



Humanitarian Law Center

Report on Activities and Results Achieved by Humanitarian Law Center in the period January–December 2016

Documentation and Research

1. Human losses during armed conflicts in the former Yugoslavia

To compile a list of people who were killed or went missing in Kosovo in 1998-2000, the Humanitarian Law Center's (HLC) researchers took testimonies about the circumstances surrounding the death/disappearance of more than 150 victims, gathered the material (photographs, personal documents, death reports, books, films, personal items) and analysed the documents corroborating the suffering of over 1,000 victims. Analysts wrote 650 first drafts of the narratives for around 1,000 victims, and 500 narratives about 800 victims were finalized. These narratives will be included in the second volume of the Kosovo Memory Book, to be published in 2017.

Identity and circumstances of death or disappearance established for 22,500 victims

To compile a list of the human losses of Serbia and Montenegro during the conflicts in Slovenia, Croatia and Bosnia-Herzegovina, the HLC's researchers took over 400 testimonies, collected and analysed around 1,000 documents on the victims (photographs, personal documents, death reports, books, films, personal items), and drafted more than 160 narratives about the victims killed in Croatia and Bosnia-Herzegovina.

1.1. Presentation of the research

The interim results of the research into human losses were presented in mid-December on the occasion of marking International Human Rights Day.¹ The presentations were organized in Belgrade, but also in Sarajevo, Zagreb and Prishtina. The identities of approximately 22,500 victims and the circumstances of

¹ See: HLC, "Human Losses in Wars in Former Yugoslavia: Victims Should Be Remembered By Names Not By Numbers", December 16th 2016, available [here](#).

their deaths/disappearances have been established in the current research². This research has also documented the existence of 600 detention sites during the war in Bosnia-Herzegovina, as well as approximately 160,000 prisoners.

The research of human losses referring to the citizens of Serbia and Montenegro during the wars in Slovenia, Croatia, and Bosnia-Herzegovina in the period 1991-1995, which is being implemented by the HLC, has shown that 2,057 of them lost their lives.

The existence of 600 detention sites during the war in BiH and approximately 160,000 prisoners documented

The research into human losses in relation to the war in Kosovo in the period 1998-2000, which is being jointly implemented by the HLC and HLC Kosovo, has registered 13,535 victims, 10,317 of whom were civilians. The comprehensive list of victims who have been registered to date has been published on the Kosovo Memory Book web page, which was visited in 2016 by 7,008 users.³

The presentation of the results of the research into human losses drew significant media attention, and ten media houses with international and local coverage reported on this research. These media houses include the [N1](#), [HRT](#), [RTL](#), [Federalna TV](#), [HINA](#) and [Anadolija](#) news agencies, and the [Novi list](#), [Radio Free Europe](#), [Voice of America](#) and [Danas](#) media houses.

2. HLC archives

During the reporting period, total of 1,349 audio, video and printed documents have been archived in HLC archives.

An HLC technician in The Hague recorded 302 days of trials, and has sent to HLC archives the material covering 1,043 days of trials. To permanently preserve the copied ICTY's archive the HLC transferred the 1,337 days of trials from 3,568 DVDs and MP4 files onto a separate server.

HLC's Archive stores more than 200,000 documents on war crimes and human rights abuses committed during the wars in former Yugoslavia

During 2016 a stalemate occurred because of the decision by the ICTY to inspect all MP4 trial recordings, since testimonies of protected witnesses in several recordings were not secured in an adequate manner. After the ICTY completes all necessary inspections, the HLC will be able to copy the trial days at the usual pace.

² It is assessed that the armed conflicts in the former Yugoslavia resulted in approximately 130,000 casualties.

³ See: Kosovo Memory Book webpage, available [here](#).

3. Database

The HLC's database was enriched with 8,053 documents, 1,218 of which are the testimonies of witnesses and victims. The rest are other human losses research-related documents (photographs, memorials, personal documents, etc.), as well as transcripts, indictments and other court files, media articles, ICTY trial videos, reports, official army and police documentation, business correspondence and other documents.

124,000 documents in the HLC's database on human rights abuses

4. War crimes dossiers

4.1. The "Šljivovica and Mitrovo Polje" Dossier

On December 22nd the seventh HLC's dossier on unpunished crimes and possible perpetrators was published. The "Šljivovica and Mitrovo Polje" Dossier offers evidence of the torture of Bosniaks detained in the Šljivovica and Mitrovo Polje camps who were seeking shelter on the territory of Serbia following the fall of the Žepa protected zone in July 1995.⁴ On the basis of comprehensive documentation collected from various sources, the detention of the citizens of Žepa and their treatment during their months-long detention in the camps were reconstructed, as well as the structure of the responsible military and police units.

Serbian public informed about the detention camps in Serbia

Lesser known crimes against the Bosniaks from Žepa illuminated

Persons responsible for human rights abuses and still holding positions in the institutions of Serbia identified

Mr. Senad Jusufbegović, who was kept in detention in Mitrovo Polje camp for several months as a seventeen year-old boy, gave his testimony during the Conference.

Around 30 representatives of embassies, media and civil society attended the [presentation](#) of the Dossier. Several media houses reported on this event, including [BIRN](#), [Blic](#), [Danas](#), [Beta](#), [Radio Free Europe](#), and [Federalna TV](#), while the [Peščanik](#) web page dedicated a special broadcast to the discussion with former detainees from these camps.

4.2. Research on other crimes and perpetrators

The research for the Dossier referring to the concealment of bodies of Kosovo Albanians in mass grave sites in Serbia was completed in late December, and will be presented in January 2017. The research for the Dossier on the practice of the ICTY to give guarantees to persons under investigation from some other court or indictees that they would not be arrested when coming to testify before this court began in the second half of 2016. This Dossier will show that Serbia failed to prosecute a significant number of possible perpetrators of crimes who are located on its territory and who are accessible to its judicial bodies.

⁴ See: HLC, „Dossier: Šljivovica and Mitrovo Polje“, December 22nd 2016, available [here](#).

4.3. Presenting the findings

Apart from organizing a conference for presenting the dossier, the HLC also presented evidence on war crimes and possible perpetrators on the multi-media web page called the Zone of Non-Responsibility.⁵ The web page contains information about 32 crimes committed on the territory of the former Yugoslavia, 110 authentic military and police documents that were presented as evidence in ICTY trials, and information about 101 individuals for whom there is evidence that they committed these crimes. During 2016 the portal was visited by 3,069 users.

5. Research and Advocacy on Reparations

Since October 2016, in cooperation with the American Bar Association Rule of Law Initiative, Centre for the Study of Violence and Reconciliation, International Coalition of Sites of Conscience and the Public International Law & Policy Group, the HLC has been implementing the project entitled “Global Reparations Summit”. The project is focused on the evaluation of the existing international legal framework for reparations for victims of gross human rights violations and its impact on the reparation programmes implemented during the previous 10 years from the adoption of the UN General Assembly Resolution – Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. The objective of the Project is to identify the programmes implemented as well as reparations initiatives, in order to assess the successes and challenges in the implementation of these programmes and, ultimately, to identify possibilities and strategies for the advancement of the existing reparations programmes and the ways in which the international framework can be improved.

Justice and Institutional Reform

1. The monitoring of war crimes trials and representation of victims

The HLC lawyers represented the victims and their families in the trials in the *Ćuška, Trnje, Lovas, Bratunac, Srebrenica, Sotin* and *Skočić* cases, and during the investigation of the retired general of the Yugoslav Army, Dragan Živanović, for the crimes committed in Kosovo in 1999. In addition, the HLC obtained powers of attorney from family members of the victims of the kidnapping from the train in Štrpci for the purpose of representing them as injured parties in the trial which is expected to begin in 2017.

Family members of over 1500 victims of war crimes represented in domestic war crimes proceedings

In November, the HLC was given power of attorney by a wartime rape victim from Bosnia and a protected witness in the Bratunac trial. The HLC will submit a compensation claim on her behalf during the trial, which will be the first time an elaborate filing was made during a war crimes trial in Serbia.

⁵ Web portal „Zone of Non-Responsibility“ is available [here](#).

The HLC legal team monitored the war crimes trials in 14 cases. The daily reports from these trials and indictments are available on HLC’s website (in the Serbian language), together with judgments from completed cases and transcripts from earlier and ongoing cases.⁶

Two criminal complaints against former high-ranking officers

Support to the understaffed and low-capacity Prosecutor’s Office continued

The HLC also followed two proceedings initiated regarding requests for early probation of persons convicted of war crimes, and two proceedings initiated for the enforcement of foreign war crimes judgments – one from Croatia and one from Bosnia.

In the periods between the trials, the HLC informed the victims’ families about the course of the pending proceedings, shared documents that they were interested in with them, informed them about the rights that they have and the ways in which they can realize these rights and provided legal assistance for their realization, such as the assistance to come to Serbia and follow the trials. The HLC organized a special meeting with victims’ families in Lovas and Sotin (Croatia), which was devoted to the discussion about the case and the dynamics of the trial.

Public informed on war crimes trials, including victims’ and witnesses’ testimonies

Victims and their families informed about the proceedings and their procedural rights

In March, HLC published the Report on War Crimes Trials in Serbia in 2014 and 2015⁷, containing the findings regarding the war crimes trials in Serbia and analyses of all 27 cases tried in domestic courts. By late December, the production of the Report on War Crimes Trials in the Republic of Serbia in 2016 was imminent.

2. Criminal complaints against alleged perpetrators of war crimes

The HLC brought two criminal charges against individuals suspected of committing war crimes during the wars in Bosnia-Herzegovina and Croatia. By targeting the high-ranking officers, both criminal charges are supporting the implementation of the National Strategy for the Prosecution of War Crimes, which sets the prosecution of high-ranking officers as its priority.

The first criminal complaint was against the former President of the so-called Serb Municipality of Ilijaš and the President of the Crisis Staff during the war, Ratko Adžić, and against a number of former members of the security forces who acted under the control of the Crisis Staff, for the war crimes committed against non-Serbian civilians in the Municipality of Ilijaš, Bosnia-Herzegovina, in 1992⁸. The criminal complaint encompasses the killings and forced disappearances of at least 67 civilians. The mortal remains of some of the victims were found in 1996 in two mass graves located in the

⁶ See: HLC’s website, data about the domestic war crimes trials available [here](#).

⁷ See: HLC, “Report on War Crimes Trials in Serbia during 2014 and 2015”, March 2016, available [here](#).

⁸ See: HLC, “Criminal Complaint for Crimes Committed in Ilijaš 1992”, 27 May 2016, available [here](#).

Municipality of Ilijaš – in Lješevu and Žerovanj; however, more than 50 of the victims are still reported as missing.

The second criminal complaint was against Dušan Lončar, the former Commander of the Second Proletarian Elite Motorized Brigade of the Yugoslav Peoples' Army, because of the crime committed in October 1991 against Croat civilians in the village of Lovas in Croatia⁹. According to the evidence compiled by the HLC, on October 9th, 1991, Dušan Lončar ordered an attack on the village of Lovas and the cleansing from the terrain of members of the Croatian National Guard and of the Republic of Croatia Ministry of the Interior, as well as of population "showing hostility". Over 20 civilians died in the attack.

The HLC has also prepared a criminal complaint against members of the Republic of Srpska Army Igman Brigade's "Tomo Veljančić" Quick Reaction Company because of the murder of three prisoners of war, members of the Army of the Republic of BiH, in July 1993 on Mount Igman. The complaint will be filed with the Office of the War Crimes Prosecution (OWCP) in January 2017.

The HLC sent eight letters to the OWCP urging them to act upon the criminal complaints it filed in the period 2013-2016.

3. Representation of victims of human rights violations seeking reparation

The HLC currently represents 139 victims of war crimes, torture, illegal detention, persecution and property destruction seeking reparation. During the reporting period, HLC represented victims in 42 civil compensation cases and 11 administrative cases.

3.1. Civil compensation cases

In civil compensation cases where plaintiffs were seeking damages from the Republic of Serbia, the HLC appealed against four judgments, filed 11 motions and one constitutional complaint, submitted three applications with the European Court of Human Rights (ECtHR) on behalf of 22 victims, and organised medical expertise for the examination of three victims.

9 victims compensated for damages inflicted upon them by institutions of Serbia

Victims were granted compensation by three final judgments, though the amounts are lower than requested. The victims in these three cases are eight Kosovo Albanians, victims of torture and illegal detention, who were granted between 100.000 and 370.000 dinars (around 850–3.150 EUR), as well as a victim from Vojvodina whose parents were murdered and he was granted 700.000 dinars (around 6.000 EUR) in nonpecuniary damages for psychological suffering. Although these amounts are humiliatingly low for the victims and they inadequately illustrate the gravity of the human rights violations suffered all victims have decided to accept the compensation for damages as granted, owing to the exhaustion following years-long judicial proceedings and the lack of trust in judicial institutions.

⁹ See: HLC, "Criminal Complaint for Crime in Lovas Committed In 1991", 3 November 2016, available [here](#).

In three cases the compensation claims were rejected in the first degree, while one case was rejected on appeal.

Unexpectedly, the ECtHR rejected five applications filed earlier by the HLC as unacceptable, with the explanation that they relate to events which happened before the Convention came into force in relation to Serbia as a signatory of the Convention (application unacceptable *ratione temporis*). The Court did not take into consideration the allegations about the violation of the right to a fair trial from Article 6 of the Convention, despite the fact that the criminal proceedings in these cases were all initiated after the Convention came into force. As a response to such actions of the Court, the HLC will exclusively invoke the violation of Article 6 in all future applications.

Judicial practice in non-recognizing victim status for persons killed outside Serbian territory overturned

In June the HLC published an analysis of the *Enes Bogilović and Mušan Džebo Case*, which deals with the overturning of the final court ruling awarding damages to the two detainees held in Šljivovica camp.¹⁰

In July the HLC published an analysis of the decision of the Constitutional Court of Serbia by which the appeal filed by family members of the victims killed in Sjeverin because of the alleged violation of the right to a fair trial in the compensation lawsuit was dismissed.¹¹

3.2. Administrative cases

In the administrative cases concerning the recognition of civilian victim of war status, HLC represented 15 victims of human rights violations, and filed its first two complaints to the ECtHR regarding the discriminatory application of the Law on Civilian Invalids of War. Having had its appeals to the decisions on the recognition of civilian victim of war status rejected, HLC filed constitutional appeals in two cases whilst the third constitutional appeal is pending. Two persons realized the right to a monthly payment as family members of a civilian victim of war. However, one of them obtained the monthly financial benefit (monthly payment) only for a limited retrograde period, as in the meantime their household income status increased to fall above the threshold prescribed by law.

The ECtHR rejected two applications which referred to the failed realization of the rights pursuant to the

2 victims obtained monthly financial benefits

Law on the Rights of Civilian Invalids of War, finding them unacceptable *ratione temporis*. An important achievement the HLC can record has been the adoption of the constitutional complaint filed by one victim in the *Sjeverin*

case, which established that the Law on the Rights of Civilian Invalids of War should apply to cases in which death occurred outside the territory of Serbia. This decision is significant because it alters the practice of the responsible ministry, according to which a request could not have been granted if the

¹⁰ See: HLC, “Case Study: Courts in Serbia in Service of Abolition of State’s Responsibility”, 1 June 2016, available [here](#).

¹¹ See: HLC, „With regard to the decision of the Constitutional Court of Serbia to reject the appeal of victims’ family members - Case analysis: Republic of Serbia exempt from any responsibility for the crime against the inhabitants of Sjeverin“, 13 July 2016, available [here](#).

death or violation occurred on the territory of another successor state of the former Yugoslavia, and because of which dozens of previously granted requests were revoked.

In January, HLC published the biannual report „Victims’ Right to Reparation in Serbia and the European Court of Human Rights Standards“, which analyses mechanisms for fulfilling the victims’ right to reparations in relation to abuses during the 1990’s and their alignment with the European Court for Human Rights standards.¹²

In February, the HLC published an analysis of the most important and most disputed amendments to the Bill on the Rights of Veterans, Disabled Veterans, Civilians Invalids of War and their Families¹³, and filed a motion to the Constitutional Court of Serbia to assess the constitutionality of the Law on Civilian Invalids of War¹⁴.

3.3. Advocacy

On the basis of information supplied by the HLC, the Council of Europe Commissioner for Human Rights Mr. Nils Muižnieks addressed a letter to the Serbian Minister of Labor, Employment, Veteran and Social Affairs Mr. Aleksandar Vulin in September, expressing concern regarding the drafted Bill on the rights of veterans, military invalids of war, civilian invalids of war and their family members, which retains the same discriminatory framework for civilian victims and their families.¹⁵

Additionally, on 1st December 2016 a meeting with the Office of the Ombudsman was held. The meeting was focused on the improvement of the legislative framework for civilian victims of war in Serbia. The Ombudsman Mr. Janković offered to have HLC’s Model law on the rights of civilian victims of human rights violations committed during and in connection with armed conflicts in the period 1991-2001¹⁶ put before the National Assembly of the Republic of Serbia as a bill proposed by the Ombudsman, within his legislative powers. It was agreed that two steps need to be taken in order to adapt the existing Model law to a formal bill, fit for submission to the Parliament. First, the text would have to be reviewed by an independent legal expert, which would be chosen by the Ombudsman. Second, the legal text needs to be accompanied by a rationale, which the HLC has agreed to formulate. Both sides agreed to have the bill proposed to the Parliament by 1st March 2017.

¹² See: HLC, “Victims’ Right to Reparation in Serbia and the European Court of Human Rights Standards“, January 2016, available [here](#).

¹³ See: HLC, “New Text of the Bill on Civilian Victims of War further Degrades their Status“, 8 February 2016, available [here](#).

¹⁴ See: HLC, “The Initiative for the Assessment of the Constitutionality of the Law on the Rights of the Civilian Invalids of War“, 27 May 2016, available [here](#).

¹⁵ HLC, News, “Council of Europe Concerned for the Position of Civilian Victims of War in Serbia“, 25 September 2016, available [here](#).

¹⁶ Model law available [here](#).

4. Illuminating accountability of high-level Serbian state officers for human rights violations committed during the 1990s

In early July, the HLC began the research into politically motivated trials of Kosovo Albanians, which were held before the courts in Serbia in the period 1998-2000. The objective of the research is to point to the numerous human rights violations committed during the criminal proceedings, which represent gross violations of the right to a fair trial, as well as to the judges, prosecutors and attorneys who participated in these proceedings and who are still holding positions in the judicial system.

Complete court documentation from the trials of Kosovo Albanians during 1990s collected and stored in HLCs database

The basis of this research is documentation stored in the HLC's Database (some 320 documents). The HLC collected the remainder of the relevant documents directly from the courts in Kraljevo, Prokuplje, Niš, Zaječar and Leskovac before which these cases were conducted. On this occasion, the HLC scanned approximately 8,000 pages from over 200 cases, thus completing the database related to these criminal cases. The report will be published in the first half of 2017.

Education

1. "Education for Reconciliation" Programme

In April 2016, the HLC organised the conference "The Role of Education in the Reconciliation Process", which was attended by history and civic education teachers and university professors, representatives of the Ministry of Education, non-government organisations and members of the expert public. The aim of the conference was to discuss the need and possibilities for introducing transitional justice into university syllabuses, as well as the prospects of amending the content of history textbooks. Two policy papers on these issues were presented.¹⁷

The third National School of Transitional Justice was organised from 24 March to 12 May 2016. Lectures on court-established facts, on the initiatives to find the truth about the past, on the recognition of the victims' rights to reparation and on institutional reforms in post-conflict societies were attended by 12 individuals.¹⁸

During the second half of 2016, the HLC made a break in the implementation of activities from the Educational Programme. The main reason for this was the need that has been noted to make a thorough inspection of the actors, processes and regulations in this field of activities, in order to define programmes and activities which completely meet the needs and possibilities for action. In that sense,

¹⁷ See: HLC, "Lessons about the Past: towards Recurrence or towards Reconciliation?", 20 April 2016, available [here](#).

¹⁸ See: HLC, "The National School of Transitional Justice Begins", 28 March 2016, available [here](#).

during the strategic planning organized in late September, the participants agreed that a baseline study of the Education Programme should be produced and that it should represent the first step in the further development of this Programme.

2. Library

The HLC Library, containing over 6,000 publications, was enriched with 185 titles. These books include 82 titles from the areas of International Humanitarian Law, Transitional Justice and Human Rights, which were posthumously donated to the HLC on behalf of Ms. Milanka Šaponja – Hadžić, who was a journalist and a longtime associate of the HLC.

RECOM Initiative

At several meetings held during 2016, the public advocates for the RECOM Initiative and the organisations coordinating the Coalition for RECOM's work agreed that the Coalition for RECOM will continue to document the victims of war and detention camps, in order to be able to support the work of the future regional commission, and that one of the key advocating channels for the establishment of RECOM will be the Berlin Process and the EU Accession Process. The Coalition for RECOM also made the decision to organize a series of discussions in order to make recommendations as to the form and the content of the future European Union's Strategy for Transitional Justice in the Western Balkans.

In late June the public advocate for Bosnia-Herzegovina met with the Chairman of the Council of Ministers of Bosnia-Herzegovina, Mr Denis Zvizdić, and presented him the Initiative for RECOM. On that occasion, he emphasized the importance of reconciliation for the whole Western Balkans region and strongly supported the Coalition's work.

The RECOM Coalition organized four discussions on reconciliation, with the intention of encouraging relevant social and political stakeholders to approach reconciliation in a comprehensive manner, and also of securing stronger public support for the establishment of RECOM. These debates were held in Podgorica¹⁹, (Montenegro), Prizren²⁰ (Kosovo) and Sarajevo²¹, and approximately 150 representatives of civil society, institutions, media, and experts from various fields participated in them.

In July, the public advocates sent a letter to the prime ministers of Serbia, Kosovo, Bosnia-Herzegovina and Montenegro asking them to agree upon adopting the Declaration on the Establishment of RECOM at the Western Balkan Conference to be held in Rome in 2017.

¹⁹ See: Coalition for RECOM, "Debate in Podgorica: How do the Politicians See the Process of Reconciliation in the Region?", 22c March 2016, available [here](#); Center for Civic Education, "Can art contribute to the process of reconciliation in region?", 22 September 2016, available [here](#).

²⁰ See: Coalition for RECOM, "DOKUFEST and RECOM Debate: Dealing with the Past", 9 August 2016, available [here](#).

²¹ See: Coalition for RECOM, "Debata o pomirenju u Sarajevu", 31 March 2016, available in Bosnian [here](#).

The RECOM Coalition has published on a daily basis news about the activities of the Coalition on its web page and social networks, and also the voices of the victims, opinions of intellectuals and artists, and information on current developments in the field of dealing with the past in the region and even further afield. During the reporting period, the web site had 87,363 visitors²², while the Facebook and Twitter are being followed by 3,918 followers.

The Coalition has continued to promote the Petition for the Establishment of RECOM, which has been signed by more than 580,000 citizens of the successor countries of Yugoslavia.

The HLC actively participates in all the activities of the Coalition for RECOM and administers its website.

Inclusion of Transitional Justice in Serbia's European Integration Process

1. Meetings with EU Representatives

Third in a row meeting on the importance of the inclusion of transitional justice in the European integration process of the Republic of Serbia was held, focusing on resolving the fate of the missing persons.²³ The representatives of the embassies of the EU Member States and other relevant countries and of international organisations took part in the meeting.

In November, the HLC participated in an advocacy visit organized by Civil Rights Defenders to EU institutions in Brussels. The participants discussed with representatives of the relevant bodies of the European Parliament (EP), European Commission (EC) and European External Action Service, the achievements and problems encountered in the application of transitional justice mechanisms. These visits enable the HLC to relay its opinions directly to EU representatives engaged in the monitoring of reforms implemented by Serbia as part of the chapter dealing with the judiciary and the protection of human rights (Chapter 23). A concrete result of these visits are the official documents produced by the EP and EC, which emphasize the importance of resolving problems in the prosecution of war crimes and the protection of the rights of victims.²⁴

Effective prosecution of war crimes and protection of victims' rights are the prerequisites for Serbia's accession to the EU

The HLC has also regularly met with the representatives of the EC dealing with the negotiations with Serbia on Chapter 23: Judiciary and Fundamental Rights. On that occasions the HLC presented the state

²² Google Analytics Data.

²³ See: HLC, "Revealing the fate of missing persons a prerequisite for reconciliation and establishing the rule of law in Serbia", 25 February 2016, available [here](#).

²⁴ See: European Parliament, "European Parliament resolution of 4 February 2016 on the 2015 report on Serbia (2015/2892(RSP))", 4 February 2016, available [here](#); and, European Commission, "Commission Staff Working Document - Serbia 2016 Report", 9 November 2016, available [here](#).

of play in the area of domestic handling of war crimes, victims' rights and other transitional justice related issues.

The HLC presented Serbia's achievements in the adoption and implementation of the EU standards concerning transitional justice to the European Parliament's rapporteur on Serbia, David McAllister, the shadow rapporteur on Serbia to the Group of the Green's, Igor Šoltes, and to Herbert Pribitzer from the European External Action Service Western Balkans Division in Brussels, in March 2016.

HLC sent its contribution for the EC's Serbia 2016 Report and EP's Resolution on Serbia, pointing out the problems regarding the establishment of transitional justice.²⁵

2. Bulletin "*through ACCESSION towards JUSTICE*"

Two issues of the *through ACCESSION towards JUSTICE* bulletin presented interviews with the ICTY Chief Prosecutor Mr. Serge Brammertz and the Regional Cooperation Council's Secretary General Mr. Goran Svilanović, as well as two author pieces on relevant topics. Both were prepared in the Serbian and English languages and widely distributed via the mailing list, web site and social networks.²⁶

Memory Initiatives

1. Batajnica Memorial Initiative

Under the initiative to build a memorial in Batajnica, a documentary "Depth Two" was made. The film, a co-production of HLC and Non Aligned Films, premiered at the 66th International film festival in Berlin (Berlinale) in February 2016, and was subsequently shown at festivals in Kosovo, Spain, Italy, Iran, Mexico, Germany, India, Lithuania, Brazil, Macedonia, the Czech Republic, Russia, Canada, Romania, and South Korea, Bosnia-Herzegovina, as well as in several towns in Serbia and in Kosovo.

An award-winning film produced by the HLC and shown at more than 15 festivals worldwide

The film won several awards, including:

- The Award for Best Film Editing at the Beldocs International documentary film festival in Belgrade
- The Grand Jury Award at the Open City festival in London.
- The Critics Award at the Atlántida Film Fest in Spain
- The Best Director and Best Screenplay Awards at the KineNova Film Festival in Skopje
- The Grand Prix of the festival at the IFF Message to Man in Saint Petersburg, Russia
- The Golden Key Award at the 33rd Kasseler Dokfest, Germany
- Best Feature Film Award at the Festival Dei Popoli in Florence, Italia.

²⁵ See: HLC, "Serbia 2016 Report – The Humanitarian Law Center's Contribution", HLCIndexOut: 46-F121544, 11 April 2016, available [here](#).

²⁶ The bulletin "*through ACCESSION towards JUSTICE*" is available [here](#).

“Depth Two” is included among the Best Movies aired in the Czech Republic²⁷, as well as among the 10 Best Movies in 2016 according to the opinion of the representatives of the relevant film magazines²⁸ and portals²⁹.

A “Depth Two” Video Collage was prepared, showing the most interesting parts of the discussions held after the screenings of the film in the period from February to June 2016 in Kragujevac, Čačak, Subotica, Pančevo, Belgrade, Novi Pazar, Niš and Prishtine.³⁰

11 oral history interviews enabled Kosovo Albanian victims to be heard among the Serbian public

With a view to promoting this initiative, HLC also created a special website with an online petition to build a memorial for the victims whose bodies were found in the mass grave in Batajnica³¹, featuring oral history of victims’ family members³². Several hundred persons have signed the petition for erecting a memorial for the victims whose bodies were found in the mass grave site in Batajnica.

2. Destruction of cultural legacy during the wars in the former Yugoslavia

The multi-media narrative entitled “Targeting History and Memory”³³ was presented in Belgrade in late November.³⁴ This Narrative shows how serious were those crimes against the cultural, historical and

The first virtual presentation of the destruction of cultural heritage during the ex-Yugoslav wars, and the initiation of a discussion on the responsibility of such crimes initiated

religious legacies committed during the wars in the 1990s which have been prosecuted before the ICTY, with a particular focus on a number of unprosecuted cases of destruction of religious and cultural monuments. The Narrative was produced by the SENSE – Center for Transitional Justice from Pula, and the HLC was a partner on the project. During Spring 2017 a physical exhibition

about the destruction of cultural heritage will be installed in Belgrade, and a debate will also be organized with the objective of positioning this topic as important and extending it from its criminal law aspects to other relevant areas.

²⁷ See: “Nejlepší filmy roku 2016. Dokumentem letoška je Fuocoammare: Požár na moři”, 7 December 2016, available [here](#).

²⁸ See: British Film Institute, “The best documentaries of 2016: cinematic nonfiction in the year of nonfact”, 20 January 2017, available [here](#).

²⁹ See: Screendaily, „Team Screen's best films of 2016“, 20 December 2016, available [here](#).

³⁰ See: HLC, “Depth two” video collage, 2 August 2016, available [here](#).

³¹ See: Batajnica Memorial Initiative website, section *Petition*, available [here](#).

³² See: Batajnica Memorial Initiative website, section Oral History, available [here](#).

³³ The narrative is available [here](#).

³⁴ See: HLC, „Destruction of Cultural Heritage Works to Destroy the Unity between Peoples“, 3 December 2016, available [here](#).

3. Marking the 21st anniversary of the genocide in Srebrenica

On the occasion of marking the 21st anniversary of the genocide in Srebrenica, the HLC organized two distinctive events on July 7th 2016.³⁵ Along with the SENSE Agency, the HLC presented the interactive narrative “Srebrenica: Genocide in Eight Acts” to the Serbian public. Following that, the HLC held a public debate dedicated to the victims of the Srebrenica genocide.

The presentation of the internet narrative about the Srebrenica genocide was well attended by around 50 civil society activists, journalists and representatives of institutions, embassies, and international organizations. The narrative contains a presentation of material from the permanent exhibition of the SENSE Documentation Centre at the Potočari Memorial Centre.

The debate about the responsibility for the killing of several thousands of people in and around Srebrenica during July 1995, and the years’ long struggles of victims of this crime for the truth and its acknowledgement, caught the attention of a significant number of interested citizens, civil society activists, journalist and publicists, scholars, representatives of foreign embassies, artists and experts from various fields, thereby successfully shedding light on the Srebrenica sufferings in Serbia’s public sphere for yet another year in a row. Discussing the legacy of Srebrenica, citizens of Serbia had a chance to pay their tribute to the victims, something they have been denied so frequently by the Serbian authorities. The debate was also an opportunity to present two relevant books. The book „Srebrenica Affair: The Blood of Realpolitik“, by Florence Hartmann, deals with the responsibility the international community must bear for not reacting to clear signs of the forthcoming massive atrocities. The second book, the documentary novel “Beara” by Ivica Đikić, describes the profile of one of the “organisers” of the Srebrenica genocide, Ljubiša Beara, and sketches his metamorphosis from the former Yugoslav army officer to the man with a mission to exterminate the Muslim population from Eastern Bosnia.

A significant number of media outlets reported on the presentation and the debate ([Blic](#), [Al Jazeera Balkans](#), [Radio Free Europe](#), [Tanjug](#), [N1](#), [Danas](#), [Al Jazeera Balkans](#), [N1](#), [Blic](#), [Danas](#), [Dijalog Net](#), [E-novine](#)), and some of them posted the [integral video footage](#) of the debate at their websites and social networks.

Informing the Public and Outreach

During 2016, the HLC published 46 news stories and 31 press releases, reacting to events, announcing activities and reporting on its work, as well as 146 articles on current issues and affairs concerning transitional justice. The HLC website was visited by 30,935 users. The official Twitter account is being followed by 1,240 users and the official Facebook page by 2,560 users.

³⁵ See: HLC, „Srebrenica: Victims’ 21-years-long search for the truth and its acknowledgement“, July 12th 2016, available [here](#).

Reports on the victims of human rights violations of the 1990s conflicts seeking to exercise their right to reparation³⁶, on war crimes trials in Serbian courts³⁷, on denying access to war crimes documents³⁸, on transitional justice in Serbia³⁹, and on publicity for war crimes trials in Serbia⁴⁰, were published. Other publications include the “Šljivovica and Mitrovo Polje” Dossier and the fifth issue of the Forum for Transitional Justice⁴¹, dedicated to Education about the Past.

In this period, the HLC provided over 40 statements for media and 21 authored pieces, and all HLC’s events obtained media coverage. The HLC presented its publications and initiated discussions on the topics concerning transitional justice in eight conferences, and there were panel and audience discussions after each showing of the film “Depth Two” in which the film authors, culture workers and audiences took part (six in total). More than 700 representatives of the civil sector, media, institutions and international organizations participated in these conferences.

With the intention of informing the public as widely as possible, the HLC has triggered the production of short documentaries, which relay the findings published in the dossiers about the unpunished crimes and possible perpetrators in a short and accessible format (cf. Chapter 4 of this report). The first film from this series has been produced during the reporting period, and was created as a result of the “Ljubiša Diković” and “Rudnica” dossiers. The Film will be presented in January 2017.

Transfer of Knowledge

As a member of the Global Initiative for Transitional Justice, the HLC held four training courses and one online support on the mechanisms of transitional justice and on documenting the violations of human rights. The courses were organised for the representatives of civil societies in Iraq and South Sudan.

In November the HLC held the training on documenting human rights abuses and utilization of collected documentation for advocacy and other purposes, to civil society actors from the coalition “Justice for Peace at Donbas” in Ukraine.

Within the scope of the project “Human Rights Documentation Toolkit”, a unique web portal was launched in October.⁴² It offers different practices in documenting human rights abuses, as used worldwide. The HLC’s role was to collect and present the practices used by the civil society actors in the Western Balkans region. As part of this endeavor the HLC held one consultative meeting with the

³⁶ See: HLC, „Victims’ Right to Reparation in Serbia and the European Court of Human Rights Standards”, January 2016, available [here](#).

³⁷ See: HLC, “Report on War Crimes Trials in Serbia during 2014 and 2015”, March 2016, available [here](#).

³⁸ See: HLC, “Access to documents related to crimes against international law in the possession of Serbian institutions: State Secret Prevails over Right to the Truth”, April 2016, available [here](#).

³⁹ See: HLC, “Transitional Justice in Serbia in the period from 2013 to 2015”, June 2016, available [here](#).

⁴⁰ See: HLC, “Public’s Right to Know of War Crimes Trials in Serbia”, 8 November 2016, available [here](#).

⁴¹ See: HLC, “V Forum for Transitional Justice: History textbooks in post-conflict societies: Education for reconciliation?”, March 2016, available [here](#).

⁴² See: Human Rights Documentation Toolkit portal, available [here](#).

representatives of regional organisations where the methodologies of documenting the 1990s wars in the former Yugoslavia and violations of human rights as well as the challenges and potential lessons for other organisations in the region and worldwide were discussed.

Visits to HLC

The ICTY Chief Prosecutor, Mr. Serge Brammertz, visited the HLC in late October.⁴³ HLC representatives discussed with Prosecutor Brammertz the achievements in the prosecution of war crimes in Serbia, the cooperation of Serbia with the ICTY, the copying of the ICTY Prosecution archive and possible forms of cooperation. The idea of the HLC being transformed during the following years into a permanent documentation and memorial center was also presented to the Prosecutor – an idea which he supported, announcing his support publicly following the initiation of the campaign in 2017.

During this period, the HLC also welcomed students from universities in the USA, Switzerland, Serbia and Kosovo, as well as representatives of the Civil Rights Defenders from Burma (Myanmar). On these occasions, the HLC presented its work and achievements in advocating the establishment of transitional justice mechanisms, and discussed with their guests dealing with the past in Serbia, the Western Balkans and throughout the world.

Organizational Development

1. New Management Structure of the HLC

Following the Executive Director and the Deputy Executive Director's decisions to resign from the HLC to pursue their academic careers, in-house consultations were held with a view to deciding on the HLC's future management. After the consultations, the Executive Board Chairperson, Mr. Iavor Rangelov, formulated a proposal for a new management structure, comprised of a collective management body – the Executive Team (ET) – consisting of three members: Executive Director, Legal Programme Director and Outreach and Fundraising Director.

The new structure means a transition to a completely new management model founded on the complementarity of skills, experiences and expertise of the ET members and on the strengthening of the roles of the project coordinators and other members of staff. This is essentially a horizontal management structure, where each ET member is responsible for one programme pillar (Legal Programme, Financial and Administrative Programme, Outreach and Fundraising Programme).

The Executive Board discussed the new management proposal at the meeting held in Belgrade in March 2016 and accepted the proposed management model. At the meeting held in June, the Executive Board

⁴³ See: HLC, „Serge Brammertz Visits HLC“, October 28th 2016, available [here](#).

established the Executive Team responsible for HLC management, and appointed its members: Budimir Ivanišević (Executive Director), Jelena Krstić (Outreach and Fundraising Director) and Milica Kostić (Legal Programme Director).

1.1. External support

The strengthening of the Executive Team was backed by the Leadership Development and Performance Management Consultant Andreas Lökken from Alumni Global. He had identified the key challenges of transitioning to the new management model and recommended specific measures to mitigate this stage of insecurity.

In late May 2016, the ET also held consultations with Mr. Goran Miletić, the Programme Director for the Western Balkans at Civil Rights Defenders. His experiences and advice concerning the new way of functioning were useful, helping the HLC team formulate the solutions to its teething problems (decision-making, conflicts of interest between the Executive Director and Financial Director positions).

During the entire transition period the current management and the HLC EB President have made themselves available for every kind of consultation and inquiry.

1.2. Capacity building in HLC

For additional support to the newly established ET, capacity building of coordinators and other members of staff was also envisaged. The first steps in this direction were made by engaging the new Fundraising Manager, an additional and well-experienced researcher and another lawyer.

In January 2016, Nemanja Stjepanović, a long-term reporter from the ICTY for SENSE, joined the HLC. He brought along primarily his expertise in the ICTY and his knowledge of the facts established in certain cases. He increased the visibility of the HLC with his numerous appearances in the media and 13 authored pieces on various topics concerning dealing with the past. His knowledge and experience are valuable when it comes to outreach, researching and documenting war crimes. This is why from the very beginning he has been involved in the research and writing dossiers on war crimes that have remained unpunished.

In April 2016 Pieter Troch (PhD in East-European Languages and Cultures, Ghent University) joined the HLC as its new Fundraising Manager. He has considerable experience in project preparation, which he first gained whilst studying for his PhD and then through his work in non-government organisations in the region. Over the past 12 years he has been following closely the policies and events in the post-Yugoslav states. He is thorough in his work, has excellent analytical skills and good knowledge of the procedures of various potential donors. His efficiency reflects in the fact that two new projects and a small grant have been approved since he joined HLC. Considering that the HLC, like other non-government organisations, is facing an increasingly challenging fundraising environment, hiring Mr. Troch has helped strengthen HLC potential in outreach and fundraising.

As from July 2016, a new legal analyst, Mihailo Pavlović, a lawyer with considerable experience in the fields of human rights and the practices of the European Court of Human Rights (ECHR), joined the HLC. He worked in the civic division of the Court of Appeals in Belgrade for five years, where he wrote decisions in the cases on damages and analyzed the practices of the ECHR. Besides this, he has written all sorts of applications for Serbian courts and for the ECHR. His direct experience in reparation cases tried by national courts, combined with in-depth knowledge of the practices of the ECHR, will be a great asset for the HLC's reparations programme. In fact, Mr. Pavlović will be involved in initiating new strategic procedures for awarding damages to the victims of human rights violations during and in connection with the 1990s wars. His expertise in relation to the ECHR will be very useful in all the projects of our legal team, including the programmes concerning criminal justice.

2. HLC's Executive Board

The HLC's Executive Board (EB) has continued to provide support in leading and developing the organization. During the entire transition period, the HLC ET was actively supported by the Executive Board (EB) Chairman, Mr Iavor Rangelov, and the new EB member, Ms. Marika Theros. While Mr Rangelov was involved in the consultations concerning the appointment of the new management and eventually formulated the new management model, both of them had worked both individually and collectively with the ET members to prepare them for their new responsibilities.

During 2016 the EB had three meetings: on March 5th, June 27th, and November 4th. At these meetings, the report on the HLC's activities and financial management in 2015 and the first half of 2016 were adopted, a new management structure was put in place and a new management team appointed, the new member of the EB was appointed (Ms. Marika Theros, a human rights and development programming consultant, currently working as a Senior Researcher at the Institute for State Effectiveness in Washington), the HLC's draft programme for the period 2017-2019 was discussed, and changes in several administrative documents were adopted. Outside the meetings, members of the EB have regularly and actively participated in the development and discussion of ideas and helped the ET with their advice regarding the organization-management and decision-making processes.

In the light of the forthcoming campaign for the foundation of a documentation and memory centre, it was concluded at the EB meeting held in early November that new members of the EB should be elected in the forthcoming period, and it was stressed that the EB is expected to have a very active role in the campaign. The EB will be enriched by members who have expertise in areas which the HLC is planning to intensify in the forthcoming period, such as memorialization and the application of new technologies.

3. Strategic Planning and new multiannual programme

In late September, the HLC held the strategic planning in order to discuss achievements, challenges, strengths and weaknesses, and structure the programme and activities for another three-year period. On the basis of this meeting, in late October the HLC developed the draft Transitional Justice Programme covering the period 2017-2019. After being discussed at the meeting of the Executive Board, the Programme was further developed and finalized in late November.

As in previous instances, the new programme focuses on introducing and implementing the transitional justice measures which are still missing at the official level. The novelties include more memorialization initiatives and enhancement of the archive and database. The emphasis put on these two segments reflects the determination of the HLC to profile itself as a documentation and memorial center dedicated to the wars in the former Yugoslavia. The new programme also envisages the first steps towards the development of this centre, which entail a major fundraising campaign, the purchase and furnishing of space, and the designing and implementation of activities dedicated to the informing of the public and the preservation of the memory of the victims of the 1990s wars.

4. Documentation and Memory Center

A special segment of the HLC's three-year plan shows the initial phases in the establishment of a documentation and memorial centre which will inherit the HLC's abundant archive of war crimes and human rights violations committed during the wars on the territory of the former Yugoslavia. The idea of such a centre is not at all new, nor does it change the HLC's programme focus; it derives from the fact that since its foundation the HLC has been some sort of a documentation centre, which today has an archive containing more than 200,000 documents of various formats, including approximately 30,000 statements given by victims and witnesses of crimes. Faced with the need to present this abundance of documents and resources to the public and use them to inform and educate the public about events and actors in the armed conflicts, the HLC began pondering the idea of purchasing a space which would be designated to serve for the HLC's everyday work, but would also be adapted for research, debating, exhibitions, seminars, trainings, and artistic and other events. This project would also represent a financial relief for the HLC, and further contribute to making its achievements sustainable.

The existence of a documentation and memorial centre relating to the 1990s wars becomes crucial in Serbia for dealing with the responsibility for the crimes committed, first of all because of the passage of time from the 1990s wars, but also because of the political and social atmosphere which favours revisionist tendencies. An institution, which would preserve the social memory of crimes is of particular significance for a society which continuously denies its role and responsibility for atrocities and which keeps refusing to enforce all of the necessary transitional justice mechanisms. Such a centre will represent an oasis, preventing oblivion and denial of judicial facts, and providing information about events from the past and the ways in which their recurrence can be prevented, thus building a culture of responsibility for crimes committed and solidarity with victims, which is imperative for the existence of a democratic state of Serbia.

The HLC consulted an organization from Serbia which has been implementing a similar campaign for a number of years, aimed at the establishment of an endowment, and then it contacted a fundraising and major campaigns professional, Mr. Tony Myers from Canada, for the purpose of discussing the possibility for raising the funds necessary for the establishment of a documentation and memory centre. The HLC's Executive Team held a number of in-person and skype meetings with Mr. Myers, and in late October they had several days of meetings, in order to be introduced to the expertise that Mr. Myers is offering, and to discuss the needs of the HLC and his possible help in the creation and implementation of a fundraising campaign. Following this meeting and the discussion with the President and Members of

the HLC's Executive Board, the Executive Team has decided that Mr. Tony Myers' expertise is of essential importance and a necessity in certain segments of the fundraising campaign, but that the concept of the campaign which he offers does not meet the needs of the HLC or the circumstances in which it operates. It has been decided that the campaign will be designed in 2017 and implemented during 2018 and 2019, with the possibility of extension if needed. The first step in this direction entails the preparation of a Case for Support, which will be founded on thorough research and discussion about the shape, structure and elements of the future documentation and memorial centre. The Case for Support is planned to be produced in the first quarter of 2017.

5. Fundraising

By the end of the year, the HLC had signed an agreement on the implementation of a four-year project funded by the European Commission, which includes the monitoring of the National Strategy for the Prosecution of War Crimes in Serbia and the proposition of measures and policies for effective prosecution of war crimes before domestic courts. This represents a significant achievement for the HLC, since it shows that the clarification of the legacy of the armed conflicts is important in the context of Serbia's EU integrations; but it also shows the reputation that the HLC enjoys with relevant international stakeholders. In this way, the HLC has also managed to help secure that the issue of efficient prosecution of war crimes is maintained as one of the key political issues in forthcoming years.

Apart from this project, the HLC has applied for several other projects and is still expecting the outcome of these applications.