



Humanitarian Law Center

Report on Activities and Results

January–December 2018

I Documentation and Research

1.1. Archive, Information System and Database

During 2018, total of 473 documents were archived in the Humanitarian Law Center's (HLC) archives. The HLC's Information system (IS) was enriched with 3,388 documents, 592 of which are the testimonies of witnesses and victims (additional research and victim's status verification), 579 transcripts and notes from the judicial proceedings, 56 judgments, 45 indictments and lawsuits, 207 photographs, 160 media articles, and other types of documents.

1.1.1. Digitalization

A total of 3,680 documents (8,850 pages) have been digitalized, including the archival funds on the right to property and claims for restoration of displaced persons' tenancy rights, on the politically motivated trials against Kosovo Albanians during the 1990s, and on the forced mobilization of refugees during the war in Croatia.

Around 65% of printed documents stored in the HLC's archive are digitalized.

1.1.2. IS systematization

Entering the documentation into the Information system during previous years had sometimes followed a different methodology. In order to serve as a research tool, the IS needed systematization, in the sense that entering the same type of documents be conducted in accordance with the same methodological rules. The first phase of systematization, concerning the Kosovo Memory Book Database, was conducted in 2014. The second phase, concerning the rest of the IS, was initiated in June 2018.

The first step was to prepare a handbook on the different types of documents. The handbook stipulates rules for identifying the type of the document, entering the document into the IS, titling the document/author/group of authors, selecting the keywords, etc. By presenting the rules for 250 different documents, grouped into 50 different types, this handbook eases the work on entering documents into the IS.

On the basis of this handbook, the process of automatic modifications within the IS started in August 2018. The process implies a simultaneous change for the larger number of documents which have been entered without applying the right methodology. Thanks to the .php script received from the "Abacus" IT company, the HLC was enabled to implement these automatic modifications independently. A total of 57,107 documents have been updated so far, completely or in part. The automatic modifications will be continued, with the completion of the task expected for March 2019. Automatic modifications go in parallel with manual modifications, which are needed when a document lacks a listing of information on such subjects as the content, type of document, author, date of creation, etc. A total of 839 documents have been modified manually.

The systematization of the IS represents the backbone of the future work of the HLC as a Documentation Center. It will contribute to a creation of a user-friendly IS, easy to handle, and with a minimum investment of resources. With the growth in its size and scope, the IS would present a central focal point for all relevant documentation on human rights abuses and breaches of the international humanitarian law. This documentation includes the international and domestic courts documentation, the media archive, photographs, military and police files, international organizations documents, and other documents important for further research from the perspective of various disciplines, and all gathered at one place and easily searchable.

1.1.3. Expanding the archive and database

The HLC collected and stored digital versions of the following media: Srpska reč, Velika Srbija, and Feral Tribune. Also, segments of the archive of the local newspaper “Sremske novine” and national newspaper “Borba”, relating to the abuses of rights of the Serbian citizens of Croatian ethnicity in Vojvodina in the period 1991-1995, was also collected and stored in their digital versions.

Expanding the archive and the IS with relevant documentation raises the profile of the HLC as a hub for researchers, activists, and interested public in general. This is especially important for building the organization as an open and accessible documentation center.

1.1.4. Copying the archive of the ICTY

Severe technical problems with some of the recordings continue to hinder the transfer of the public archives of the International Criminal Tribunal for the Former Yugoslavia (ICTY) to the HLC’s Archive. Namely, the ICTY has cease sharing records of the trial days with external entities, including the HLC, after finding out that a large number of recordings were of poor quality and/or inadequately protected:

- Some recordings are heavily corrupted and need to be repaired;
- The testimonies of protected witnesses in several recordings were not adequately secured, and the Court made a decision to inspect all existing recordings.

Recordings in six cases which are yet to be transferred to the HLC:

- complete cases Mucić et al. (IT-96-21), Kovačević, Milan (IT-97-24), Krnojelac, Milorad (IT-97-25) and Blagojević and Jokić (IT-02-60) – total of 454 trial days;
- two cases have only fragmentally been transferred: Kupreškić et al. (IT-95-16) – 16 out of 131 days, and Kordić and Čerkez (IT-95-14/2) – 158 out of 268 days.

At this moment the only case available for transferring is the Karadžić (IT-95-5/18) case, and copying of the files and trial days is in progress. After the ICTY completes all necessary inspections, the HLC will be able to copy the trial days at the usual pace.

As part of the permanent preservation of the archives copied from the ICTY, the HLC has transferred around 3,068 days of trials onto a separate server which will guarantee the long-term preservation of these valuable documents.

The digitizing and storage of the ICTY archives on special servers was slowed down by old computers with insufficient memories, network overload, and inadequate storage space for all data. Therefore, the decision was made to convert the ICTY/MICT (International Residual Mechanism for Criminal Tribunals) cases into an MP4 format that occupies considerably less space, and this gradually eliminated the lack of space problem. Also, new internal hard drives for computers were purchased, which resolved the problem of network overloading, since enough memory on computers was enabled to ensure storage of the optimal number of trial days. This has resulted in an optimal process in the digitizing of ICTY/MICT court cases from mid-2018.

Mid-term plans:

- Further collecting, storing and systematizing of relevant documentation;
- Continuation of the digitalization of hard copies of documents;
- Installation of three additional IS modules: organization of public events, project implementation monitoring, and human resources;
- Drafting a Rule on handling the documentation;
- Converting PDF files into searchable data by using an Optical Character Recognition (OCR) system;
- Entering the documentation from servers and personal folders into the IS;
- Analysing the rest of the documentation stored in the IS (for example, the documentation collected and created within the Reparations Programme);
- Continuing the transfer of the publicly accessible ICTY/MICT archive.

1.2. Human losses during the armed conflicts in the former Yugoslavia

During 2018, the HLC have continued to document human losses during the wars in the former Yugoslavia. The researchers collected and amended the victims' and witnesses' testimonies; they wrote 529 research reports: 474 reports on additional research, and 118 reports on the victims' status verification. This research has encompassed 946 victims, and enabled amending the narratives on their death or disappearance with personal data or data on the circumstances of the incident (800 victims). The research also revealed that 13 persons registered as war victims as of January 2018 could not be considered as victims of war due to the natural cause of their death, death by accident, and similar non-war related incidents; that 19 persons previously labelled as potential victims are victims of war; and that 110 persons registered as potential victims are not victims of war. Four victims remain to be listed as potential victims of war, and additional research is needed in that regard. In 2018, the dedicated website "[Kosovo Memory Book](#)" was visited by 5,416¹ users.

In December, the "[Map of War Victims in the former Yugoslavia 1991 – 2001](#)" was published, presenting part of the results of human losses research that the HLC, Documenta – Centre for Dealing with the Past, Humanitarian Law Centre Kosovo, as well as other civil society organizations have been conducting for

¹ In 2017, 4,600 users visited the website.

more than a decade. The Map provides basic information about victims: name, surname, date and place of birth, names of parents, place of residence, ethnicity, time, place and manner of suffering, and the status (civilian or military) of the deceased and missing, for which the partner organisations have collected and analysed data on the basis of the methodology developed. The total human losses are estimated at 130,000 of deceased persons, and the Map currently holds records for 19,795 confirmed victims. The “Map of War Victims in the former Yugoslavia” website was visited by 1,008 users.

1.3. War crimes dossiers

In June, the HLC presented its tenth Dossier: “[The JNA in the wars in Croatia and Bosnia and Herzegovina](#)”. As the most extensive so far, this Dossier has been covering the period from the end of the 1980s up to May 1992. It explores how the Yugoslav People’s Army (JNA) and the political leadership of the Socialist Federative Republic of Yugoslavia (SFRY) and of Serbia prepared for the wars, the JNA’s involvement in the conflicts, and its contribution to achieving the wartime goals of Serbia, the Republic of Serbian Krajina and Republika Srpska. Around 40 representatives of embassies, international organizations, media and, civil society organizations attended the [presentation](#) of the Dossier. Several media houses [reported](#) on this event.

The research for this Dossier has already led to the HLC filing two criminal complaints against JNA officers: a criminal complaint against [Dusan Loncar](#), who ordered an attack on the village of Lovas in October 1991, and a criminal complaint against several JNA officers for a crime committed in the Croatian villages of [Škabrnja and Nadin](#) in November 1991.

The HLC has also been researching for three other dossiers, which deal with the forced mobilization of Serbian refugees from Croatia, the role of certain journalists in warmongering, and the crimes against Serbian citizens of Croatian ethnicity in Vojvodina. The publication of the dossier on the role of journalists has been left aside for now, owing to the comparative unavailability of reliable data.

The HLC has presented evidence of war crimes and possible perpetrators through its multimedia site, [Zone of \(Non\) Responsibility](#), which contains data on crimes committed in the territory of the former Yugoslavia, and authentic military and police documents that were presented to the ICTY as the evidence. During 2018, the portal was visited by 2,925 users.²

The research on possible perpetrators and actors involved in war crimes has faced several challenges. The Ministry of the Interior has refused to provide information about high-ranking persons in the police of Vojvodina. The HLC has tried to overcome that problem by submitting a request for access to information of public importance, but no information has been received as of December 31st. Another challenge has been in acquiring all relevant information about the crimes against Croats in Vojvodina, and the solution has been found in collecting media articles from local newspapers.

² In 2017, 2,847 users visited the website.

However, presenting the facts about war crimes and possible perpetrators is important for informing the public about the events and the persons involved, to support judicial bodies in investigating and prosecuting the accused, and to initiate vetting processes inside the official institutions of Serbia. “The JNA in the wars in Croatia and Bosnia and Herzegovina“ dossier was very much needed for Serbian society and the region as a whole, as it broke the myth of the JNA as the protector of Yugoslavia, when in fact it proved to be an army which took sides in the early stage of the conflict and focused all its resources on supporting only that (Serbian) side.

Mid-term plans:

- Finalizing and presenting the dossiers on enforced mobilization of refugees in Serbia, and on crimes against Croats in Vojvodina³.

1.4. Research on Missing Persons

Regional Research on Missing Persons, launched in 2017 in co-operation with the Center for Dealing with the Past - *Documenta*, was completed in March 2018, with the [presentation](#) of the report “Strengthening Regional Cooperation Strategy for Addressing Missing Persons Problem”.

Before that, the HLC held a [round table](#) in February on the issue of resolving the fate of the persons who disappeared in the context of the armed conflicts in the former Yugoslavia. Participants included members of families of missing persons, representatives of associations of victims, and representatives of the Commission on Missing Persons of the Government of the Republic of Serbia. The opinions and recommendations made on this occasion were included in the Regional Report by the HLC.

³Published and presented to the public on 31 January 2019.

II Justice and Institutional Reform

2.1. 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, Skočić, Štrpci* and *Srebrenica* Cases. The HLC legal team monitored the war crimes trials in the *Bosanski Petrovac Gaj, Ključ-Šljivari, Ključ-Kamičak, Bosanska Krupa, Sanski Most-Lušci Palanka, Ključ-Rejzovići, Caparde, Bosanska Krupa II, Brčko* and *Doboj* Cases. The [daily reports](#) from these trials and indictments are available on the HLC's website (in the Serbian language), together with judgments from completed cases and transcripts from earlier and ongoing cases. The HLC's website is still the only place where these documents are publicly accessible online.

On July 6th, the HLC [reacted](#) publicly with a press conference with regard to the judgment rendered by the Court of Appeal in Belgrade, when this Court upheld the acquittal of members of the „Sima's Chetniks" unit for the destruction of a mosque and murder of 27 Roma civilians, a crime committed in the village of Skočić in July 1992, but modified the judgment in the case of the accused Zoran Alić, Zoran Đurđević and Tomislav Gavrić, finding them guilty of the inhumane treatment, violation of physical integrity, sexual humiliation and rape of the protected witnesses. The HLC argued that this judgment contains serious faults, which will have a great impact on future war crimes trials in Serbia. First, the Court has established a new standard for proving the existence of co-perpetration, saying that it is necessary to prove each of the acts of perpetration by each member of the group. Second, the Court has offered an inadequate interpretation of the provision relating to aggravating and mitigating circumstances: when deciding on the punishment in the case of the accused Zoran Đurđević, the Court did not take into account as an aggravating circumstance the fact that he had already been found guilty of committing a crime against the civilian population in June 1992 in Bijeljina. Around 25 representatives of embassies, international organizations, media and civil society organizations attended the press conference, and several media houses [reported](#) on this event.

The HLC has lodged a constitutional complaint against the judgment of the Court of Appeal in the Skočić Case. The constitutional complaint alleges a violation of the right to a fair trial in the part of the judgment covering the destruction of the mosque and the murder of the Roma civilians, and of the right to an effective remedy, as well as of the right to equal protection of rights without discrimination.

Another constitutional complaint has been lodged by the HLC against the decision of the Prosecutor's Office of the Republic of Serbia confirming the first instance decision of the Office of the War Crimes Prosecutor (OWCP) to reject the criminal complaint filed by the HLC in 2017. The criminal complaint was filed against 21 persons, and on behalf of family members of around 30 people from Srebrenica who sought refuge in Serbia following the fall of Srebrenica, but were subsequently illegally handed over to the Republic of Srpska authorities and army, and killed or forcefully disappeared. The HLC's constitutional complaint alleges a violation of the right to a fair trial, as well as the right to an effective investigation.

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 their rights and the ways in which they can realize these rights, and provided legal assistance for their realization, such as assistance to come to Serbia and follow the trials. The HLC organized meetings with interested parties (victim's family members) in *Lovas, Trnje, Srebrenica, and Skočić* Case, which were devoted to a discussion about the case and the dynamics of the trial.

15 press releases on the issues of war crimes prosecution have been published.

In the same period, two meetings were held with representatives of the International Residual Mechanism for Criminal Tribunals (IRMCT), regarding the HLC's findings related to the implementation of the National Strategy, and the comments made by the HLC on the Draft Prosecutorial Strategy for the Investigation and Prosecution of War Crimes.

Several meetings were held with representatives of the Outreach Department of the Kosovo Specialist Chambers and representatives of the Victims and Witnesses Department, for an initial introduction, and presentation of the Departments' plans, with reference to possible forms of cooperation with the HLC.

During the work on representation of victims and monitoring of war crimes trials, the HLC is increasingly facing the OWCP's hermetic closure. Due to the inefficiency of the OWCP, the HLC learned of the new indictments only after the scheduling of the preparatory hearing. The HLC addressed the OWCP with a request to provide the relevant indictments, on the basis of the right of access to information of public importance, but the OWCP did not provide them. Also, the OWCP refused to allow the attorney of the injured parties to inspect the files of the *Štrpci* Case, which were in its possession at the time of the completion of the investigation. The HLC asked for an explanation for the denial of the legal right to inspect, but received instead - after a long period of silence by the OWCP - a notification that the investigation had been completed, after which the case could be sought and obtained by the HLC in court.

Mid-term plans:

- Presenting the bi-annual report on the prosecution of war crimes in Serbia;
- An analysis of court practice in the implementation of the institute of co-perpetration;
- An analysis of the work of the OWCP under the leadership of the new Chief Prosecutor.

2.2. Monitoring the implementation of the National Strategy for the Prosecution of War Crimes

Since the adoption of the National Strategy for the Prosecution of War Crimes in Serbia, the HLC has been monitoring its implementation. The process of collecting the necessary data has been accompanied by serious problems from the very beginning. The establishment of the Working Body for monitoring the implementation of the National Strategy was delayed for a year and a half, and then began publishing its reports with inaccurate, unclear and misleading information. Therefore, data collection through requests

for access to information of public importance has remained the main method for the HLC. During 2018, the HLC sent a total of 38 requests to various institutions, which often responded to these requests incompletely or negatively. The HLC therefore sought additional sources of information, including quarterly reports on the implementation of the Action Plan for Chapter 23, the European Commission Progress Report on Serbia, and reports by the Chief Prosecutor and the President of the IRMCT, as well as interviews with representatives of the state bodies responsible for the implementation of the activities envisaged by the Strategy.

The [second](#) Report on the Implementation of the National Strategy for War Crimes Prosecution was [presented](#) to the public on July 27th, and the [third](#) Report was [presented](#) on December 20th. Around 50 representatives of embassies, international organizations, the media and civil society organizations attended the presentations. Several media houses [reported](#) on these events. These reports are particularly significant, given that the official reports of the Working Body arrive late, assess the success of the implementation of the Strategy uncritically, and often provide information and answers which do not correspond to the activities and questions set out. Also, the HLC reports on the implementation of the National Strategy are the only domestic shadow reports that monitor its implementation.

In connection with monitoring the implementation of the National Strategy, the HLC also strives to address the crucial issues as regards establishing effective war crimes prosecutions, which have not been addressed, or only superficially, in the National Strategy. In 2018, two analyses with policy recommendations were presented: the [Policy Paper: Accounting for Missing Persons from the Armed Conflicts of the 1990s in the Former Yugoslavia](#), which provides an overview of the current results, and the challenges that have arisen in the process of searching for the persons who disappeared during the armed conflicts on the territory of the former Yugoslavia, and makes recommendations for improving the search; and, the paper, "[Regional Judicial Cooperation in the Prosecution of War Crimes: Analysis and Recommendations for Improvement](#)", that analyses the existing regulatory framework for regional cooperation and the available cooperation mechanisms, with the aim of offering recommendations for their improvement.

2.3. Criminal charges against war crimes suspects

In January, the HLC filed a [criminal complaint](#) against several unidentified members of the Secretariat of the Interior (SUP) of Beli Manastir, for the rape of six Roma women (including one pregnant woman and three minors) in the basement of the Beli Manastir SUP, in the summer of 1993.

In March, a [criminal complaint](#) was submitted against Svetozar Andrić, former commander of the Birač Brigade of the Republika Srpska Army (VRS), and later Chief of Staff of the VRS Drina Corps. The criminal complaint was filed for several crimes committed during the conflict in Bosnia and Herzegovina (BiH).

In October, a [criminal complaint](#) was submitted against several unknown persons, for killing three members of the Matijević family in April 1992 in Kukujevci (Municipality of Šid, Serbia). In November, the OWCP rejected the HLC's criminal complaint on the grounds that it is not possible to prosecute crimes against humanity before Serbian courts. The explanation was that the crime against humanity was not

prescribed as a criminal offense in the Criminal Code. The HLC filed an objection with the State Prosecutor's Office (SPO). The STO rejected the HLC's objection and confirmed the decision of the OWCP.

In addition, the HLC filed with the OWCP 39 emergency motions to act upon the criminal complaints which the organization has submitted since 2008. The OWCP have only responded that they are acting upon these complaints, without any concrete details as to the acts undertaken.

By selecting the crimes to be reported within the criminal complaint, the HLC supported the implementation of the National Strategy for the prosecution of war crimes, which prioritizes crimes of war-related sexual violence and the prosecution of high-ranking members of the security forces. The HLC is even going one step further, by initiating the prosecution of a crime committed against the Roma people – a community subject to multiple discrimination, whose sufferings during the war have not been recognized by the judiciary in Serbia yet.

Mid-term plans:

- Filing criminal complaint against two members of the VRS for the attack on Kozarac and the village of Humbarine, BiH, in 1992, on which occasions around 100 people were killed, houses burned down, and several hundred women and children taken to the Omarska and Trnopolje concentration camps.⁴

2.4. Policy Change

In March, the HLC submitted to the OWCP detailed [Comments](#) to the Draft Prosecutorial Strategy for the Investigation and Prosecution of War Crimes in the Republic of Serbia for the period 2018-2023. However, the final text of the Prosecutorial Strategy is almost identical to the presented draft. Also, the process of adopting this strategy has not been transparent and inclusive, although the OWCP was obliged by the National Strategy to ensure that it was. In addition to the OWCP, the HLC also distributed its Comments on the Prosecutorial Strategy draft to those on its mailing list, both in Serbian and in English. The IRMCT and the Delegation of the European Union (EU) representatives were interested in the above mentioned comments, and the IRMCT Prosecutor, Serge Brammertz, and David Hudson, an expert of the Directorate-General for European Neighbourhood Policy and Enlargement Negotiations, addressed the recommendations made by the HLC.

In December, the HLC submitted to the Ministry of Labour, Employment, Veteran and Social Affairs its [Comments](#) on the Draft Law on Veteran and Disability Benefits (Draft Law). In the comments the HLC points out that the public consultation process that preceded the preparation of the draft law was non-transparent and that the text of the Draft Law, instead of improving the position of civilian victims of war,

⁴ In January 2019 the HLC filed a criminal complaint with the OWCP for a crime committed in Kosovo in May 1999 against one member of the Yugoslav Army. In February 2019, the HLC filed a criminal complaint for a crime against humanity committed by members of the JNA in Morović in 1991.

maintains the discriminatory provisions contained in the law currently in effect, as a result of which civilian victims of war are put in an unfavourable position in relation to military victims of war.

2.5 Representation of victims of human rights violations seeking reparation

The HLC represented 182 victims of war-related human rights abuses in their pursuit of reparations for the wrongdoings inflicted upon them during the wars in former Yugoslavia. In cases where all domestic remedies have been unsuccessfully exhausted, the HLC has submitted applications to the European Court of Human Rights (ECHR) on behalf of the victims, in order to effect changes in the jurisprudence on those issues that are decisive for rejecting the claims of victims.

2.5.1. Obtaining the status of civilian invalid of war/family member of civilian invalid of war

The HLC represents eight injured parties in seven administrative reparations procedures. During the reporting period, the status of civilian victim of war has not been recognized for any of the persons represented by the HLC. In fact, the current Law on Civilian Invalids of War prevents a large numbers of civilian victims from past wars and their families from exercising their rights. For this reason, the HLC decided not to start any new administrative procedures during 2018, but to focus on advocating the amendment of this restrictive legal framework. In this regard, the HLC initiated meetings with the Office for Human and Minority Rights, the Ombudsman, and the Ministry of Labour, Employment, Social and Veterans Affairs. Also, at a meeting with MP Zoran Živković, it was agreed that a discussion on the need to amend the Law on the Rights of Civilian Invalids of War be initiated in the National Assembly of the Republic of Serbia.

The Constitutional Court issued two decisions adopting a constitutional complaint for a violation of the right to a fair trial, and ordering the Administrative Court to decide again in the *Koldžić Dževad* and *Čatović Ramiz* Cases.

The Constitutional Court dismissed the constitutional appeal of the applicant Antun Silađev, with the explanations that the appeal was not reasoned on constitutional grounds, and that the former Yugoslav National Army, and then the Army of the Federal Republic of Yugoslavia, could not be considered enemy forces for the Republic of Serbia, or that there were no legal requirements to grant an applicant the status of a civilian invalid of war under the Law on Civilian Invalids of War.

The Administrative Court in Kragujevac rejected the lawsuit submitted by Šećet Mehmedović, on the basis of the decisions of the previous judicial authorities that found that physical injuries had not been incurred under the circumstances stipulated by the Law on Civilian Invalids of War, and refused his request for recognition of his status as that of a civilian victim of war.

2.5.2. Compensation claims

A total of 18 civil procedures were conducted in courts in Serbia, three in courts in Kosovo, and one in a court in Montenegro. The following judgments were pronounced:

- The Higher Court in Belgrade issued a verdict obliging the Republic of Serbia to pay compensation for non-pecuniary damage to the total amount of 3,050,000.00 Serbian dinars (approximately 25,700 EUR), to the sisters Saranda, Jehona and Lirie Bogujevci, severely wounded in the crime committed by the “Scorpions” unit in the village of Podujevo/Podujevë on March 28, 1999;
- The Constitutional Appeal submitted by Enes Bogilović and Mušan Džebo was granted with respect to the right to trial within a reasonable period of time and both were awarded 1,000 EUR for damages. Bogilović and Džebo sued the Republic of Serbia for the torture, humiliation and inhumane acts they were subjected to in the camps of Šljivovica and Mitrovo Polje;
- The Belgrade Court of Appeal rendered a verdict that adopted Isa Morina's claim and obliged the respondent Republic of Serbia to pay the sum of 250,000,00 RSD (approximately 2,100 EUR) to the claimant for compensation for non-pecuniary damage due to the reduction of his general life abilities. In addition, the respondent is obliged to pay the claimant the amount of 117,000,00 RSD (approximately 990 EUR) for the costs of litigation proceedings. Isa Morina was tortured during 10 months in prison;
- The Belgrade Court of Appeal rendered a verdict rejecting the appeal of the Republic of Serbia and confirming the verdict of the First Basic Court in Belgrade in the case of *Duriqi Enver et al.* which partially approved the claim, with each of the claimants receiving the amount of approximately 700,000,00 RSD (approximately 5,900 EUR) on average. The claimants are members of the family of victims who were killed in March 1999 in Podujevo/Podujevë, Kosovo;
- The Constitutional Court rejected as unfounded a constitutional appeal by Šefćet Mehmedović against the judgment of the Belgrade Court of Appeal, whilst in the rest of the proceeding the constitutional appeal was dismissed. In 1994, Mehmedović was subjected to police torture;
- The Constitutional Court dismissed Munir Šabotić's constitutional complaint, on the grounds that only the Constitutional Court was competent to examine the existence of a violation or denial of rights and freedoms guaranteed by the Constitution, and that it was not competent to examine the legality of the disputed acts. In 1994, Šabotić was subjected to police torture;
- The Belgrade Court of Appeal reversed the first instance verdict and dismissed the claim in the *Limani Agim et al.* Case, owing to the statute of limitation. Agim Limani and Sadik Limani were unlawfully deprived of their liberty and during their 10-month stay in prison they were tortured;
- The lawsuit submitted by six claimants for the compensation of non-material damage for the reduction of general life activity as a result of torture, humiliation and inhumane treatment while in camps in Serbia, was rejected owing to the statute of limitation;
- The constitutional appeal of Nusret Kulovac and Sakib Rizvić for violation of the right to a fair trial and the right to compensation for damages was rejected; they appealed against the verdict of the Appellate Court in Belgrade, in which their claim on the grounds of the torture, humiliation and

inhumane treatment they suffered at the hands of members of the MUP of Serbia while in the camps of Šljivovica and Mitrovo Polje was finally rejected as unfounded.

On behalf of 21 family members, the HLC has lodged a lawsuit against the direct perpetrators and the Republic of Serbia, for non-pecuniary damages for the killing of their family members in Sotin in 1991. The lawsuit is based on the final judgment of the Higher Court in Belgrade in June 2015. The HLC successfully filed a request for interim measure – restraint on the alienation of the property of two suspects, Dragan Mitrović and Žarko Milošević.

In 2018, the HLC also represented activists of the Youth Initiative for Human Rights in the lawsuit against the Serbian Progressive Party, because of an attack on them in January 2017 while protesting against the public promotion of a war criminal on this party's platform.

In this period, two constitutional complaints were filed. The HLC submitted three applications to the ECHR on behalf of two victims of police torture in Novi Pazar and one victim of state torture in Vojvodina.

The issue of the statute of limitation, for damages which occurred owing to human rights violations during the 1990s, is the most serious legal problem faced by victims who claim their right to reparations through court proceedings. A rigid interpretation of the norm regarding the application of the statute of limitation by the courts in Serbia leads to the fact that victims cannot realize their right to compensation at all, or only on a significantly reduced scale.

The only category of victim who can realize the right to monetary compensation in Serbia - but only to a significantly reduced extent, is the victim of torture and inhumane treatment for which the survivor has suffered a lasting consequence of a psychological nature. All other victims are completely prevented from exercising the right to compensation in Serbia - with the exception of a very small number of cases - because the courts have not yet issued criminal judgments regarding the responsibility for the injuries they suffered. Among them are families of killed or missing persons, victims of violations of the right to freedom and the right to a fair trial, victims of torture and inhumane treatment, victims who have suffered material damage, etc.

Mid-term plans:

- Filing a claim for compensation for the loss of a close relative on behalf of Vesna Abjanović;
- Filing a lawsuit against the president of the Serbian Radical Party Vojislav Šešelj and the Republic of Serbia for the expulsion of Croats from Vojvodina during the 1990s;
- The lawsuit based on the *Šainović et al.* Case before the ICTY, in connection with the events in the Ćerim/Qerim neighbourhood near Đakovica, when at the beginning of April 1999, 20 Albanian civilians were killed.

2.6. Research

On June 28th, the HLC [presented](#) the Report "[Circumventing Justice: The Statute of Limitation as a Mechanism for Denying War Victims the Right to Compensation](#)". The Report analyses the practice of courts of the Republic of Serbia in proceedings for the compensation of damages which have occurred as

a consequence of the conflicts during the 1990s, and the way in which the courts have interpreted the legal provisions that apply to the statute of limitation for damages arising from a criminal offence. Two media houses [reported](#) on this event.

III Education about the Past

3.1. School of Transitional Justice

The 5th [National School of Transitional Justice](#) was held from June 4th to July 30th 2018, and was dedicated to the memory of victims of the Srebrenica genocide, the war crimes committed in the Zvornik area in 1992, and ethnical cleansing of Serbs during the Operation “Storm” in Croatia in 1995. In the absence of official initiatives in Serbia to mark the memory and victims of these crimes, the HLC strive to provide a public space in which citizens of Serbia will pay tribute to the victims every year. By linking the commemoration of the crimes with the National School of Transitional Justice, the basic idea was to explore court-established facts and therefore to reveal the prejudices, lies and manipulation that pervade the crime itself, but also the responsibility and the role of Serbia.

Besides the opportunity to learn about the court-established facts regarding these crimes, the participants were also able to assimilate some of the facts from the victims’ perspective. In this manner, they had the opportunity to hear about the experiences of Suvada Selimović, from the village of Djulići near Zvornik, and Zijo Ribić, from the village of Skočić near Zvornik, who talked about pre-war life in their villages with their neighbours, about the war events they witnessed, and their fight for truth and justice after the war ended. The agenda also included a visit to monuments in Belgrade which bear witness to the currently dominant ethnically-biased manner of remembering victims’ suffering during the wars in the former Yugoslavia.

The School included lectures on the dissolution of Yugoslavia, mechanisms of transitional justice, achievements in determining criminal justice before the ICTY, human losses during wars in the former Yugoslavia, war crimes trials in Serbia, recognition of victims, truth-seeking initiatives, the search for war crimes perpetrators, and an analysis of case studies of crimes committed in Srebrenica, Kosovo, Vukovar, Oluja, Hrtkovci, Skočić, and Zvornik.

Total of 25 young people from across Serbia participated. Among them were students of law, security, political science and history, activists from NGOs, journalists, law apprentices and history educators from Belgrade. In selecting the participants, gender equality, level of knowledge of the topic, ethnic representation and geographical coverage were taken into account.

3.2. Public Lectures

In 2017, the HLC started to organize public lectures on the court-established facts about the war crimes committed during the wars in the former Yugoslavia. In 2018, seven public lectures were held, attracting around 300 people.

The public lecture on the crimes the Serbian police and army committed during the war in Kosovo and the public lecture on the crimes committed by the Kosovo Liberation Army presented a rare opportunity for Serbian citizens to hear about the court-established facts about crimes committed in Kosovo, instead

of the usual myths. Citizens of Serbia are indoctrinated with fake news and exclusively nationalistic narratives. Such a climate is not conducive to re-thinking a Serbia-Kosovo relationship which would be based on sincere commitment to sustainable peace in the region. By informing, educating and engaging more than **200** people, the HLC has made a contribution to this process.

At four public lectures, the HLC has disseminated the court-established facts on war crimes committed during the war in Bosnia and Herzegovina. The **public lecture on the [Srebrenica genocide](#)** was held, as has been the tradition, on the occasion of the commemoration of the anniversary of this crime, July 11th. The **public lecture on the crimes committed in [Zvornik](#) in 1992** and the **public lecture on the crimes against Roma people in the village of [Skočić](#) in 1992**, presented the facts on lesser known crimes and also informed the public on domestic war crimes trials in these cases. Despite being prosecuted before the Serbian courts, the crimes committed in the Zvornik area in June 1992 remain almost completely unknown to the majority of Serbian citizens. The crimes were committed in close vicinity to the Serbian border, and left behind more than 700 killed, and thousands of forcibly displaced persons. The public lecture on the war crimes committed in [Skočić](#) brought to public attention the crimes committed against the Roma population. Victims of Roma origin are far less visible in the public domain in comparison to victims of dominant ethnic groups. Because of that, and because of the fact that these crimes were also prosecuted before the Serbian courts, but as in the Zvornik Case, have remained unknown, the HLC decided to grasp the opportunity and bring this crime and its victims to public attention.

On the occasion on the anniversary, the HLC **held a public lecture on crimes committed during the [Operation "Storm"](#)** in 1995. Besides being the way for the HLC to express empathy and compassion for the victims, this was also the only public event in Serbia to disseminate the judicial facts about these crimes. Other commemorations are always emotionally charged and closed to any discussion which would be based on facts.

Finally, in late September, the HLC held a **public lecture on the [Siege of Sarajevo](#)**. With this lecture, the HLC wanted to fight against the climate of ignorance and indifference towards the victims of this horrible event, expressed in the finding that more than 70% of the citizens of Serbia have never heard about the Siege of Sarajevo.

The HLC's public lectures especially targeted the younger population. They composed the majority of the audience at every public lecture. The majority of them were history students. The public lecture on the Siege of Sarajevo was also attended by 10 high school students.

3.3. Youth Exchange Programme

From September 27th until October 3rd, in cooperation with the History Museum of Bosnia and Herzegovina, the HLC organized the youth exchange programme. The aim of the exchange programme was primarily to build bridges between youth from Serbia and Sarajevo around dealing with past-related themes, but also enabling them to get to know each other, and their experiences and aspirations. It is to be hoped that the programme offered some initial knowledge and motivation to the participants to take initiatives in dealing with the past in the coming period.

The programme involved 20 young people from Serbia and Sarajevo, the majority of whom had never visited the target town before. The first visit started with Belgrade, where they attended a public lecture on the Siege of Sarajevo. After that, they visited places of memory connected to the wars in the 1990s, museums, and key touristic sites in Belgrade. Whilst in Sarajevo, the youngsters visited most important places and memorial sites, such as Sarajevo City Hall, the Museum of War Childhood, the Suada and Olga Bridge, the Eternal Flame, Gallery 11/7/1995, the History Museum of Sarajevo, Tunnel of Hope, etc. The visit to Sarajevo after Belgrade complemented the knowledge and experience gained during the Belgrade visit with the contemporary situation in Sarajevo, and the ways in which the city and its young people in particular deal with the memory of the siege. The novelty of this programme was the active engagement of the participants in designing and implementing the programme. Namely, they themselves recommended places to be visited in their towns, and during the visits took the role of guide whenever possible, sharing their experience and knowledge with their peers.

The participants evaluated the programme very highly, as one initiating discussion among the young. For the young people from Sarajevo, it was particularly important to discover and note that there was resistance to the war in Belgrade and Serbia. For the young people from Serbia, the visit to Sarajevo was important primarily because it allowed the majority to see this city for the first time, and be directly informed about the suffering of its citizens, as well as of other citizens of BiH during the 1992-1995 war.

3.4. Networking and knowledge sharing

Since June 2018, the HLC has participated in the TRIAL International initiative entitled: “Sexual Violence in Conflict - Strengthening the Fight against Impunity”. The aim of this initiative is to bring together experts from around the world with the task of exchanging experiences and developing effective tools, techniques and processes to support the victims of sexual violence in conflicts in their quest for justice. These tools would be used in various ways to document and investigate crimes, support victims and local groups working on the victims' side, or help with the search for alleged perpetrators. In this regard, the HLC has prepared and submitted to TRIAL International an overview of the tools, techniques and processes it uses in order to increase the access of victims to the courts and to justice.

The HLC has continued its participation in the working group dealing with the prevention of torture in Serbia, led by the International Aid Network and the Lawyers' Committee for Human Rights. The working group was launched within their joint project, which aims to contribute to the eradication of torture and of the practice of impunity for perpetrators in Serbian society, as well as to the rehabilitation of victims from the consequences of torture. The HLC participates in activities related to the rehabilitation of victims of torture, which include the provision of comprehensive and free medical, psychological, psychiatric and legal assistance to victims of torture and their family members. At the meeting held in June, members of the working group exchanged their experiences regarding the recommendations of the Committee of Ministers of the Council of Europe and the Preliminary Observations and recommendations of the UN Special Rapporteur on Torture and Other Cruel, Inhumane or Degrading Treatment. It was agreed that five law professors would be engaged in the next period to give their opinion regarding which of the recommendations could be adopted in Serbia, and which ones not, and why.

From early 2018, the HLC, in partnership with the Center for Dealing with the Past - *Documenta*, has been implementing the project „Supporting the prosecution of war-related crimes committed during the wars in the former Yugoslavia“. The objective of the project is to improve national capacity for investigating international crimes and prosecuting suspected perpetrators, through monitoring war crimes trials and developing policy proposals for the improvement of regional cooperation in this field.

In cooperation with Civil Rights Defenders, the HLC supported five projects led by youth and for youth:

1. The Project „Youth Leaders for Peace in the Western Balkans – Dealing with the Past and Women's Human Rights“: the goal of the project is to strengthen the capabilities of young female activists in taking an active role in dealing with the past and disseminating information and knowledge on the 1990s wars in the former Yugoslavia. The target group of the project are 15 female activists, alumni of the Women's Leadership Academy.
2. The Project „What was that?“: the goal of the project is to inspire dialogues in local communities on overcoming the legacy of the war in Croatia, and to motivate young people to engage in this dialogue and be the main advocates for reconciliation and truth-seeking. The target group are young citizens of two small towns in the Vojvodina Autonomous Province.
3. The Project „Move for a Dialogue“: the goal of the project is to initiate a dialogue among the Roma youth on the responsibility for crimes committed during the wars in the former Yugoslavia. The target group are Roma youth and their families.
4. The Project „Dealing with the Past on Posters“: the goal of the project is to engage the arts in initiatives and processes regarding the past. The target group are young artists and designers from post-Yugoslav states.
5. The Project „Victims do not have an Ethnicity“: the goal of the project is to inform and educate high school students on the consequences of war. The target groups are high school students from three towns in Bosnia and Herzegovina. The project has been designed and implemented by a young journalist from Orašje.

3.5. Library

The HLC Library, containing over 6,000 titles in international humanitarian law, dealing with the past, transitional justice, history, sociology, political sciences, and other relevant disciplines, was enriched with 90 titles.

Mid-term plans:

- Organizing a regional and-or national School of Transitional Justice;
- Involving young people in the process of dealing with the past, through support for the implementation of the projects that they have created;
- Continuation of cooperation with kindred organizations, with the aim of promoting topics in the area of transitional justice, problem-solving, and deepening the engagement of the HLC in areas where it has not been particularly active so far;
- Continuation of the enrichment of the library fund.

IV RECOM Initiative

Together with its partners from the Coalition for RECOM, the HLC continued to advocate both the society and the politicians on the importance of regional truth-seeking and truth-telling mechanism. The HLC also administers its website <http://www.recom.link>, on which the news about the Coalition's activities, as well as the voices of the victims, the opinions of intellectuals and artists, and information about the issues of dealing with the past in the region and beyond, are published regularly. In 2018, the website was visited by 8,449 users.

In January, the Coalition for RECOM held its 8th Assembly and organized the 11th Forum on Transitional Justice in post-Yugoslav countries. Delegates to the Assembly welcomed the readiness of most of the leaders of the post-Yugoslav countries to sign the RECOM Treaty Establishment Agreement in London under the Berlin Process. They invited the President of the Republic of Croatia to continue with the Croatian support to the Initiative for RECOM, which was provided by the former President of Croatia, Ivo Josipović, reminding her that the drafting of the RECOM Statute was also attended by the Professor of the Law Faculty of the University of Zagreb, Dr Zlata Đurđević, as the Envoy of the President of Croatia to the Regional Working Group for the drafting of the Statute of RECOM. The Coalition for RECOM also called on the President of the Republic of Croatia and the President of Slovenia, as well as the Presidents of EU member states, to join the Presidents of Serbia, Kosovo, Montenegro and Macedonia and the Bosniak member of the BiH Presidency, and appoint Personal Envoys to write the Agreement on the Establishment of RECOM, which the Prime Ministers of the post-Yugoslav countries would sign at the summit within the Berlin Process in London in 2018, and thus create the conditions for the RECOM Statute to enter into force.

The Forum on Transitional Justice gathered together 250 participants: victims, researchers, human rights NGO activists, academics, prosecutors and judges, and representatives of the European Union. The Forum provided a space for discussion on the RECOM process, the impact of civil initiatives on the establishment of transitional justice, the role of art in the public perception of the past, and the legacy of the ICTY, and provided a view of reconciliation from the perspective of the academic community and the EU.

The necessity of setting up the RECOM has been officially recognized by the European Commission's (EC) 2018 enlargement package, adopted in February 2018. The Annex to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, stipulates an [Action Plan in Support of the Transformation of the Western Balkans](#) through several measures. Measure number 6 aims at supporting reconciliation and good neighbourly relations, and aims to „support initiatives to foster reconciliation and transitional justice, such as the Regional Commission set up to establish facts about war crimes and other violations of human rights on the territory of the former Yugoslavia (RECOM)” (6.1).

In May, the Coalition for RECOM published the [Policy Brief: RECOM Roadmap](#) and the [Proposal of the Action Plan for RECOM](#). These two documents contain all the necessary steps for the regional commission to start operating in 2022. They urge that steps be taken without delay, listing key challenges and possible

solutions, and offering recommendations on policies for the EU and its members, for post-Yugoslav countries and other decision-makers in the areas of transitional justice and reconciliation.

A firm pledge by the Presidents of Serbia, Montenegro, Kosovo, and Macedonia that the Prime ministers of the aforementioned countries would sign the Declaration on the Establishment of RECOM at the London Summit on 10 July 2018 has not produced the expected results. By 7 July 2018, the Coalition for RECOM had not received the decisions of the governments of all the aforementioned countries, which led the summit organizer, the UK Foreign and Commonwealth Office, to exclude the planned item – the Declaration on RECOM – from the summit agenda. The signing of the Declaration on RECOM is conceived as a demonstration of the willingness of the leaders of the post-Yugoslav countries to deal with the recent past by establishing the facts about the war crimes and victims, as well as a call to the remaining post-Yugoslav countries – Croatia, Bosnia and Herzegovina, and Slovenia – jointly to bear the burden of the past and contribute to the development of a culture of compassion and respect for all the victims of the 1990s wars. The Coalition for RECOM continues its cooperation and coordination with the post-Yugoslav countries in relation to the establishment of RECOM.

In June, the Coalition for RECOM invited the Chair of the Committee on Foreign Affairs of the European Parliament to amend the Article 19 Draft European Parliament Resolution on the 2018 Commission Report on Serbia, so that it reflects the Committee’s support for the establishment of the regional, intergovernmental and extra-judicial body RECOM, and endorses the present will of the President of the Republic of Serbia to progress in this effort. The [European Parliament Resolution on the 2018 Commission Report on Serbia](#), adopted in November 2018, “reiterates its support for the initiative to establish the Regional Commission for the establishment of facts about war crimes and other gross human rights violations on the territory of the former Yugoslavia”.

V Advocacy

5.1. Inclusion of Transitional Justice in Serbia's European Integration Process

In April, the EC published the [Serbia 2018 Report](#), which shows Serbia's progress in meeting the political, economic and administrative criteria for joining the European Union (EU). The EC's overall finding is that Serbia should demonstrate a stronger commitment to solving the war crimes legacy, foster mutual trust and reconciliation, establish an atmosphere conducive to meaningful regional co-operation, and effectively address all open issues related to war crimes. The EC has warned that statements made by officials, particularly those at a high level, and the actions of state bodies, have a significant impact on the creation of such an atmosphere. For the EC, such statements and actions represent a worrying development; and she calls on Serbia to show a readiness to face the past, an inseparable part of which implies the full and unequivocal acceptance of all the judgments and decisions of the ICTY. The EC has noted that Serbia has continued actively to support the Initiative to establish RECOM. The EC Report reflects [recommendations](#) provided by the HLC during the preparation of this document. In November, the HLC submitted to the EC its inputs for the Serbia 2019 Report.

In June, the HLC met with the relevant EU institutions in Brussels and presented the state of play in Serbia as regards the rule of law, including the developments in domestic war crimes trials, the level of protection of victims' rights to reparations and redress, as well as advocacy for the Initiative for RECOM and the deeper institutional reforms. The interlocutors included the European Parliament's Rapporteur on Serbia, Mr David McAllister, the shadow rapporteurs for Serbia Ms. Tanja Fajon and Ivo Vajgl, the chair of the EU-Serbia parliamentary delegation Mr Eduard Kukan, representatives of the Directorate responsible for the enlargement process, and the European External Action Service.

In July, the HLC submitted to selected members of the Foreign Affairs Committee of the European Parliament its comments on the Draft Report on the 2018 Commission Report on Serbia. The amendment suggested by the HLC pertains to the rule of law, and would positively affect the relations with neighbouring countries, as well as the advancement of regional cooperation and reconciliation in the Western Balkans. The [European Parliament Resolution on the 2018 Commission Report on Serbia](#), adopted in November 2018, reflects all the HLC's inputs.

5.2. Reporting to the UN committees

In March, the HLC sent its [observations](#) to the Working Group on Enforced or Involuntary Disappearance, regarding the implementation of the recommendations that this working group sent to Serbia after its visit in 2014. The HLC considered the recommendations referring to the dynamics of the search for missing persons, the opening of the archives and the disclosure of relevant information, the punishment of those responsible for the criminal offense of enforced disappearance, the provision of reparations to the families of the missing persons, the importance of bilateral and regional cooperation of institutions, the respect of ratified conventions, and other.

5.3. Domestic policies advocacy

5.3.1. Amendments to the Constitution

Within the process of public debate on amendments to the Constitution of Serbia concerning the part governing the work of the judiciary, the HLC delivered its [observations](#) to the Ministry of Justice. The HLC pointed out that the proposed amendments reduce the currently attained level of independence of judges, as well as the autonomy of prosecutors. This approach would inevitably affect the war crimes trials, as it would only contribute to the continuation of the non-effectiveness of the OWCP and to political pressures. The HLC suggested withdrawing the proposed amendments and, with the consent of the expert public, to prepare a new text.

5.3.2. Law on Free Legal Aid

During 2018, work on the drafting of the first Law on Free Legal Aid in Serbia continued. The Ministry of Justice has proposed a draft law that essentially denies the right of the civil sector to provide free legal aid to users in the future, in the ways that it has so far. Therefore, the entire NGO sector, including the HLC, has actively tried to counter proposed solutions that leave provision of free legal aid only to lawyers and legal aid agencies within the local self-government. A large number of debates and roundtables were held, and even talks with the President of the Government on the proposed legal solutions. The bill is currently before the National Assembly of the Republic of Serbia.

In December, the Humanitarian Law Center submitted to the Constitutional Court of Serbia an [initiative](#) for assessing the constitutionality and compliance of the Law on Free Legal Aid (ZBPP) with the Constitution of the Republic of Serbia, generally accepted rules of international law and ratified international conventions. The HLC considers the legal solutions foreseen in the ZBPP on the one hand deny equal access to justice to citizens, since they exclude a wide range of persons who could be users of free legal aid, whilst, on the other hand, they narrow down the circle of providers of free legal aid, leaving a large number of Serbian citizens without adequate legal protection.

VI Memory Initiatives

6.1. Exhibition “ICTY: The Kosovo Case 1998-1999”

In March, the HLC [presented](#) the exhibition “ICTY: The Kosovo Case 1998-1999”. The authors of the exhibition were the SENSE Documentation Centre for Transitional Justice from Pula and the Humanitarian Law Center Kosovo, in cooperation with the HLC and the Center for Dealing with the Past - *Documenta* from Zagreb. Through video materials and selected documents, the exhibition showed how the crimes committed during the armed conflict in Kosovo were investigated, reconstructed and prosecuted by the ICTY. The exhibition relied on an interactive [internet narrative](#) “ICTY: The Kosovo Case 1998-1999 – Investigation, Reconstruction and Prosecution of Kosovo Crimes”; and it is part of the permanent exhibition at the Kosovo Documentation Center in Priština/Prishtinë. Around 450 people visited the [exhibition](#).

The exhibition was opened with a debate regarding public knowledge of court-established facts about the crimes that were committed during the armed conflict in Kosovo. On this occasion, the journalist and director of SENSE, Mirko Klarin, the Prosecutor in the *Šainović et al.* Case, Thomas Hannis, the Executive Director of the HLC Kosovo, Bekim Blakaj, and Nemanja Stjepanović from the HLC constituted the panel.

The exhibition was set up for ten days at the Center for Cultural Decontamination in Belgrade. It was followed by several side events, including two public lectures on war crimes committed during the Kosovo war, a talk with survivor of a crime in Kosovo, and screening of the movie “Depth Two”, co-produced with the HLC. The rationale for such a multidisciplinary intervention was that the exhibition affords good thematic fora for informational, educational and commemorative reflections on the victims of the Kosovo war. Situating the public lectures and public commemoration within a broader multimedia event enabled different learning tools and approaches to be combined. Having all the facts via several different media tools – audio, video and photo media within the exhibition, a lecture with a Q&A section, relevant reports printed and handed out, victim’s testimony – provided an exciting learning environment. Finally, it was an opportunity to bring more people to such public occasions, given that there is usually more interest in interactive and dynamic events.

6.1.1. Public lectures: the public debate on the crimes committed by the Kosovo Liberation Army (KLA) highlighted the facts that the ICTY had found concerning the existence of KLA-controlled detention camps and the illegal killing of civilians in the *Haradinaj et al.* and *Limaj et al.* Cases, as well as the answer to the question of why, despite all the established facts, the main commanders of the KLA have not been convicted for these crimes. The public debate about the crimes of the Serbian forces in Kosovo has thrown further light on the development of the crisis in Kosovo, and on the facts established by the ICTY regarding the participation of Serbian forces in crimes, including the basis for the conclusion of the Court concerning the existence of a joint criminal enterprise by Slobodan Milošević whose aim was the ethnic cleansing of Kosovo.

6.1.2. On March 26, an **interview with Saranda Bogujevci** marked the 19th anniversary of the killing of 14 Albanian civilians in Podujevo/Podujevë on March 28, 1999. On that day, Saranda's mother, Sala, and her brothers Shpend and Shpëtim, were killed, while Saranda, then a 13-year-old girl, survived the massacre. Saranda's recollected this event and her subsequent search for justice.

6.1.3. The exhibition was closed with the **screening of a multi-award winning film**, "Depth Two", which met with enthusiastic applause from a full audience at the Center for Cultural Decontamination. The author of the film is Ognjen Glavonić, and it was produced by Non-Aligned Films and the HLC. It was premiered at the 66th Berlin Film Festival in February 2016, after which the film participated in a large number of festivals all around the world.

6.2. Remembering Prijedor

In early June, the HLC held a [discussion](#) on how to overcome the legacy of war in a society largely divided along ethnic lines, through the case study of Prijedor (BiH). Prijedor is a paradigmatic example, where perpetrators of crimes and their victims are living side by side, and with conflicting ideas on how to move on: either by forgetting past events, or by building bridges between communities without forgetting. The aim of this event was also to inform the public about war events from the early 1990s, which is a story often overshadowed by some other, more severe crimes. Two men from Prijedor who were particularly active within this field were the HLC's guests at this debate - Edin Ramulić from the Foundation "Building the Culture of Memory", and Nikola Kuridža from the Youth Center "Kvart". The discussion shed light on the fact that the transitional justice process is not a one-way linear process, but rather a combination of different approaches, failures and successes. The post-conflict situation in Prijedor can be seen as a good example of both the heavy consequences of war, and of people from divided communities joining forces in trying to overcome the past and build a peaceful future.

The event took place in the framework of commemorating the victims from Prijedor. Around 35 people participated in the discussion.

6.3. Remembering victims of Podujevo massacre

The commemorative event with Saranda Bogujevci, held on March 26th, marked the 19th anniversary of the killings of 14 Albanian civilians in Podujevo/Podujevë on March 28, 1999. Her testimony shed light on an event in which her mother and two brothers were killed, while Saranda, then a 13-year-old girl, survived the massacre. Saranda recollected this event and her fearless and persistent search for justice. This opportunity to hear Saranda's story was grabbed at by a large number of citizens, owing to the fact that there are so few opportunities to hear actual victim/survivor voices. This public talk with a victim of a mass crime not only informed Serbian citizens about the past events, but also involved them in commemorating the anniversary of this very crime. The testimony of Saranda Bogujevci was listened to by around 100 people, for more than an hour, and in complete silence.

6.4. Exhibition “Besieged Sarajevo”

In September, in cooperation with the History Museum of Bosnia and Herzegovina from Sarajevo, the HLC displayed in Belgrade the [exhibition](#) “Besieged Sarajevo”, which is part of the permanent display of this museum. The exhibition develops a story about life in besieged Sarajevo; it is a story about life in a city without electricity, water, and heating. The story is told through the photographs, documents and objects created by citizens. Visitors were able to see what homes, schools, and streets looked like during the siege, and how citizens managed to survive, and to learn how people died, many killed by the snipers from the surrounding hills. The exhibition was displayed for 12 days in the “Parobrod” Cultural Center of the Municipality of Stari Grad. The exhibition was visited by at least 500 citizens. A significant number of them were youngsters, who either visited the exhibition itself, or participated at side events.

Learning from the experience of the exhibition of the war in Kosovo (see 6.1.), this time the HLC also organized several different events: a public lecture about the siege of Sarajevo, a film screening and a youth exchange programme between Serbia and Sarajevo (see 3.3.).

6.4.1. The public lecture about the siege was important for the public in Serbia, since a large number of citizens do not know that this town was held by the Republika Srpska Army during a siege from 1992 until early 1996. Nemanja Stjepanović from the HLC spoke about the facts that were related to the siege of Sarajevo, and established before the ICTY. Attendees at the public lecture consisted of about 60 citizens of Serbia, including 10 students of history and 10 high school students, as well as 20 participants in the exchange programme.

6.4.2. The screening of the movie “The Siege”, by Remy Ourdan, was not the first screening of this film in Belgrade, but it nevertheless caused great interest, so an additional screening was organized. Through the lens of journalist Remy Ourdan, who voluntarily decided to stay in Sarajevo throughout the siege, the movie depicts the suffering of civilians, and their creative ways of survival and attempts to preserve the illusion of normal life. After the movie, a conversation was held with the author, and also with Sarajevo citizen Meris Mušanović, who spent his childhood in besieged Sarajevo and who shared his memories and experiences with the audience on this occasion.

6.4.3. The exchange programme brought together 20 young people from Serbia and Sarajevo, who first visited sites to remember the victims of the wars in Belgrade, and then in Sarajevo (see: 3.3.). The young people also took part in the accompanying programmes during the exhibition, including the public lecture; and a special screening of the movie “The Siege” was also organized for them.

Mid-term plans:

- Marking the days of remembrance for the victim casualties, organizing a public event and-or an intensive campaign on social networks;
- Marking the 20th anniversary since the end of the war in Kosovo.

VII Informing the Public and Outreach

During the reporting period, the HLC published 39 [news stories](#) and 24 [press releases](#), reacting to events, announcing activities and reporting on its work, and [cited](#) 84 media articles on current issues and affairs concerning transitional justice. The HLC website was visited by 32,133 users⁵.

The HLC provided over 20 statements for the media and six authored pieces. Total of 104 [supplements](#) on Serbia's dealings with the issues of the past have been published in the daily newspapers "Danas".⁶

Six [publications](#) were published and four conferences for their presentation organized, with total of around 100 representatives of the civil sector, media, institutions and international organizations directly participating and an unknown number of citizens following the debate via HLC's live tweeting.

On October 5th, on the occasion of the [presentation](#) of her new research published in the book "Some Kind of Justice – The ICTY's Impact in Bosnia and Serbia", the HLC hosted the Professor of International Law at American University, Diane Orentlicher. In her new book, Professor Orentlicher offers a groundbreaking and timely account of how an international criminal tribunal affects local communities and the factors that account for its changing impact over time. Through an in-depth case study, the book offers fresh insights into two questions now the subject of robust debate: What goals can we plausibly assign to international criminal tribunals? What factors determine the impact of distant courts on societies that have seen vicious violence? The book explores the influence of the ICTY in two countries directly affected by its work: Bosnia and Herzegovina, and Serbia.

The book launch presented an opportunity to discuss how the ICTY also impacted other post-Yugoslav states, Croatia and Kosovo. The state of play in their respective countries was presented by Mr. Hrvoje Klasić from the University of Zagreb (Croatia), the Kosovo journalist Mr. Adriatik Kelmendi, Ms. Erna Mačkić, from the Balkan Investigative Research Network in BiH, and a journalist from Serbia, Mr. Nemanja Stjepanović. The event was well attended, with approximately 60 people in the audience.

⁵ In 2017, 30,165 users visited the website.

⁶ Within the scope of the four-year project funded by the European Commission, the HLC and the Danas, the daily, are publishing a special supplement on Serbia's dealings with the issues of the past.

VIII Visits to the HLC

On several occasions during the reporting period, the HLC welcomed students and young activists from various countries. After presenting its work and achievements in advocating for the establishment of transitional justice mechanisms, the representatives of the HLC conducted discussions with their guests dealing with the past in Serbia, the Western Balkans and throughout the world.

IX Transfer of Knowledge

As a member of the Global Initiative for Justice, Truth and Reconciliation (GIJTR), the HLC participated by offering lectures during three trainings to a number of NGOs based in South Sudan, and jointly co-implemented the “Global Reparations Summit – Phase II” project and the “Victims’ Participation in Hybrid War Crimes Tribunals Project”.

During the trainings, which were held in Rwanda, Tanzania, and Uganda, the HLC shared its knowledge and experience on the issues related to documenting breaches of international humanitarian law, planning investigation missions and conducting interviews, processing statements in the database, the experiences and challenges of researchers, using oral history as a mechanism for transitional justice, listing examples of the ways in which collected documents can be used in court and elsewhere, evaluating the truthfulness and completeness of statements, etc. The HLC also provided technical support to partner organizations and advised on digital security issues.

In late March, the GIJTR and the HLC organized the Global Reparations Summit in Belgrade. The Summit gathered together more than 100 participants from over 35 countries to discuss the current state of global reparations, and to create solutions for future emerging post-conflict countries, by means of an online tool kit. On this occasion, the GIJTR presented its [Reparations Report](#), which contains the findings of a year-long research project to evaluate the current state of reparations in fifteen countries around the world. The GIJTR undertook qualitative research in Cambodia, Kenya, Libya, Morocco, Nepal, Peru, Sierra Leone, South Africa, South Sudan, Sri Lanka, Uganda, Bosnia and Herzegovina, Croatia, Kosovo, and Serbia, in order to create a comparative study based on the application of UN Basic Principles to modern contexts. On the basis of this research, the GIJTR has compiled a report evaluating successes and shortcomings in the different ways states have approached reparations, and proposed recommendations following identification of the lessons learned. The HLC has also designed the visual solution and structure of the dedicated website <https://www.globalreparations.com/>, filled in the content and submitted it to the administration of the GIJTR.

In April, the HLC participated at a two-day workshop in The Hague bringing together stakeholders from Kosovo, Sri Lanka, Central African Republic and South Sudan to formulate a joint model for CSO-hybrid tribunal cooperation. Prior to the conference, the HLC and partner organizations conducted desk research

and in-country focus groups to describe and analyse victim participation in hybrid courts at the early stages of development. The April conference, therefore, was carefully planned to tackle the challenges that were identified during the research phase and the reporting period, and to come up with possible solutions.