

NGOs Call for War Crimes Commission

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They say regional body would help set historical record straight and aid reconciliation process.

Balkans NGOs want to found a special regional commission capable of establishing a coherent account of war crimes committed in the former Yugoslavia during the 1990s.

The is Research and Documentation Centre, RDC, in Sarajevo, Documenta in Zagreb and the Belgrade-based Humanitarian Law Fund, FHP, hope one million people will sign up to their initiative between now and the end of the year.

Already, some 50 victims' associations have backed the idea, they say.

FHP executive director Natasa Kandic said that war crimes trials alone were not sufficient to create a historical record of what happened during the conflicts, or to promote reconciliation.

"By the end of 2020, courts in the region could have prosecuted at least 1,200 war crimes perpetrators, but this doesn't give us a correct picture of war crimes, nor restore human dignity to the victims or confidence between nations," Kandic told a conference held on June 17 in Belgrade.

"The regional commission could secure clear evidence about how state institutions failed to defend human rights in the past."

During the wars in Bosnia and Croatia in the early Nineties, and the 1999 war in Kosovo, some 120,000 people were killed and 17,000 are still missing.

Kandic said the commission would help the voices of victims to be heard.

"The main idea is for this commission to establish the facts about war crimes, because all sides have different explanations," a source who is involved with the commission proposal, but wished to remain anonymous, told IWPR.

The NGOs would like the commission to run for two or three years and to be free from government interference – and, when it finishes its work, report on what really happened and recommend what legislation would most help the victims, added the source.

The fate of the massive archive of the International Criminal Tribunal for the former Yugoslavia, ICTY, was also discussed at the conference.

Former ICTY state prosecutor Richard Goldstone will advise the United Nations Security Council, UNSC, by the end of the year on what the archives should be used for after the court closes in 2010, who should

have access, and where it should be based.

The archives will be a very valuable source of information to both prosecutors and historians, and there has been a great deal of debate about where it should be located.

Bosnia, Croatia and Serbia each say they should house the archive, with state officials from all countries worried that top secret documents – surrendered to the tribunal under protective measures – might be exploited by other countries.

Representatives of the three NGOs think the archive must be returned to the region, because this would help national war crimes investigations and speed up the reconciliation process.

Florence Hartmann, a former spokeswoman for Hague prosecutors who participated in the conference, agreed.

“We can only find out the objective facts about war crimes by looking meticulously through the tribunal archive. And that could lead to reconciliation between nations and an acceptance of recent history,” she said.

Zoran Pajic, the new president of FHP’s executive board, told the conference that the Council of Europe could encourage Balkan states to rewrite their historical textbooks that cover the wars.

However, Pajic, who is a law professor at King's College London, said that as things stood at present, people awaiting trial in the tribunal’s detention unit were better off than victims and their families.

Victims of the wars are unsatisfied with both domestic and international courts, feel they lack state support and must rely on NGOs, he said.

“Indicted people have the support of their own countries, also their families, but victims haven’t got all this. Victims need compensation, not only money, but also social and medical help,” said Pajic.

“A lot of money and effort was spent on the national and international judiciary in recent years to try war crimes. But in the end, those for whom it was done, the victims, are not satisfied.”

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Location: Balkans
Macedonia
Albania
Serbia

Focus: International Criminal Tribunal for the former Yugoslavia

Source URL: <https://iwpr.net/global-voices/ngos-call-war-crimes-commission>