

Fourth Regional Forum on Transitional Justice: Initiative for RECOM

Prishtinë/Priština, Kosovo,

October 28th - 29th 2008

The Fourth Regional Forum on Transitional Justice held in Prishtinë/Priština on October 28th - 29th 2008 was the largest ever forum on mechanisms for establishing facts about war crimes organized on the territory of the former Yugoslavia. It was organized by the Humanitarian Law Center (Serbia), Documenta (Croatia), the Research and Documentation Center (BiH), Shpresimi Association (Kosovo) and Community Building Mitrovica (Kosovo). Most of the 325 participants from Kosovo, Croatia, Serbia, BiH, Montenegro, Slovenia, and Macedonia were victims and representatives of associations of victims (over 200), about 100 young people, representatives of different youth organizations and high school students who are not members of any youth organizations and over a 100 human rights activists and members of various non-governmental organizations from the region. Several judges and prosecutors from BiH and Kosovo also participated in the Forum, along with 20 representatives of the Association of the families of the kidnapped, killed, and missing police officers in Kosovo, while other associations of victims from Serbia and Republika Srpska boycotted the Forum in protest at Kosovo's declaration of independence. The following media reported on the Forum: Beta, Danas, Politika, Koha Ditore, Zeri, Novi list, Slobodna Bosna, Republika, Tolerancija, BIRN, RTK 1 (Info), RTK 1 (News), Radio Free Europe, B92, and Domovinskirat.hr.

Official support

Representatives of the Republic of Kosovo support the concept of regional cooperation in the process of establishing the facts about the fate of the missing regardless of their nationality.

Kosovo had its fair share of terrible events in the past and the institutions of the Republic of Kosovo and the citizens of Kosovo are determined never to forget it. However, we are also truly dedicated to closing that chapter so that we can move forward in the direction of treating all citizens of Kosovo equally.

Statement: Fatmir Sejdiu, President of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

I believe that the concept of regional approach in

solving this problem is extremely important also because of the fact that only all of us together can establish the facts that have not yet been clarified. I personally think that the most pressing need is to solve the fate of the missing, regardless of their nationality. I am not saying that there are not missing persons from other ethnic communities living in Kosovo, but I do not wish to deny that most of the missing persons belong to the majority community in Kosovo.

Statement: Nekibe Kelmendi, Minister of Justice of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

The regional approach in establishing responsibility is indispensable; it confirms the necessity to empower regional cooperation in all areas, especially with respect to war crimes trials on the one hand and the most efficient rehabilitation of all victims on the other. Let's not forget the past, not in order to have a reason to retaliate, not in order to get even, and not to remain enemies forever, but in order to make sure it does not happen again and to be able to create a better world in peace, prosperity, and human advancement.

Statement: Ramë Manaj, deputy Prime Minister of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

Representatives of the Republic of Kosovo believe that shedding light on the events from the past and establishing the truth should encompass the period from 1990 to 1999.

You all know very well that revealing the truth helps bring perpetrators of crimes to face their actions, the things that led to murder, disappearance, torture, detention etc. in the period from 1990 to 1999.

Statement: Nekibe Kelmendi, Minister of Justice of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

OSCE supports the creation of non-judicial fact-finding mechanisms.

Non-judicial fact-finding mechanisms can become indispensable in cases when witnesses, evidence material, or those charged with war crimes are not available. Memories fade with time but regardless of that, non-judicial fact-finding mechanisms can help by establishing the basic facts to be known to all communities in question, by publicly declaring the kind of injustices suffered by victims and by offering them rehabilitation and proper compensation.

Statement: Werner Almhofer, the Chief of the OSCE Mission to Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

Support for War Crimes Trials
All participants support the war crimes trials but they are equally divided on where they

should be held.

I personally believe that the trials should be held as close to the location of the crime as possible because in addition to the families of the killed or missing, the public also wants to know the truth about the crimes of the past.

Statement: Nekibe Kelmendi, Minister of Justice of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

Families of the victims of war crimes committed in Kosovo are being denied the truth about the identity of those who killed their loved ones, and they are being denied justice, i.e. fair judgements sentencing the perpetrators accordingly. We will punish our criminals in Kosovo and the Serbs should punish theirs in Belgrade and the international community will help us do that.

Statement: Numan Balić, Member of Parliament of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

If we fail to bring perpetrators to justice, it is impossible to move on, it is impossible to enhance the integration process or achieve a long-term conciliation among the nations living in this troublesome region which is something we should be afraid of.

Statement: Aleksandar Stojanović, Civil Society Development Center, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

There is a very clear opinion that those who committed crimes on the territory of Kosovo should be tried in Kosovo. It is quite safe to conduct such trials at the location where the crime was committed. Only when that is arranged for, we can be at peace and think about building the future.

Statement: Prënk Gjetaj, Missing Persons Commission of the government of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

Perpetrators are normally tried before a court in the area where the crime was committed, but to take victims [members of the Bogujevci family] to Belgrade in order to testify before a court which does not dispense justice, is a grave violation of victims' rights.

Statement: Sheremet Ademi, Kujtimi Association, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

We always support the idea that the truth must be known and that all these perpetrators should be brought to justice to be properly punished because without that there can be no life together, nor can there be cooperation. The truth must be told and we can start from there and determine who should apologize to whom for all crimes that had been committed.

Statement: Hysni Berisha, Shpressimi Association, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština,

Kosovo, October 28th - 29th 2008.

The needs of the victims The Association of missing Albanians and the association of the families of missing Serbs agree that solving the fate of the missing should be the top priority in the whole process.

The problem of missing persons in Kosovo, and I am talking about the vast majority of missing persons who can be tracked in Serbia, has been created as such and it remains a political problem. The government of Serbia can be the key factor in revealing the fate of the missing and help overcome a huge barrier in the process of achieving cooperation and a peaceful co-existence in this region.

Statement: Ramë Manaj, deputy Prime Minister of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

One of the most serious consequences plaguing the Kosovo society in the aftermath of the conflict, as we have stressed a number of times here today, is the failure to reveal the fate of those kidnapped and missing, those who have not been found, and the greatest injustice of all is that it goes on, that pain, that endless pain.

Statement: Ramë Manaj, deputy Prime Minister of the Republic of Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

I publicly appeal to the representatives of Albanian victims to help us free our loved ones and help them come back to their families if they are still alive. We demand answers from those who eye-witnessed these kidnappings and who are in the institutions of the Kosovo government. Albanian families know what it means to have their 2,108 loved ones released (...) many of whom had been sentenced with legally binding decisions. For that reason we ask why there is no justice for Serbian victims, too, and why no one speaks about their plight, and also why the missing persons work group meet behind closed doors.

Statement: Snežana Zdravković, Association of the families of the kidnapped and murdered in Kosovo and Metohija, Serbia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

And I beg you, I appeal to you to make a joint effort and ask the international community to help us pressure the government of Serbia because they know the truth, they know what happened to both the Albanians and the Serbs in Kosovo during the period of war

Statement: Haki Kasumi, Coordinating Committee of the families of missing persons in Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, on October 28th - 29th 2008.

Even ten years after the war, the problem of the kidnapped and missing persons in Kosovo and

Metohija which began long before the war with the kidnapping of civilians and which went on even after the war and the arrival of the international community to Kosovo, has not yet been solved.

Statement: Aleksandar Stojanović, Civil Society Development Center, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

Victims need to feel compassion, they need their voice to be heard, and they want perpetrators identified and punished.

It is necessary to create a unique public platform for victims and their family members where they can tell their stories, unburden their souls and not waste a second. They cannot bring their lost family members back, and the least they can be allowed to do is to provide place and time for them to tell about their grief. Another pressing need they feel is to see the perpetrators identified as soon as possible and properly punished, so that the souls of those who are gone can rest in peace and those who survived them can finally have closure. Another issue important for all of them, all victims and victims' family members from all parts of former Yugoslavia alike, is to show empathy and compassion for each other for what happened to them, because crimes of that proportion are horrible regardless of where they happened.

Statement: Shukrie Gashi, Partners Kosova, Fourth Regional Forum for Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

Establishment of the Coalition for RECOM The Initiative for RECOM is positive but it is too early for the families of the missing Albanians to join the Coalition.

The position of the Coordinating Council of the association of the families of the missing [in Kosovo] is to consider the idea or the initiative launched by HLC and supported by civil society and individuals as a positive idea which is highly appreciated and which is entirely acceptable. However, having in mind the specific situation prevailing at the moment within civil society in Kosovo, with a focus on the majority community in Kosovo, we believe, although fully respecting it for its humanity and goals, that the initiative is still premature. The Coordinating Council decided not to impede this initiative in any way, to find a way to get involved in it and even welcome it somehow, but without being a part of it for now. It is necessary to give it mature and careful consideration without rushing into any decisions. It is necessary to obtain permission from victims' family members who are affected, and who should agree on whether it is a good time to join the initiative or not.

Statement: Haki Kasumi, Coordinating Committee of the families

of missing persons in Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština on October 28th - 29th 2008.

Not a single association so far, except for one individual from whom the Association has distanced itself, has joined the Coalition.

Statement: Haki Kasumi, president of the Coordinating Committee of the families of missing persons in Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, on October 28th - 29th 2008.

Give us enough time and space to analyse it, to study it, and please do not think that it is just a signature, a stroke of a pen that can create a coalition, because that coalition will be ignored in practice by the victims of war, by associations, and if you present here today believe that it is not important, then by all means, go on without us, find the facts, protect the crime, and continue doing things the old way.

Statement: Sheremet Ademi, Kujtimi Association, Kosovo, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

Our wounds are still fresh, the fear is still in us, we are being pressured from all sides, there is rejection and denial. These are the obstacles making people unable to move forward. That is why I ask you to allow more time to groups from the territory of the former Yugoslavia to discuss this issue individually and with other civil society groups, to examine all aspects and then opt for or against joining this initiative.

Statement: Shukrie Gashi, Partners Kosova, Kosovo, Fourth Regional Forum for Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

The Advisory Board of the Missing Persons Institute in BiH decided that no association should join the Coalition but some refuse the decision made on their behalf.

The Counselling Committee of the Missing Persons Institute in BiH does not endorse this Coalition dealing with the missing persons issue and not a single association from Bosnia and Herzegovina, I say it openly and with full responsibility here, is mandated to formally join the Coalition.

Statement: Zvonimir Kubinek, Advisory Board of the Missing Persons Institute, BiH, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

Counselling Committee of the Missing Persons Institute in BiH – this decision was announced by the Bosnian media, so this is what I know, I can say names, so it means it came from the people from the Institute, the Board of Directors (...) So they gave instructions to present this as a concept not enjoying support in Bosnia and Herzegovina. It does enjoy support in Bosnia and Herzegovina, and I think that not a single family or association,

which is given a detailed account of possible effects of the concept, will be against it.

Statement: Edin Ramulić, Association of Women from Prijedor Izvor, BiH, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

I believe that it is very useful to organize a coalition which would help establish the coalition for fact-finding, or better to say - locating the truth about the events in the former Yugoslavia. I think that these facts cannot only be used to track war criminals, war crimes, and everything else ensuing as a consequence, but also for compiling school text books so that we do not end up teaching our children a number of various truths.

Statement: Emsuda Mujagić, Srcem do mira Association, BiH, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

It is important that as many victims' associations and associations of the families of homeland defenders get involved and I would say that media and even scientific institutions should also be included in an attempt to exert as strong a pressure as possible and eventually, one day - which I know is not anywhere in the near future, achieve that maybe national parliaments start considering the idea to establish a Regional Commission.

Statement: Tin Gazivoda, Human Rights Center, Croatia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

The Association of the families of the missing and detained from Croatia was the first to join the Coalition.

Statement: Mirko Kovačić, Mothers of Vukovar Association, Croatia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.

The Coalition for RECOM was established at the Fourth Regional Forum on Transitional Justice held in Prishtinë/Priština on October 28th - 29th 2008. It is tasked with conducting a debate on the mandate, goals, and other aspects of RECOM's activity.

At this moment, at the moment the Coalition for RECOM is officially established, we open the debate on the character and the mandate of the regional commission hoping that the entire consultation process can enable us, a civil society coalition, to define the character and the mandate of the regional commission, to establish all necessary elements which can help in our approach to the governments in the region and in our address to national parliaments to ask them to vote for the establishment of the regional commission.

Statement: Nataša Kandić, Humanitarian Law Center, Serbia, Fourth Regional Forum on Transitional Justice, Prishtinë/Priština, Kosovo, October 28th - 29th 2008.