org/content/rezolucija-o-srebrenici-nije-prosla-rusija-ulozila-veto/27116786.html>.

<sup>12</sup> Data for this section of the HLC's January-December 2015 Activity Report were taken from the 2015 Kosovo Memory Book Project Implementation Report and Human Losses of Serbia and Montenegro in Wars in Slovenia, Croatia and BiH, delivered in February 2016.

<sup>13</sup> By the end of 2015, HLC and HLC Kosovo established that 13,554 persons were killed or disappeared in the period January 1<sup>st</sup>, 1999-December 31<sup>st</sup>, 2000 in connection to the war in Kosovo. This number includes 10,825 Albanians, 2,199 Serbs and 530 members of the Roma community and/or other ethnic groups.



### **1.1.2. Kosovo Memory Book**

During the reporting period, as part of the preparations for the production of the following volumes of the Kosovo Memory Book (KMB), the HLC and HLC Kosovo teams worked on drafting new narratives, modifying the existing narratives in line with the information emerging from new documents, and editing final versions of narratives for victims of war from nine municipalities: Dečane/Dečan, Đakovica/Gjakove, Kosovo Polje/Fushë Kosovë, Gnjilane/Gjilan, Glogovac/Gllogoc, Klina/Klinë, Istok/Istog, Mališevo/Malishevë and Mitrovica/Mitrovicë. During 2015, 1,019 narratives about victims of war from the aforementioned municipalities were finalized.

### **1.1.3. Evaluation of the Database of Human Losses in Kosovo<sup>14</sup>**

The results of the evaluation of the Database of Human Losses in Kosovo, conducted by a team of international experts in this field<sup>15</sup>, were presented at the press conferences in Belgrade and Prishtinë/Priština in early February 2015. The Database of Human Losses in Kosovo was evaluated as the most complete database about victims of the war in Kosovo, which according to the experts' assessment, represents “a basis for future academic and scientific analyses, historical remembrance and memory and recognition of the memory of those who were killed, as well as for the establishment of mechanisms of transitional justice and responsibility”.

### **1.2. Register of Human Losses of Serbia and Montenegro during the Conflicts in Slovenia, Croatia and BiH (1991-1995)<sup>16</sup>**

The HLC's research during 2015 was directed to collecting data about the circumstances surrounding the death/disappearance of victims of war – citizens of Serbia and Montenegro in Croatia, particularly in the municipalities of Vukovar, Varaždin, Vinkovci, Osijek, Gospić and Nova Gradiška. During the reporting period, the researchers verified the status of 279 victims with the citizenship of the Socialist Federal Republic of Yugoslavia (SFRY) or with no citizenship, and established that 178 of them were victims of

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<sup>14</sup> The complete version of the report on the evaluation of the Database is available at <http://www.hlc-rdc.org/?lang=de> and [www.kosovomemorybook.org](http://www.kosovomemorybook.org).

<sup>15</sup> Dr Patrick Ball, expert for statistical analyses of databases about war crimes and human rights violations, Prof. Michael Spagat, expert for recording and creating databases of losses in armed conflicts and Dr Jule Krüger, a Consultant for analysis of databases about armed conflicts.

<sup>16</sup> The information about the victims of war is based on the analysis of 12,516 documents, including 2,610 statements given by witnesses or victims' family members, 1,807 media reports, 1,801 photos, 1,264 certificates and memos of military bodies and institutions, 204 judicial documents and other documents which speak of actual victims. HLC collected, on the basis of these documents, information about 1,109 persons who lost their lives on the territory of Croatia, 722 persons who lost their lives on the territory of BiH, 26 on the territory of Slovenia. Outside the territory affected by the war, 127 soldiers and police members lost their lives, 107 of whom lost their lives on the territory of Serbia and 20 in Montenegro, whereas it has not yet been established in the case of 96 soldiers if they died in the armed conflicts in Croatia or BiH.



war who were citizens of Croatia, BiH, Slovenia or Macedonia, 28 were victims of war who were citizens of Serbia or Montenegro, and 58 were not victims of war; and for 15 victims it has not yet been established what citizenship they possessed or if they were victims of war. Besides this, 443 reports on victims of war and verification of the status of potential victims were reviewed, as well as 52 reports on the processing of victims' data. In addition to victims' statements, HLC researchers have compiled an additional 1,376 documents.

## **2. Database**

During the reporting period, a total of 10,964 documents were entered in the Database compiled by the HLC and HLC Kosovo; 1,059 of these documents are statements made by witnesses and victims, 591 are exhibits from the ICTY Judicial Database, 3,086 are certificates issued by government and international institutions, 2,560 are victims' photos, 714 are media reports, 550 are photos of memorials, and 2,404 are other documents on human rights violations committed during the 1990s.

Until late 2015, over 110,000 documents were stored in the Database, 20,000 of which are statements by victims and witnesses of crimes and other events relating to the armed conflicts in the former Yugoslavia.

## **3. HLC Archive<sup>17</sup>**

In the period January-June 2015, 2,447 printed documents were stored in the HLC Archive, 442 of which are related to the project "Human Losses" and the Nataša Kandić Fund. Besides this, 2,005 documents, which belong to the office documents, were archived. 47 days of war crimes trials conducted before the ICTY in the case of Radoslav Brđanin, and the complete office documents were catalogued (2,005 documents and 30 DVDs).

At the moment, the HLC's Archive contains 119,1 metres of printed documents. During the same time period, 400 documents written on more than 1,398 pages, which have been distributed in five archival funds, were digitized.

During 2015, the HLC continued to transfer audio-visual recordings of trials conducted before the ICTY to its Archive. In this period, the HLC team recorded 338 days of trials and transferred 263 recorded trial days from 23 cases into the Archive. Besides this, the work on the preservation of the archive of ICTY trials continued and, during the reporting period, 1,240 trial days on 3,786 DVDs were transferred to the server.

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<sup>17</sup> The content of the HLC Archive and its archival funds are available at <http://www.hlc-rdc.org/?lang=de>.



#### 4. Dossiers On War Crimes

During 2015, the HLC team worked on five dossiers relating to the crimes committed during the war in Kosovo and BiH, which went unpunished. Two Dossiers were published during 2015: Dossier “Rudnica” and Dossier “Operation Reka”.

During the research, the HLC team analysed more than 1,700 documents from the ICTY and HLC databases. In addition, the HLC sent 186 requests for information of public importance to the Ministry of the Interior (MUP) and the Ministry of Defence (MD) and other institutions of the Republic of Serbia (courts, hospitals, Commission on Missing Persons, and so forth). Because of the MUP's refusal to deliver the information requested, the HLC has filed 26 complaints to the Commissioner for Information of Public Importance.

The HLC filed a minor offence complaint against Bratislav Gašić, the Minister of Defence of the Republic of Serbia, in June 2015, because he rendered the Decision on Protection of Archival Material by which he pronounced the documents relating to the operations of the 37<sup>th</sup> Motorized Brigade of the Yugoslav Army (the Commander of which during the armed conflict in Kosovo was the present Chief of General Staff of the Serbian Army, Ljubiša Diković) a state secret. By this decision made by the minister, all of these documents will now stay out of the sight of the general public for the period of 30 years from the day of their production. Additionally, in September 2015, the HLC filed a motion for initiating minor offence proceedings with the Magistrates Court in Belgrade, which was dismissed in November,<sup>18</sup> following which decision the HLC filed an appeal with the Misdemeanour Appellate Court in December 2015.

#### Presentation of the “Rudnica”<sup>19</sup> and “Operation Reka”<sup>20</sup> Dossiers

In January 2015, the HLC published the Dossier “Rudnica” at a press conference. The evidence on four crimes committed by members of the Yugoslav Army (VJ) and the Serbian Ministry of the Interior (MUP) in Kosovo in 1999, in which civilians, Kosovo Albanians, were killed, and whose bodies were exhumed from the mass grave in the town of Rudnica located in the vicinity of the border with Kosovo in 2014, is presented and described in this Dossier. According to the findings, the key role in the joint military-police operations in which these crimes were committed, as well as in the process of ‘cleaning-up’ the battlefield, belonged to the 37<sup>th</sup> Motorized Brigade of the Yugoslav Army, which was at the time under the command of the present Chief of General Staff, Ljubiša Diković.

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<sup>18</sup> Decision of the Magistrates Court in Belgrade Pr br. 25859/15 dated November 30<sup>th</sup>, 2015.

<sup>19</sup> Dossier “Rudnica” available at: <http://www.hlc-rdc.org/?p=28016&lang=de>.

<sup>20</sup> Dossier “Operation Reka” available at: <http://www.hlc-rdc.org/?p=30521&lang=de>.





The “Operation Reka” Dossier, which was presented to the public in October 2015, represents a reconstruction of the joint operation of the VJ and the Republic of Serbia's MUP launched on April 27<sup>th</sup> and 28<sup>th</sup>, 1999, in the villages west of the town of Đakovica, in which at least 350 Kosovo Albanians were killed. Evidence on the role of Momir Stojanović in “Operation Reka” was presented in this Dossier. Momir Stojanović is today a representative in the Republic of Serbia National Assembly and the President of the Assembly Board for the Control of the Security Service.

### **5. Zone of (Non)Responsibility**

During the reporting period, the web page Zone of (Non)Responsibility has been further expanded with four crimes committed by Serbian forces in the villages of Dobroš, Ramoc, Meja and Korenica, in which at least 350 Albanian civilians were killed. 13 new documents, which were presented as evidence before the ICTY in three cases (*Šainović et al*, *Vlastimir Đorđević* and *Slobodan Milošević*) are connected with these crimes. Information on 39 new possible perpetrators of crimes committed in “Operation Reka” have been added to the web page.

At the moment, the Zone contains information on 27 crimes committed by Serbian forces against Albanian civilians in Kosovo, as well as information on 89 suspected perpetrators and 95 pieces of evidence in the form of authentic military and police documents. A significant increase of visits to this web page was registered during 2015. Compared to 2014, the visits have increased by 330%.

## **II Justice and Institutional Reform**

During 2015, the HLC was devoted to providing legal assistance to victims of war crimes and other serious violations of human rights, and advocating the establishment of justice for the crimes committed. The HLC's legal team represented victims in war crimes trials and reparation lawsuits. It also filed two criminal complaints against the suspected perpetrators of war crimes. In addition, the HLC continued to monitor and analyse war crimes trials conducted before the courts in Serbia. Also, the HLC also presented the Model Strategy for the Prosecution of War Crimes in the Period 2015-2025, and prepared three alternative reports on respect for human rights in connection to the conflicts during 1990s, and shared them with the relevant international bodies.

### **1. Support for the Development of Strategy for the Prosecution of War Crimes in the Period 2015-2025**

During the reporting period, the HLC produced and presented the Model Strategy for the Prosecution of War Crimes in Serbia in the Period 2015-2025 (Model Strategy). The Model Strategy was designed on



the basis of the Analysis of the Prosecution of War Crimes in Serbia in the Period 2004-2013 and consultation with relevant stakeholders in the process of prosecution of war crimes in Serbia conducted in late 2014. In the Model Strategy, the HLC proposes the adoption of a number of measures for enhancing war crimes trials and overcoming a series of problems in this area, so that the institutions specialized in the prosecution of perpetrators of war crimes would be able to prosecute the majority of cases of war crimes in the following period of ten years. The Model Strategy was presented to the public at the press conference held in April 2015<sup>21</sup>, and it was shared with the Ministry of Justice.

The working group for the production of the National Strategy for the Prosecution of War Crimes officially took the HLC's Model Strategy into consideration. The Draft National Strategy For the Prosecution of War Crimes for the Period 2016-2020<sup>22</sup>, which was published in November 2015, relies to a great extent on the Model Strategy<sup>23</sup> which the HLC proposed in April 2015, and the document itself states that the Model Strategy and the Analysis of the Prosecution of War Crimes<sup>24</sup> produced by the HLC were consulted in the process of production of the Draft National Strategy.

#### Comments on the Draft National Strategy for the Prosecution of War Crimes in Serbia

After the Republic of Serbia's Ministry of Justice published the Draft National Strategy for the Prosecution of War Crimes in Serbia and opened a public debate, the HLC analysed the proposed text and drafted a number of comments aimed at enhancing it. The remarks and comments were shared with the Ministry of Justice.<sup>25</sup>

## **2. Representing Victims in War Crimes Trials**

During 2015, the HLC's attorneys represented victims and their families in five cases of war crimes before the Higher Court in Belgrade (Department for War Crimes): *Ćuška/Qushk*, *Skočić*, *Tenja II*, *Trnje*, *Sotin* and *Lovas*. 53 days of trial were held in these cases, over the course of which 32 witnesses and two court expert witnesses were examined. The HLC represented victims in the investigation procedure that the OWCP conducts against a retired general of the Yugoslav Army, Dragan Živanović, for the crimes committed in the villages in the vicinity of the town of Peć (Kosovo) in April and May 1999.

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<sup>21</sup> See pages 21-22.

<sup>22</sup> Draft National Strategy for the Prosecution of War Crimes for the Period 2016-2020 available at: <http://www.mpravde.gov.rs/sekcija/53/radne-verzije-propisa.php>.

<sup>23</sup> Model Strategy for the Prosecution of War Crimes Committed during and in relation with Armed Conflicts on the Territory of the Former Yugoslavia, HLC, April 23<sup>rd</sup>, 2015, available at: <http://www.hlc-rdc.org/?p=28881&lang=de>.

<sup>24</sup> Analysis of the Prosecution of WAR Crimes in Serbia in the Period 2004-2013, October 1<sup>st</sup>, 2015, available at: <http://www.hlc-rdc.org/?p=27457&lang=de>.

<sup>25</sup> HLC's Comments on the Draft National Strategy For the Prosecution of War Crimes For the Period 2016-2020, available at: [http://www.hlc-rdc.org/wp-content/uploads/2016/01/HLC\\_Comments-ff-January\\_2\\_2016-RR.pdf](http://www.hlc-rdc.org/wp-content/uploads/2016/01/HLC_Comments-ff-January_2_2016-RR.pdf).



### 3. Monitoring War Crimes Trials in Serbia

The HLC's team for monitoring trials monitored 12 war crimes proceedings during the reporting period. The HLC's team monitored nine trials before the Higher Court in Belgrade in the following cases: *Bosanski Petrovac*, *Sanski Most*, *Sanski most – Kijevo*, *Beli Manastir*, *Logor Luka*, *Bijeljina II*, *Bihać II*, *Bosanski Petrovac – Gaj* and *Gradiška*. 42 days of trial were held during the reporting period, over the course of which 44 witnesses and two court expert witnesses were examined. In addition, the HLC's team monitored three cases in the appellate proceedings before the Court of Appeals in Belgrade (*Tuzla Convoy*, *Mark Kashnjeti* and *Ovčara Cases*). The HLC also monitored two cases of war crimes before the courts of general jurisdiction, in which four days of trial were held. Members of the HLC team produced reports on their observations, and these reports have been posted on the HLC's web page.

During the reporting period, the HLC published three press statements with regard to the rendering of not guilty judgments in the cases of war crimes in the *Tenja II*, *Bijeljina II* and *Skočiči Cases*.<sup>26</sup> The HLC also issued a press statement regarding the slow pace of the proceedings in the *Trnje Case*.<sup>27</sup>

During the reporting period, the HLC's legal team also worked on the production of the Report on War Crimes Trials in the Republic of Serbia in 2014 and 2015, which will be published in March 2016.

### 4. Criminal Complaints against Suspected Perpetrators of War Crimes

During 2015, two criminal complaints for war crimes committed by members of the Serbian forces in the municipalities of Srbica and Glogovac in Kosovo were filed. A criminal complaint was filed in May 2015 against two identified members of the VJ and a number of unidentified members of the MUP, for a war crime against a civilian population and a crime against humanity committed in the village of Rezala on April 5th, 1999. In August 2015, the HLC filed a criminal complaint against one identified and three unidentified members of the 86<sup>th</sup> Detachment of the SPU for a war crime committed in the village of Poklek (the Municipality of Glogovac) on April 17<sup>th</sup>, 1999, in which 53 Albanian civilians were killed, including 22 children.<sup>28</sup> After receiving this criminal complaint, the OWCP set up an investigation team, which included the Executive Director of the HLC, and took certain actions aimed at establishing the identity of the perpetrators.

During 2015 five criminal complaints were also prepared against ten identified and dozens of unidentified members of the VJ and MUP for crimes committed in Kosovo, as well as one criminal

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<sup>26</sup> Press statements available at: <http://www.hlc-rdc.org/?lang=de>.

<sup>27</sup> Available at: <http://www.hlc-rdc.org/?p=30330&lang=de>.

<sup>28</sup> See more at: <http://www.hlc-rdc.org/?p=29803&lang=de>.



complaint against three identified and a number of unidentified persons for a war crime against a civilian population committed in Bosnia and Herzegovina in 1992, and one criminal complaint for a crime committed in Sjeverin in October 1992, in which Sabahudin Čatović was abducted near his house; his fate remains unknown to date.

The HLC's team began with the investigation of the crimes committed in Sarajevo in 1992 and in Srebrenica in July 1995, and this investigation will result in criminal complaints which will be filed in the first half of 2016.

## **5. Report on the Access to Archives of Government Institutions**

In late 2015, the HLC began working on the compilation of the Report on access to the archives of institutions, which contain materials relevant for establishing the truth about crimes committed in the past. The Report is based on the extensive practice of the HLC in accessing information of public importance which is located in the archives of the MD and MUP. The objective of the Report is to point to the systemic obstruction preventing public access to the archives, which are important for establishing facts about the past and for the finding of individuals, victims of forcible disappearance. The Report will be published in March 2016.

## **6. Representing Victims of Past Human Rights Violations in Reparation Lawsuits**

During 2015, the HLC represented 153 victims of war crimes, torture, unlawful detention and property destruction in judicial and administrative proceedings aimed at the realization of the right to reparation.

### **6.1. Support for Victims Seeking to Realize Their Right to Material Compensation**

The HLC continued to represent victims of war crime and human rights violations before the courts in Serbia. During the reporting period, the HLC's attorneys participated in 21 court sessions, medical expertise was introduced in the cases of three victims, and the main hearings were concluded in nine cases. 16 judgments have been rendered, 12 of which were first instance judgments, and four second instance judgments. Lawsuits were dismissed as unfounded in six cases<sup>29</sup>, whereas in eight cases

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<sup>29</sup> *Macastena*, 27-P.br.715/11, the judgment of the First Basic Court in Belgrade dated April 16<sup>th</sup>, 2015; *Rrmoku*, 21 P br. 70951/10, judgment of the First Basic Court in Belgrade dated April 21<sup>st</sup>, 2015; *Kulovac and Rizvić*, 31 P br. 28844/13, judgment of the First Basic Court in Belgrade dated April 23<sup>rd</sup>, 2015; *Isufi et al.*, Gž.br. 746/2014, the judgment of the Court of Appeals in Belgrade dated June 8<sup>th</sup>, 2015; *Vatreš et al.*, Gž.br.2403/13, judgment of the Court of Appeals in Belgrade dated July 23<sup>rd</sup>, 2015; *Husović Muradif et al.*, Gž-2561/15, judgment of the Court of Appeals in Belgrade dated September 30<sup>th</sup>, 2015.



lawsuits were upheld in part<sup>30</sup>. In only one case was the lawsuit upheld in its entirety, and this happened in repeated proceedings.<sup>31</sup> The HLC's attorneys filed appeals against all of the dismissing judgments rendered in the first instance, as well as in the case of all positive or partially positive judgments, in which appeals were filed with regard to the amount of the compensation granted.

Four constitutional complaints were filed during 2015<sup>32</sup> on behalf of 24 victims. During the reporting period, the Constitutional Court of Serbia rendered four decisions upon the previously filed constitutional complaints, dismissing all four of them.<sup>33</sup>

In 2015, the HLC filed five applications with the European Court of Human Rights on behalf of 33 victims<sup>34</sup>, alleging violations of the right to a fair trial (Article 5 of the European Convention), prohibition of discrimination (Article 14 of the European Convention) and the prohibition of torture, inhuman and humiliating treatment (Article 3 of the European Convention). All of these proceedings are still pending, except for those in the case of Šefket Hukić's application, which was rejected by the decision of a single judge as inadmissible in accordance with Articles 34 and 35 of the Convention.<sup>35</sup>

## 6.2 Support For Victims in Proceedings Seeking Recognition of the Status of Civilian Victims of War

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

During 2015, not a single victim represented by the HLC succeeded in the realization of their rights in administrative proceedings conducted pursuant to the Law on the Rights of the Civilian Invalids of War. The Department of Social Activities of the Novi Pazar City Administration<sup>36</sup> and the Ministry of Labour,

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<sup>30</sup> *Sahiti et al.*, P.br.38854/13, judgment of the First Basic Court in Belgrade dated February 13<sup>th</sup>, 2015; *Bylykbashi et al.*, Gž.br.268/15, judgment of the Court of Appeals in Belgrade dated February 18<sup>th</sup>, 2015; *Spahiu*, 2 P.br. 9821/11, judgment of the First Basic Court in Belgrade dated April 9<sup>th</sup>, 2015; *Grković*, P br. 1084/13, judgment of the Basic Court in Prizren dated April 17<sup>th</sup>, 2015; *Istogu Vesel and Istogu Nijazi*, 9-P.br.7333/2014, judgment of the First Basic Court in Belgrade dated May 15<sup>th</sup>, 2015; *Limani Agim and Limani Sadik*, 5 P 27937/12, judgment of the First Basic Court in Belgrade dated June 16<sup>th</sup>, 2015; *Kamenica and Nuhanović*, 45 P br. 22986/13, judgment of the First Basic Court in Belgrade dated July 8<sup>th</sup>, 2015; *Murati*, 27-P.br.718/11, judgment of the First Basic Court in Belgrade dated September 24<sup>th</sup>, 2015.

<sup>31</sup> *Oskomić*, 63P.br.4201/15, judgment of the First Basic Court in Belgrade dated October 13<sup>th</sup>, 2015.

<sup>32</sup> *Čavčić et al*, constitutional complaint filed on January 22<sup>nd</sup>, 2015; *Isufi et al.*, constitutional complaint filed on August 17<sup>th</sup>, 2015 ; *Vatreš et al.*, constitutional complaint filed on September 24<sup>th</sup>, 2015 ; *Husović Muradif et al.*, constitutional complaint filed on December 4<sup>th</sup>, 2015.

<sup>33</sup> Constitutional complaints in the cases of *Fehrat Suljić and Refik Hasani et al.*, *Šefk Bibić and Husein Husović et al.*

<sup>34</sup> 20 of these 33 applicants are family members of the victims of the crime committed in Podujevo, seven applicants are family members of the victims of the war crime committed in Kukurovići near Priboj, four are victims of torture from Kosovo and two applicants are victims of torture from Sandžak.

<sup>35</sup> *Hukić v. Serbia*, case number: 24691/15, information on inadmissibility of application dated July 2<sup>nd</sup>, 2015.

<sup>36</sup> Decision number: 585-2/15 dated March 2<sup>nd</sup>, 2015.



Employment, Veterans and Social Policy<sup>37</sup> have dismissed requests filed by Šefčet Mehmedović for obtaining the status of a civilian invalid of war. The lawsuits filed by Dževad Koldžić from Sheverin<sup>38</sup> and Fehrat Suljić from Tutin<sup>39</sup>, filed against the second instance decisions of the Ministry, have also been dismissed, whereas the Constitutional Court rendered decisions rejecting the constitutional complaints filed by Kasim Hajdarević<sup>40</sup> and Šefket Hukić<sup>41</sup>.

#### Model Law on the Rights of Civilian Victims of Human Rights Violations in Armed Conflicts and in Connection with Armed Conflicts in the Period 1991 - 2001

In April 2015, the Model Law on the Rights of the Civilian Victims of Human Rights Violations Committed in the Armed Conflicts or in Connection With Armed Conflicts in the Period 1991-2001<sup>42</sup> was presented, which was developed in a joint endeavour by the HLC and the Center for Advance Legal Studies (CALs) with the support of the Civil Rights Defenders (CRD) organization. The Model Law prescribes the adoption of a new law granting the status of victims to civilian victims of armed conflicts in the period 1991-2001 in a just and comprehensive manner to all victims who live on the territory of the Republic of Serbia, and to provide them with appropriate reparation. The basis for the designing of the Model Law was provided by the HLC's practice in victims' representation and comparative experiences of the countries in the region and the rest of the world. The Model Law was positively assessed by representatives of victims' organizations, human rights organizations from the region and some international organizations (IOM, Redress).

#### **7. Preparation of Alternative Reports on Enforcement of International Human Rights Conventions in Serbia**

During 2015, the HLC prepared alternative reports on the enforcement of international human rights conventions in Serbia for the UN Committee on Enforced Disappearances, UN Committee Against Torture and the Council of Europe Commissioner for Human Rights, in relation to the prosecution of individuals responsible for the commission of war crimes, the rights of victims, the process of the search for the missing persons and other issues relevant for the establishing of justice for the crimes committed.

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<sup>37</sup> Decision number: 585-00-00001/2015-11 dated June 9<sup>th</sup>, 2015.

<sup>38</sup> Judgment of the Administrative Court, Department in Kragujevac I-1 U 8394/13 dated July 9<sup>th</sup>, 2015.

<sup>39</sup> Judgment of the Administrative Court, Department in Kragujevac I-3 U 13518/13 dated October 8<sup>th</sup>, 2015.

<sup>40</sup> Decision of the Constitutional Court of the Republic of Serbia number: UŽ-4444/2014 dated September 2<sup>nd</sup>, 2015.

<sup>41</sup> Decision of the Constitutional Court of the Republic of Serbia number: UŽ-7015/2014 dated November 20<sup>th</sup>, 2015.

<sup>42</sup> Model Law available at <http://www.hlc-rdc.org/?p=28764&lang=de>.



The Report for the UN Committee on Enforced Disappearances on the situation in Serbia in the process of the search for the missing and the rights of the missing persons' family members was prepared in January 2015. The UN Committee on Enforced Disappearances referred in its concluding observations from February 2015 to the proposals made by the HLC, and offered concrete recommendations for improving the situation in these areas.<sup>43</sup> More than half of the analysed problems and recommendations from the concluding observations of the Committee are based on the Report delivered by the HLC.<sup>44</sup>

The HLC sent a Report to the UN Committee Against Torture in late March 2015 in which it pointed to a number of issues relating to the establishing of responsibility for crimes – ranging from the problems relating to war crimes trials in Serbia to the inadequate legal framework for the protection of witnesses, particularly insider witnesses and victims of sexual violence, as well as the lack of an efficient procedure for the realization of victims' right to reparation, and so forth.<sup>45</sup> The Concluding findings of the Committee from 2015 contain a set of recommendations aimed at the resolution of the problems pointed to by the HLC in its Report.<sup>46</sup> The HLC sent an alternative report on the condition of human rights in Serbia to the Council of the Europe Commissioner for Human Rights in March 2015, pointing to the problems occurring in war crimes trials, the lack of an efficient system for the realization of the right to reparation, the search for the missing, the need for institutional reform and the establishing of RECOM, and so forth. A significant part of its final report from July 2015 the Commissioner devoted to transitional justice and the issues pointed to by the HLC. The Reports and press statements made by the HLC appear as references in various parts of the Report.<sup>47</sup>

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<sup>43</sup> UN Committee on Enforced Disappearances, Concluding Remarks, 135<sup>th</sup> meeting held on February 12<sup>th</sup>, 2015, par. 14-18; 23-30, available at [http://tbinternet.ohchr.org/Treaties/CED/Shared%20Documents/SRB/INT\\_CED\\_COC\\_SRB\\_19624\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CED/Shared%20Documents/SRB/INT_CED_COC_SRB_19624_E.pdf).

<sup>44</sup> HLC's Report to the UN Committee On Enforced Disappearances (HLCIndexOut: 46-F105222) dated January 9<sup>th</sup>, 2015, available at [http://www.hlc-rdc.org/wp-content/uploads/2015/01/HLC\\_Shadow\\_Report\\_to\\_the\\_Committee-on\\_Enforced\\_Disappearances\\_9\\_January\\_2015.pdf](http://www.hlc-rdc.org/wp-content/uploads/2015/01/HLC_Shadow_Report_to_the_Committee-on_Enforced_Disappearances_9_January_2015.pdf).

<sup>45</sup> HLC's Report to the UN Committee Against Torture (HLCIndexOut: 46-F108898) dated March 27<sup>th</sup>, 2015, available at [http://www.hlc-rdc.org/wp-content/uploads/2015/03/2015\\_HLC\\_Written\\_Information\\_for\\_Examination\\_of-Serbias.pdf](http://www.hlc-rdc.org/wp-content/uploads/2015/03/2015_HLC_Written_Information_for_Examination_of-Serbias.pdf).

<sup>46</sup> UN Committee Against Torture, Concluding Findings, 1322 and 1323 meetings, held on May 12<sup>th</sup>, 2015, par. 11, 13 and 16, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/112/60/PDF/G1511260.pdf?OpenElement>.

<sup>47</sup> The Report of the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, dated July 8<sup>th</sup>, 2015, par. 15, 17, 19, 32, available at <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2779015&SecMode=1&DocId=2277394&Usage=2>.



### III Education about the Past

#### 1. Conference on the Need of Introducing Transitional Justice Programs to University Studies

In early February 2015, the HLC, in cooperation with its partners, the HLC Kosovo, the “Lawyer” Association from BiH and University Union Faculty of Law, organized an expert meeting on the topic of the role of education in the processes and strategies of transitional justice. Professors from faculties of social sciences in Bosnia and Herzegovina, Serbia and Kosovo, as well as students of the HLC's Regional School participated in this Conference and discussed the possibilities, models, procedures and needs to introduce transitional justice in the programmes of formal education at universities in the region.<sup>48</sup>

In order to prepare the material for the discussion on the topic “Importance and possibilities of introducing transitional justice to higher education curricula in Bosnia and Herzegovina, Serbia, and Kosovo”, the HLC prepared a questionnaire and shared it with university professors in BiH, Serbia, and in Kosovo. On the basis of the answers received, the needs and possibilities for introducing transitional justice to certain educational institutions in these countries were identified, as well as the interest expressed by the students for these topics based on the experiences of professors.

#### 2. Advocating Reform of History Textbooks' Contents

The HLC organized the *History Textbooks in Post-Conflict Societies: Education for Reconciliation?* Conference in April 2015.<sup>49</sup> Experts from the fields of history, political sciences, law, sociology and philosophy participated in the work of this Conference and many of them have made a huge contribution to the analysis of the contents of history textbooks. At this Conference, the HLC prepared and presented the *Analysis of the Contents of History Textbooks in Serbia Regarding the Wars in the Former Yugoslavia in Light of the Facts Established Before the ICTY*.

For the purpose of preparing the amendments which should be made in history textbooks, the HLC organized four consultative meetings with teachers in Novi Sad, Niš, Novi Pazar and Bujanovac, gathering teachers of history and other social sciences in elementary schools and high schools on the subject of the possibility, the need and procedures necessary for changing the contents of history books.

The preparations for the fifth issue of the *Forum for Transitional Justice*, in which articles authored by the participants in the Conference *History Textbooks in Post-Conflict Societies: Education for Reconciliation?* will be published, were finalized during 2015.

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<sup>48</sup> Report from the Conference available at: <http://www.hlc-rdc.org/?p=28267&lang=de>.

<sup>49</sup> Report from the Conference available at: <http://www.hlc-rdc.org/?p=28996&lang=de>.





### 3. IV Regional Transitional Justice School

The HLC, in cooperation with the HLC Kosovo, the “Lawyer” Association from Sarajevo, and the Youth Initiative for Human Rights in Croatia, organized the Fourth Regional Transitional Justice School in October 2015. This School gathered 25 students from BiH, Croatia, Montenegro, Serbia, and Kosovo. Some of the students were employees in public administration (ministries and other governmental bodies) and the judiciary, assistants/lecturers at universities, members of youth wings of political parties, journalists, representatives of human rights organizations, and so forth.

A debate on the role of education in the process of dealing with the heavy legacy of the violent past was organized as part of the Regional School. The speakers at this event were Sanja Petrović Todosijević, a historian from the Institute for the Recent History of Serbia, and Professor Daša Duhaček from the Faculty of Political Sciences in Belgrade. The treatment of past human rights violations in the education system and the role of the youth in the reconciliation processes even outside the scope of institutional platforms, in providing support to the endeavours aimed at the learning about the past on the basis of the facts established, were discussed at this debate.

### IV Initiative for RECOM<sup>50</sup>

During 2015, the Coalition for RECOM was devoted to the process of public and political advocating for the establishment of RECOM. The HLC took an active part in all of the activities of the Coalition.

During the reporting period, the Coalition for RECOM organized a meeting on September 21<sup>st</sup>, 2015 for public advocates and partner organizations in which further activities of the Coalition were discussed.

#### Meetings with representatives of institutions and international organizations<sup>51</sup>

During the reporting period, public advocates continued to organize meetings with representatives of domestic and foreign institutions. One joint meeting of public advocates was also held on February 14<sup>th</sup>, 2015. In May 2015, the Coalition for RECOM sent a letter to His Holiness Pope Francis regarding his visit to Sarajevo and Bosnia and Herzegovina, in which his support for the establishing of RECOM was asked. On September 21<sup>st</sup>, 2015, representatives of the Coalition for RECOM met with the representatives of the Rockefeller Brothers Foundation Steering Board from the United States.

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<sup>50</sup> More details about the RECOM process available at [www.recom.link](http://www.recom.link). All information for this part of the Report has been taken from the Coalition for RECOM Narrative Report dated June 30<sup>th</sup>, 2015.

<sup>51</sup> For more details about the activities of advocates, please visit the following page: [www.recom.link](http://www.recom.link).



## Outreach

In May 2015, the Coalition for RECOM presented the new web page<sup>52</sup>, which presents the activities of the Coalition in an innovative manner, and also contains theoretical articles and discussions about transitional justice, and all relevant sources and events relating to the work of the Coalition for RECOM during the previous ten years. The web page of the Initiative for Establishing RECOM had 3,553 visits. In addition, the Coalition for RECOM organized a series of debates throughout the region on the topic of reconciliation in the region from the perspective of various stakeholders in the country and the region. The debates were organized in Skoplje (November 10<sup>th</sup>, 2015 and December 16<sup>th</sup>, 2015), Belgrade (November 16<sup>th</sup>, 2015), Zagreb (December 1<sup>st</sup>, 2015), Banja Luka (December 15<sup>th</sup>, 2015), Priština (December 21<sup>st</sup>, 2015), and Podgorica (December 24<sup>th</sup>, 2015). In addition, a street action “I Support RECOM” was organized in Belgrade in late September.

On the occasion of marking International Human Rights Day, the Coalition for RECOM organized a presentation of the research into human losses and detention facilities from the time of the wars on the territory of the former Yugoslavia on December 18<sup>th</sup>, 2015 in Belgrade. The results of the years-long research undertaken by partner organizations HLC Kosovo, Documenta, and the Transitional Justice, Responsibility and Memory Association from Sarajevo were presented at this presentation.<sup>53</sup> Similar discussions were also organized in Sarajevo (December 10<sup>th</sup>, 2015), Priština (December 14<sup>th</sup>, 2015), and Zagreb (December 16<sup>th</sup>, 2015).

## *!Voice by the Initiative for RECOM*

The HLC continued to prepare and distribute the Bulletin of the Coalition for RECOM *!Voice of the Initiative for RECOM (!Voice)* in 2015. Columns and media reports from all of the countries of the former Yugoslavia and abroad which refer to the RECOM Process and all other issues relevant to dealing with the past in the region of the former Yugoslavia are being published in *!Voice*. One issue of *!Voice* was published during the reporting period and was disseminated to thousands of addresses in the region.<sup>54</sup>

## Transitional Justice Almanac

The Coalition for RECOM published the “Transitional Justice and Reconciliation in Post-Yugoslav Countries” Almanac in July<sup>55</sup>. The Almanac contains the presentations, discussions and commentaries of representatives of institutions, religious communities, non-governmental organizations, independent researchers, members of the academic community, and artists, about the achievements and obstacles in

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<sup>52</sup> See: [www.recom.link](http://www.recom.link).

<sup>53</sup> For more details about the discussion, please visit <http://www.recom.link/sr/prezentacija-istrazivanja-ljudskih-gubitaka-i-zatocnickih-objekata-beograd-snimak/>.

<sup>54</sup> Issue no. 30 of *!Voice* was published in February 2015.

<sup>55</sup> Almanac available at: <http://www.recom.link/zbornik-tranziciona-pravda-i-pomirenje-u-postjugoslovenskim-zemljama/>.



the dealing with the past and reconciliation, as well as the testimonies of victims, participants in the Ninth and Tenth Forums for Transitional Justice in post-Yugoslav countries.

## **V Advocating the Inclusion of Transitional Justice in the Process of Serbia's European Integration**

During 2015, the HLC continued to monitor the process of Serbia's accession to the EU, with the objective to make the application of transitional justice mechanisms part of Chapter 23 of the Serbia's EU accession negotiations relating to the Judiciary and Fundamental Rights.

### **1. Bulletin through ACCESSION towards JUSTICE**

During 2015, the HLC published five issues of the Bulletin **through ACCESSION towards JUSTICE**<sup>56</sup>. These issues contain interviews with the Head of the EU Delegation in Serbia, Michael Davenport, the Rapporteur of the European Parliament for Serbia, David McAllister, the Chairman of the Stabilization and EU Accession Parliamentary Committee, Vladimir Orlić, and the Ambassador of Switzerland to Serbia and Montenegro Jean-Daniel Ruch, as well as an article authored by the Deputy Prosecutor for War Crimes, Bruno Vekarić.

### **2. Advocacy Meetings**

During 2015, the HLC began organizing regular meetings with representatives of embassies of states members of the EU and other relevant states, representatives of European institutions in Serbia and international organizations, regarding the importance of including the matter of transitional justice in the process of Serbia's European integration. In late January 2015, the HLC organized a briefing with representatives of embassies of EU member states and other relevant states, the Delegation of the EU and international organizations on the topic of the importance of including the issues of transitional justice in the Serbia's EU accession process.<sup>57</sup> In the meeting organized in July 2015, the HLC informed the representatives of the embassies and European institutions about the position of victims of war crimes in Serbia. A presentation of the Model Law on the Rights of Civilian Victims of Human Rights

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<sup>56</sup> All issues of the Bulletin are available online at: <http://www.hlc-rdc.org/?cat=308&lang=de>.

<sup>57</sup> A short report from this meeting is available at <http://www.hlc-rdc.org/?p=27998&lang=de>.



Violations Committed in Armed Conflicts or in Connection with Armed Conflicts in the Period 1991-2001 was organized for the participants in the meeting.<sup>58</sup>

In early February, the HLC, together with other organizations from Serbia, participated in a study visit to Brussels, during which meetings with representatives of relevant EU institutions were held.<sup>59</sup> Representatives of the European institutions were informed about the problems relating to the establishment of criminal justice for the war crimes committed, the problems that victims have to deal with in the realization of their right to reparation, as well as the insufficient progress made in the search for the missing and institutional reform.

### **3. Participation of the HLC in the Monitoring of Serbia's European Integration**

The HLC has continued to monitor the process of Serbia's European integration, and it regularly prepares reports for the European institutions on the progress made by Serbia in meeting the conditions set for membership of the EU.

As part of the process of drafting the regular annual EP's Serbia Progress in EU Accession Resolution, the HLC prepared an amendment to the draft Resolution with accompanying explanation, and shared it with the relevant bodies and members of the EU.<sup>60</sup> The final version of the Serbia 2014 Progress Resolution was adopted in March 2015 and contains all the proposals made by the HLC.

The HLC continued to take an active part in the drafting of the Action Plan for Chapter 23 of Serbia's EU negotiations (Judiciary and Fundamental Rights). In late April, the HLC sent commentaries to the third version of the Action Plan, which refer to the enhancement of the prosecution of war crimes and the protection of the rights of victims.<sup>61</sup> Since the beginning of the drafting of the Chapter 23 Action Plan, the HLC has delivered 62 recommendations to the Republic of Serbia Ministry of Justice, 52 of which were upheld entirely or in part.

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<sup>58</sup> For more information, please see "The Rights of Victims of War Crimes One of the Key Issues of Protection of Fundamental Human Rights", HLC, July 4<sup>th</sup>, 2015, <http://www.hlc-rdc.org/?p=29622&lang=de>.

<sup>59</sup> The collocutors included, among others, the Rapporteur of the European Parliament (EP) for Serbia, David McAllister, the Vice-President of the EP, Urlike Lunaček, and representatives of the European Commission responsible for the EU enlargement process and negotiations with Serbia.

<sup>60</sup> For more information, please visit <http://www.hlc-rdc.org/?p=27960&lang=de>.

<sup>61</sup> For more information, please visit <http://www.hlc-rdc.org/?p=28987&lang=de>.



## VI Memory Initiatives

### 1. Batajnica Memory Initiative

*Batajnica, Memory Initiative*, has the objective to trigger a dialogue on the need to establish a memorial site at the location of the mass graves in Batajnica from which more than 700 bodies of Kosovo Albanians, victims of war crimes committed by the Serbian forces during the armed conflict in Kosovo in 1999, were exhumed. During the reporting period, transcripts of 19 oral history interviews that HLC researchers have conducted with family members of the Kosovo Albanians whose bodies were found in the mass graves in Batajnica, as well as subtitles for 15 interviews, were made. HLC team finished preparations for setting up the Batajnica Memory Initiative web page.

During the reporting period, a film crew led by Director Ognjen Glavonjić completed the work on the production of “Depth Two”, a documentary made by HLC and Non-Aligned Films about the concealment of the bodies of Kosovo Albanians in the mass grave in Batajnica. “Depth Two” passed the first selection in December 2015 and entered the official selection of the 66<sup>th</sup> Berlin International Film Festival in January 2016, where it will have its world premiere.

### 2. Audio-visual Presentation about Srebrenica Genocide

On the occasion of marking the 20<sup>th</sup> anniversary of the Srebrenica genocide, HLC, in cooperation with the SENSE Agency, organized in the period September 14<sup>th</sup>-19<sup>th</sup> an audio-visual presentation titled “Investigation, Reconstruction and Prosecution of the Srebrenica Crimes of July 1995 before the ICTY”, prepared by the SENSE Agency. This presentation represents a part of the permanent installation at the Potočari Memorial Centre. The events in and around Srebrenica from July 1995 are presented in seven sections on the basis of the judgments rendered in the ICTY trials, which dealt with the crimes committed in and around Srebrenica in July 1995. The goal of the presentation was to allow the general public in Serbia to see in what manner the crimes committed in Srebrenica and the surrounding municipalities in July 1995 were investigated, reconstructed and prosecuted in trials conducted before the ICTY. The presentation was set up in the Centre for Cultural Decontamination and more than 100 people visited this installation during the seven days that it was there.<sup>62</sup>

Two accompanying events were held as part of the exhibition: a panel discussion titled “Srebrenica – Culture of Remembrance” in cooperation with the Friedrich Naumann Foundation, and a debate organized on the occasion of the screening of “Statement 710399”, a film produced by Refik Hodžić at the Centre for Cultural Decontamination.<sup>63</sup>

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<sup>62</sup> For more information about the presentation, please visit <http://www.hlc-rdc.org/?p=30011&lang=de>.

<sup>63</sup> For more information about the debates, please see page 24.



### **3. People and Memory**

During 2015, HLC participated in a regional project titled “People and Memory”<sup>64</sup>, the aim of which was to contribute to the reconciliation process through a series of 30 documentary films (victims' testimonies) pointing to the universal character of human suffering, and furthering the sense of solidarity among victims and their communities. The “People and Memory” series encompasses testimonies of the victims of the wars in Kosovo, BiH, Croatia, Serbia, and Macedonia. As part of the preparations for the shooting of the testimonies, a contact was made with several tens of survivors/victims and victims' family members who live in Serbia today, and the objective of the project, as well as the most important questions concerning their participation in the project, were explained to them. For the six of them who agreed to participate in the shooting, HLC organized the trip to Skoplje for the shooting.

## **VII Public Information and Outreach**

### **1. Press Releases and News**

In 2015, HLC published 29 press releases<sup>65</sup> reacting to events and recommending improvements in the transitional justice mechanisms in Serbia, reminding the public of victims of war crimes and presenting the results of its work. By publishing 53 pieces of news<sup>66</sup>, HLC informed the public about the implementation of its activities and the news in the field of transitional justice. 27 press releases and 40 pieces of news have been translated into English, and 15 press releases and 19 pieces of news have been translated into Albanian. All press releases and news have been posted on HLC's web page; they have also been distributed via email and posted on social networks.

### **2. Publications**

HLC produced five publications in 2015. The HLC has distributed all of these publications to institutions, diplomatic offices, domestic and international non-governmental organizations, libraries, and so forth.

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<sup>64</sup> The project carrier was Integra from Kosovo, and the HLC's partners on the project were Documenta (Croatia) and the Centre for Policy Research and Creation (Macedonia).

<sup>65</sup> HLC's press releases are available at <http://www.hlc-rdc.org/?cat=221&lang=de>.

<sup>66</sup> HLC's News are available at <http://www.hlc-rdc.org/?cat=227&lang=de>.



## **Dossiers**

The HLC published the “Rudnica” Dossier in January<sup>67</sup> with a circulation of 300 copies. The publication of this Dossier stirred up a lot of attention among the media and the public, and consequently representatives of the government institutions, including the President of the Republic of Serbia and the Prime Minister, had to make statements with regard to the allegations made in the Dossier<sup>68</sup>.

The “Operation Reka” Dossier<sup>69</sup> was published in the Serbian and English languages with a circulation of 500 copies. The Dossier was distributed to institutions, diplomatic offices, media, domestic and international non-governmental organizations, libraries, and so forth.

## **Model Provisions**

### **Model Law on the Rights of Civilian Victims of Human Rights Violations Committed in Armed Conflicts**<sup>70</sup>

After years of monitoring the flawed legal framework for the protection of the rights of victims of war crimes and the obstacles that victims have been dealing with in their endeavour to realize their right to reparation, the HLC and the Center for Advanced Legal Studies published the Model Law on the Rights of Civilian Victims of Human Rights Violations Committed In Armed Conflicts and in Connection with Armed Conflicts in the Period 1991-2001 (Model Law), in April 2015. This publication was printed in the Serbian and English languages, with a circulation of 500 copies.

### **Model Strategy for the Prosecution of War Crimes in Serbia**<sup>71</sup>

The Model Strategy for the Prosecution of War Crimes Committed During and in Connection with Armed Conflicts in the Former Yugoslavia (Model Strategy) was published in late April with a circulation of 300 copies in Serbian and in English.

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<sup>67</sup> For more information about the Dossier please read Chapter I Documentation. The Dossier is available at the following link: <http://www.hlc-rdc.org/?p=28016&lang=de>.

<sup>68</sup> See: <http://rs.n1info.com/a31318/Vesti/Vucic-Napadima-na-Vojsku-zele-da-izazovu-nestabilnost.html> and <http://www.politika.rs/scc/clanak/319151/Orkestar-za-rusenje-Vucica-odavno-se-ustimovao>.

<sup>69</sup> Operation Reka Dossier is available at the following link: <http://www.hlc-rdc.org/?p=30521&lang=de>.

<sup>70</sup> Model Law is available at the following link: <http://www.hlc-rdc.org/?p=28764&lang=de>.

<sup>71</sup> Model Strategy is available at the following link: <http://www.hlc-rdc.org/?p=28881&lang=de>.



### **Almanac of papers from Regional Transitional Justice School #2**<sup>72</sup>

“The Almanac of Papers by the Regional Transitional Justice School Students #2” gathers the papers authored by the students of the second Regional School, held in November 2013. The Almanac is written in three languages (Serbian, English, and Albanian), and published in 200 copies.

### **3. HLC's Web Page**

The HLC presents its work on advocating the establishment of responsibility, justice and truth about war crimes and other serious violations of human rights committed during the armed conflicts in the former Yugoslavia to the public, via its web pages, Facebook and Twitter social networks and YouTube Channel. During 2015, the web page had 40,839 visits, which represents an increase of 10,03% compared to the previous year.

The HLC is also an administrator of a number of specialized web pages. The web page of the Kosovo Memory Book<sup>73</sup> had 11,689 visits by users, which represents an increase of 18% in comparison to 2014. The web page of the *Zone of (Non)Responsibility*<sup>74</sup> had 6,804 visits by users, which is 33% more than in the previous time period. The web page of the Transitional Justice School<sup>75</sup> was visited by 3,896 users, which is 31% more than during 2014. The web page Human Losses in Armed Conflicts in Former Yugoslavia<sup>76</sup> had 4,758 visits by users, which is an increase of 12% compared to the previous year. The visitors to the YouTube channel viewed 8,786 minutes of the video materials.

The HLC's Twitter account has 941 followers and Facebook 2,001 followers.<sup>77</sup> The increase of the number of followers was equal, with a somewhat greater number of new followers at the time of the publication of the information regarding the impunity of members of the Serbian army and police for the crimes committed in Kosovo<sup>78</sup>.

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<sup>72</sup> Almanac is available at the following link <http://www.hlc-rdc.org/?p=28326&lang=de>.

<sup>73</sup> See at the following link: [www.kosovskaknjigapamcenja.org](http://www.kosovskaknjigapamcenja.org).

<sup>74</sup> See at the following link: [www.zonaneodgovornosti.net](http://www.zonaneodgovornosti.net).

<sup>75</sup> See at the following link: [www.tj-school.org](http://www.tj-school.org).

<sup>76</sup> See at the following link: [www.zrtveratovasfrj.info](http://www.zrtveratovasfrj.info).

<sup>77</sup> On January 1<sup>st</sup>, 2014, Facebook account had 1,230 followers and Twitter account 533.

<sup>78</sup> Dossier Rudnica was published on January 29<sup>th</sup>, 2015. In the period January 28<sup>th</sup>-February 18<sup>th</sup>, HLC's Facebook page had 123 new followers. Similarly, February was the only month in which the Twitter account had more than 100 new followers/accounts.





## 4. Conferences and Debates

### 4.1. Public Conferences

The HLC presented Dossier “Rudnica”, Dossier “Operation Reka”, the Model Law, and the Model Strategy, as well as the findings and recommendations regarding the evaluation of the KMB Database, in five public conferences. The conferences were followed by the representatives of embassies and international organizations, judicial institutions, ministries and government offices, non-governmental organizations and interested individuals. The presentation of the Dossier “Rudnica” stirred up a lot of attention and it was followed by 18 media houses. There was live reporting from all of the conferences via the HLC's Twitter account, so that the general public would have access to each conference. Each of these Conferences was accompanied by the news published on the HLC's web page and social networks.

### 4.2. Debates

The HLC organized two public debates with regard to the audio-visual presentation about Srebrenica organized by the HLC and the SENSE-Centre for Transitional Justice from Pula.<sup>79</sup>

The panel discussion “Srebrenica – Culture of Remembrance” was held on September 14<sup>th</sup>, in cooperation with the Friedrich Naumann Foundation. Soeren Keil from Kent University and Dubravka Stojanović from the University of Belgrade, and representatives from local and international non-governmental organizations and media, participated in this discussion. The participants discussed the importance of the ways and manners in which the society in Serbia remembers the Srebrenica genocide, and whether it is possible to speak today of a culture of remembrance or wars of remembrance.<sup>80</sup>

Two days later, on September 16<sup>th</sup>, the documentary titled “Statement 710399” by Refik Hodžić was screened in the Centre for Cultural Decontamination. A discussion was also held after the screening of the film. The author of this film, and activists and representatives of non-governmental organizations from Serbia and BiH, along with university professors, discussed the legacy of the Srebrenica genocide, the possibilities for building trust and a common memory, as well as the importance of judicial facts. The film and the debate stirred the interest of a great number of citizens, representatives of the civil society, institutions of Serbia, embassies and international organizations.<sup>81</sup>

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<sup>79</sup> More information on audio-visual presentation available in Chapter VI Memory Initiatives.

<sup>80</sup> More information on the panel discussion available at <http://www.hlc-rdc.org/?p=29931&lang=de>.

<sup>81</sup> More information about the debate available at <http://www.hlc-rdc.org/?p=30170&lang=de>.



## **5. Coalition For Access To Justice**

A meeting of the Coalition for Access to Justice and Coalition against Discrimination (a member of which is the HLC) with the Commissioner for the Protection of Equality, Brankica Janković, was held on August 25<sup>th</sup>. The representatives of the two coalitions presented their work in the area of the fight against discrimination and the Commissioner informed the representatives of the civil society about her plans in the forthcoming period. During the meeting they discussed future modes of cooperation between this institution and members of the two coalitions, and the organization of public hearings at the National Assembly, which would draw the attention of the entire public and institutions to the specific issues that discriminated groups in Serbia have to deal with.<sup>82</sup>

## **6. Visits to the HLC**

During 2015, students, university professors and representatives of non-governmental organizations visited the HLC. On this occasion, current endeavours in the application of transitional justice mechanisms in Serbia were presented to them, as well as the HLC's contribution to the process of dealing with the past and establishing reconciliation in the region.

## **7. HLC Library**

The HLC Library contains more than 6,000 publications from the area of transitional justice, international humanitarian law, human rights, history, engaged art, and so forth. The Library is used by HLC employees and associates, but also by students, researchers, representatives of institutions and other non-governmental organizations, as well as other interested individuals.

## **8. Awards**

The HLC received an annual award given by the Coalition for the Fight against Inequality in April 2015, for its consistent engagement in the area of victims' rights protection and informing the public in Serbia about the facts related to the armed conflicts in the former Yugoslavia. This award is given as a certificate to individuals, organizations, institutions, companies and media, who have made a number of endeavours throughout the year to fight discrimination against minority and marginalized groups, or who have contributed to the development of the equality of all citizens of Serbia.

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<sup>82</sup> More information about the meeting available at <http://www.hlc-rdc.org/?p=29819&lang=de>.



## VII Transferring Knowledge about Transitional Justice

### Global Transitional Justice Initiative

In 2014, the HLC became a member of the Global Transitional Justice Initiative – a consortium of nine non-governmental organizations aimed at helping societies in transition to fight their legacy or current serious violations of human rights, and to find answers to challenges.<sup>83</sup>

The HLC is implementing the Initiative for Documenting Human Rights Violations in Iraq together with three other non-governmental organizations – the Public International Law and Policy Group (PILPG), International Sites of Conscience (ISC) and AMAR. The objective of the project is to develop the capacities of the Iraqi civil society for documenting human rights violations committed by all sides in the current conflict for the needs of the future process of transitional justice. The central activity in which the HLC has participated as part of this project is to train representatives of the local civilian society in documenting human rights violations. Representatives of the HLC have participated in two trainings to date, held in August and December 2015 in Erbil.

During the reporting period, the Global Initiative began working on the project Initiative for Documenting Violations of Human Rights in South Sudan. The HLC has been implementing this project with three other non-governmental organizations – the PILPG, ISC and Center for the Study of Violence and Reconciliation. The objective of the project is to start an initiative for documenting and memorialisation which will archive evidence about the mass human rights violations committed during the conflict in South Sudan.

During 2015, in cooperation with the PILPG, the HLC participated in the project titled “Human Rights Documentation Toolkit”, aimed at identification of various practices of documenting human rights violations in the world, for the purpose of supporting civil society organizations that are only at the beginning of their journey relating to documentation, particularly in areas which are currently in crisis. The role of the HLC is to identify and connect organizations from the region of the former Yugoslavia dealing with documentation and to acquire information relating to their methodologies.

### Ukraine

Representatives of the „With Justice to Peace in Donbas“ Coalition visited the HLC in the period May 11th-14<sup>th</sup>. The Coalition consists of human rights organizations from Eastern Ukraine which have been intensively working on collecting and documenting information about human rights violations, and

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<sup>83</sup> Members of the Consortium are: Centre for Violence Studies and Reconciliation from South Africa, Documentation Centre Cambodia, Foundation For a Just Trial, International Institute for Conflict Research, Association For Forensic Anthropology Peru, Group For International Public Law, Forum for Women and Remembrance, and HLC.



advocating the rights of the victims of the conflict currently raging in Eastern Ukraine. The purpose of their visit was to be introduced to the process of research and documentation of human rights violations, and to the use of the documentation collected in the process in establishing truth and responsibility for the crimes committed.

During the visit to the HLC, they were introduced to the work of the HLC in this area, the ways in which to use documentation, regional initiatives for establishing the truth, trials for war crimes and advocating the right of victims to reparation. A debate was organized during this study visit on the topic concerning the situation in the regions of Luhansk and Donetsk and the efforts to document human rights violations, in which activists from Ukraine and representatives of non-governmental organizations from Serbia participated.

## **IX Volunteer Work in HLC**

Miodrag Pantović, Dunja Đurković, Guilia Guietti, Azra Gordy, Clara Bruhman, Emin Dešević and Anja Mijalković contributed to the work of the HLC in the period January-June 2015 as volunteers.

## **X HLC Steering Board**

During the reporting period, HLCHLC's Steering Board (SB) held two meetings (Belgrade, May 26<sup>th</sup>, 2015 and Belgrade, October 27<sup>th</sup>, 2015). One of the topics of these meetings, amongst others, was the activities of the HLC in the period October 2014-May 2015. The HLC's 2014 annual activity report and financial report were adopted as well as the six-month report for 2015. A new President of the Steering Board was elected in the meeting held in October. Iavor Rangelov was elected the new President, replacing the former President Zoran Pajić, whose second mandate had expired. This meeting was preceded by a discussion on possible directions of development of the HLC's programme, and in addition to the members of the SB, this meeting was also attended by associates and friends of the HLC.

## **XI Information System<sup>84</sup>**

During the reporting period for the *Information System (IS) Development Project*, the team worked on the maintenance of the existing information system. The Server was updated, the process of storing data from the IS and their protection were verified, and two new modules were formed – Trials and Project Monitoring. In addition, the work on adjusting the IS for the presentation of documents, images,

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<sup>84</sup> Information System is a software allowing professional management of the documents and data within the organization.



and video materials in web form, that is to say in the search engine, has begun. In April 2015, the HLC, Documenta, and HLC Kosovo held a meeting regarding the further development of the IS.

## **XII Strategic Planning**

In May 2015, the HLC organized strategic planning sessions where the team discussed the programme activities, changes and development of the organization in the forthcoming period. The HLC management, part of the programme team, Goran Miletić from Civil Rights Defenders- an organization which has been supporting the work of the HLC for years, and Nemanja Stjepanović from SENSE Agency, who is also a member of the HLC Steering Board, participated in the Strategic Planning.

## **XIII Audit Report**

During February 2015, the audit of the financial management of the organization was completed and was assessed as professional and complying with the financial provisions of the Republic of Serbia. The audit was conducted by auditors from the Codex Audit Agency.

## **XIV Donors' Support**

During 2015, HLC activities were sponsored by: Open Society Foundations, Sigrid Rausing Trust, Charles Stewart Mott Foundation, Civil Rights Defenders, Rockefeller Brothers Fund, Robert Bosch Stiftung, European Commission, National Endowment for Democracy, OSCE Mission to Serbia, French Catholic Committee Against Hunger and for Development (CCFD), Heinrich Böll Stiftung, International Coalition of Sites of Conscience, Public International Law & Policy Group (PILPG), Anne Frank Fonds, Ministry of Foreign Affairs of Switzerland, Ministry of Foreign Affairs of Norway, and the embassies of Switzerland, Great Britain and the United States to Serbia.