

## **Balkan War Crimes Justice Breakthrough**

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A new regional coalition aims to set wartime atrocity record straight and bring justice to victims.

Three organisations from Bosnia, Croatia, Serbia and Montenegro are joining forces to research and document war crimes committed in the countries during the former Yugoslav wars of the Nineties.

Belgrade's Humanitarian Law Centre, HLC, Zagreb's Documenta office and Sarajevo's Research and Documentation Centre, RDC, are working to establish historical fact in a region bedevilled by mutually exclusive versions of recent history.

They are building the region's largest and most accurate war crimes database, detailing crimes committed, witness statements and documentary evidence against possible perpetrators which will be made available to local war crimes prosecutors in Bosnia, Croatia, Serbia and Montenegro.

The organisations are also creating cross-border war crimes trial monitoring teams, supporting witnesses coming from Balkan states to testify in courts in each others' countries, as well as bringing victims' families from abroad to local courts so they see that justice is done.

It is hoped that these efforts to reveal the truth and seek justice for victims will lead to a better understanding and acceptance of crimes committed throughout the region, paving the way for reconciliation.

But the organisations warn that widespread public denial, the manipulation of recent history by political elites and the scarcity of local war crimes trials means that reconciliation is still a distant prospect.

"Unfortunately, nationalist politicians continue to manipulate historical truth for their own political purposes throughout this region," said RDC director Mirsad Tokaca.

"For them it is a numbers game to show that 'their' people are innocent, and that the 'others' are guilty. Our project is made more important by the fact that none of the governments are trying to establish an accurate record of what actually occurred."

Documenta's Vesna Terselic agreed. "The Bosnian Muslim, Croat and Serb victim numbers are being manipulated by the various governments to heighten grievances and deepen divisions between people of different ethnicities," she said.

"This kind of behaviour is very dangerous. We have already seen how arguments over history – the number of victims at the Jasenovac concentration camp – were used to stir the hatred necessary to create conditions for war between Serbs and Croats in Croatia in 1991."

Terselic was referring to the Second World War concentration camp where at least 100,000 Jews, Serbs and gypsies were murdered by the Ustase regime of Ante Pavelic which set up the Independent State of Croatia under Nazi tutelage between 1941 and 1945.

"Instead of accepting that hundreds of thousands of people died and that this must never, ever happen again, nationalists in Zagreb and Belgrade at the beginning of the Nineties manipulated Jasenovac numbers to further their political objectives which was to accentuate differences between Serbs and Croats," said Terselic.

"The most terrible period in Croatia's past was re-introduced into contemporary life but instead of assuming responsibility and laying the past to rest, one side down-played the number of deaths while the other hyped the figures.

"The Jasenovac debate of the Nineties shows just how dangerous the past can be to the present which makes it all the more important that the truth is established this time round."

One organisation within the coalition has already gone a long way to establish the true number of victims from the war in Bosnia.

Sarajevo's RDC is nearing the end of its project "Population losses in Bosnia and Hercegovina 1992-1995" which international experts acknowledge as being the most detailed scientific study to date.

The number of wartime deaths in Bosnia has been the subject of fierce debate since the war ended in November 1995. Estimates have ranged from 50,000 to 250,000, the latter being the most frequently cited figure.

The RDC's results to date have surprised many - the on-going cross-referencing process has confirmed 90,000 deaths and Tokaca believes that the final figure will be around 130,000.

The RDC's results have already been criticised by some members of the Muslim nationalist Party for Democratic Action, SDA, which has always argued that the true figure was at least 250,000.

"This project has upset some people because the true figure will actually be considerably lower than the estimate they have always quoted," said Tokaca.

"But as a historian and a researcher, it is far more important to establish the truth, rather than have an inflated estimate as a symbol of suffering.

"This numbers game is pointless and demeans the victims. To have 130,000 people dead in Europe is still a huge number.

"Anyone who views our project can see that a victim is an individual, not simply a number to be chalked up to one ethnically-based score-sheet."

From a bank of computers where young volunteers enter data and cross check references, Tokaca explains how his research reduced the figures. "We cross-referenced all the names with other data available, such as place and date of birth, parents' names, and place of residence," he said.

"While it is true that we are establishing who really fell victim to this war and which ethnic group suffered the most, one can also say that no ethnic group is 'innocent' or 'guilty'.

"While the largest number of victims were individuals of Bosnian Muslim origin, one has to say that the victims committed crimes as well."

Even though the organisations are yet to secure funding for parts of their programmes, the HLC and Documenta hope to combine their databases with the RDC's within the next two years.

The coalition believes it will then be able to present a comprehensive figure for all those killed in the wars in Bosnia and Croatia, together with their names, and for many, their photographs.

As well as factual accuracy, the coalition is seeking justice for the victims through local war crimes trials, as the tribunal in The Hague begins winding down. However, the authorities in Bosnia, Croatia, Serbia and Montenegro have sometimes proved reluctant to investigate and prosecute those accused of war crimes.

The coalition is trying to encourage the authorities to undertake more cases by making their victim and witness statement databases available to local war crimes prosecutors.

"Governments in this region do not enthusiastically prosecute war crimes cases involving members of the majority ethnic group because of a perceived political cost," said the HLC's Kandic.

"But by making witness statements available together with the witnesses themselves, we hope to facilitate more trials."

Local war crimes court judges and prosecutors have been accused of multiple procedural irregularities. Charges of political bias in Bosnian, Croatian and Serbian courts are an all too common occurrence.

To this end, the coalition have set up a Regional War Crimes Monitoring Team currently monitoring five trials in Bosnia, Croatia and Serbia as well as two in Kosovo to ensure that the trials are conducted impartially.

"We act as a watchdog to see that the law is applied fairly and consistently," said Tokaca.

The coalition also supports witnesses and victims' relatives coming from other Balkan countries to testify or see justice done in the courtrooms of once-hostile states.

"Working together at a regional level for justice is essential in the case of local war crimes trials," said Terselic.

"This is because victims and perpetrators are often found on different sides of the new borders which divide former Yugoslavia."

Kandic agrees. "We have to work together to encourage witnesses living in Croatia to come to Serbia to testify, or vice versa," she said.

"It is often a terrible ordeal to testify in court in the presence of someone you saw murder your relative. Imagine how it must feel to travel to a country from which you were once ethnically-cleansed, in order to give evidence against a former policemen."

The coalition also works with local police forces to ensure protection of witnesses during their stay, and provides survivors with legal counsel.

They hope that their documentation and research work together with more local war crimes prosecutions can stimulate debate and dialogue between victims of different nationalities.

But they caution that their work with victims is being undermined by nationalist politicians of all ethnicities who use victim groups and survivor associations to further their political ends.

“Many victims’ organisations have a political agenda,” said Tokaca.

“They have been hijacked by the ruling parties which control them through patronage and are therefore not suitable vehicles for meaningful dialogue between victims of different ethnicity.

“Similarly, much of the Balkan media is not interested in publicising the truth about war crimes and about the real circumstances in which victims of different ethnicities lost their lives.

“We are in the process of documenting the truth and have made good progress, but telling that truth to the wider Balkan audience, is going to be more difficult.”

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**Location:** Balkans  
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