



Fond za humanitarno pravo
dokumentovanje i pamćenje

Humanitarian Law Center
Documentation and Memory

HLC 2009 Activity Report

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Mission

HLC helps post-Yugoslav to establish the rule of law and accept the legacy of massive violations of human rights in order to establish the criminal responsibility of perpetrators, satisfy justice and prevent their repetition.

Introduction

There has been no progress in Serbia in 2009 in creating a favourable societal climate for dealing with the gruesome legacy of crimes committed on behalf of the Serbian people on the territory of the former Yugoslavia.

An opportunity was created for Serbia to start a public debate on the crimes committed by the Serbian forces during the 1990s when in February 2009 ICTY sentenced five top military and police officials of the Republic of Serbia to long prison sentences for crimes committed against Albanian civilians in Kosovo in 1999. Serbia missed this opportunity because, except for some politicians who found the sentence too harsh or unjust, a significant public reaction was virtually non-existent. The unwillingness of institutions to admit responsibility for the crimes committed against other nations is best illustrated by the statement of the Republic of Serbia Foreign Affairs Minister Mr. Vuk Jeremić in which he deftly avoided the use of the word ‘crime’ and referred to the mass murder of thousands of Kosovo Albanians as ‘difficult issues’.¹

After the European Parliament adopted a Resolution on marking the crime of genocide in Srebrenica in February 2009, HLC, together with other human rights organizations, called upon the institutions of the Republic of Serbia to adopt a resolution declaring July 11th a day of remembrance dedicated to the Srebrenica genocide. The Serbian institutions ignored this proposal. The President of the Republic of Serbia refused to meet with representatives of human rights organizations on several occasions. For that reason these organizations gathered on the 11th day of each month throughout 2009 in front of the Presidential Palace to read their request that July 11th be declared a remembrance day in Serbia dedicated to the victims of the Srebrenica genocide.

In 2009 the Humanitarian Law Center (HLC) and its Executive Director were exposed to various threats and pressures because of their efforts to establish the truth and hold accountable those responsible for crimes committed in the past. After the HLC had filed a criminal complaint against 17 members of the Special Police Unit of the Ministry of the Interior of the Republic of Serbia (PJP MUP) in March 2010 for crimes committed against Kosovo² Albanians and after the HLC Executive Director had publicly announced that among the suspects are some of the high officials of the Independent Police Union, Eleven high officials of the Independent Police Union filed nine defamation lawsuits requesting compensation from HLC and its Executive Director.

Judgments of the War Crimes Trial Chamber of the Belgrade District Court in the Suva Reka, Bytyqi, and Ovčara cases as well as the protective attitude of the Office of the War Crimes Prosecutor and the Ministry of the Interior of the Republic of Serbia with respect to members and officers of the Serbian military³ and the police suspected to have committed the most serious

¹ Interview with Mr. Vuk Jeremić, Večernje Novosti, March 4th 2009.

² See: 2.3.

³ Ibid

crimes against members of the non-Serbian population, created serious misgivings about the capacity of Serbian institutions to help establish the facts and bring justice to victims of war crimes and their families.

However, despite the unfavourable societal context, in 2009 HLC implemented activities aimed at establishing transitional justice in compliance with its programme:

- I. In 2009 HLC continued to advocate the idea of establishing a Regional commission for establishing the facts about war crimes and other serious violations of human rights on the territory of the former Yugoslavia (RECOM). Together with other members of the Coalition for RECOM (CORECOM), HLC implemented a public debate on the RECOM model within the civil society and local communities in post-Yugoslav states. In 2009, 480 victims' association, veteran associations, human rights organizations, youth organizations, and other civil society representatives, and individuals joined the Coalition for RECOM. There were over 2,000 participants in the public debate on the model of RECOM. They gave their opinions and suggestions about the mandate of RECOM, the way RECOM should treat war crimes perpetrators, about RECOM commissioners, RECOM structural scheme, etc. Mr. Pierre Mirel, Director of the European Commission's DG Enlargement Unit for Albania, Bosnia and Herzegovina (BiH), Serbia, and Kosovo lent strong support to the Initiative for RECOM.
- II. HLC also continued working on the Record of the killed and missing in Kosovo in the period from January 1998 to December 2000 (Record). A total of 13,681 killed and missing persons from that period were registered in the Data Base by the end of December 2009. Based on a research conducted in Kosovo and in Serbia, HLC registered 1,126 persons who had never been mentioned in any official reports until then and also completed files on 5,747 persons who had been previously registered with new information. HLC and HLC Kosovo organized 15 public presentations of the interim progress of the Record in Kosovo and in Serbia which were attended by over 1,800 members of the families of the killed and missing persons who were able on these occasions to search the Data Base and check information about their loved ones. In order to reach those people who have never received any information about their family members who were killed or missing, HLC produced a TV and radio clip "So that People remember People" which was aired on over 10 media outlets in Serbia, Montenegro, and in Kosovo. HLC continued activities concerning the creation of the Kosovo Memory Book and 1,027 entries were made describing the fate of 1,454 persons who died, who were killed, or went missing in 17 Kosovo municipalities.
- III. In January 2009 HLC started creating an individualized register of the citizens of Serbia and Montenegro who lost their lives during the armed conflicts in Slovenia, Croatia, and BiH in the period 1991-1995. By the end of 2009, based on the statements given by family members and other relevant materials, HLC registered 1,216 citizen of Serbia and Montenegro who were killed, died, or disappeared in that period in Slovenia, Croatia, and BiH. In addition, HLC registered 608 citizens of other former Yugoslav republics and 1,233 persons whose citizenship has yet to be established.

- IV. HLC continued entering and analysing data in its War Crimes and Human Rights Violations Data Base (Data Base). During the reporting period a total of 6,947 documents were entered into the Data Base (witness statements and statements of family members, trial reports, publications, court documents etc). Based on the analysis of the documents entered in 2009, HLC analysts were able to create files on 3,058 victims, 19 perpetrators, and 1,311 witnesses in the Data Base.
- V. The HLC team tasked with the ICTY archives transfer continued its work on recording ICTY trials and making copies of court documents. In 2009 a total of 1,956 trial days were recorded and 17,437 exhibits and other court documents were copied. By the end of December 2009 HLC made copies of approximately 83% of all court sessions held before the ICTY.
- VI. HLC archived printed materials and audio-video documentation. HLC archived a total of 1,408 documents in printed form (witness statements, court decisions and various other court documents, newspaper clippings, etc.) and 7,235 CDs containing audio-visual materials (trial sessions and exhibits demonstrated during trials held before the ICTY, TV programmes video clippings, video recordings of consultations and forums conducted within the framework of the RECOM consultation process, various meetings, conferences, film excerpts etc.).
- VII. HLC extended its support to victims attempting to exercise their right to justice and reparations. HLC Executive Director and HLC lawyers represented victims in six trials of persons charged with war crimes and other serious criminal acts committed in the context of the armed conflict waged on the territory of the former Yugoslavia conducted before war crimes trial chambers in Serbia. HLC filed a criminal complaint against war crimes perpetrators in Kosovo. Members of the HLC monitoring team monitored 17 war crimes trials and informed the public regularly about their findings.
- VIII. HLC lawyers represented 140 victims of war crimes and other serious human rights violations in compensation lawsuit trials held in Serbia, Montenegro, and Kosovo. In addition, in order to help the victims of human rights abuses advocate for their right to reparations, HLC offered its expertise in the process of creating the *Association for the protection of the rights of the forcefully displaced residents of the Priboj municipality* and helped organize two meetings of the representatives of this Association with representatives of the Priboj Municipality and Members of the Serbian Parliament.
- IX. HLC expanded its ICTY trial transcript collection in BCS languages. HLC transcribed 144 trial days in 5,544 A4 size pages in the following cases: 59 trial days in the Haradinaj et al. Case, 43 days in the Limaj et al. Case, and 42 trial days in the Gotovina et al. Case.
- X. HLC used press releases, press conferences, reports, conferences, its website, and various publications to inform the public, institutions of the Republic of Serbia, countries in the region, media outlets, international government and NGOs about its activities and topics critical for the establishment of the transitional justice in the region. HLC published a total of 97 press releases, two reports, and two issues of the Transitional Justice Forum, held one press conference and five seminars.
- XI. HLC Board of Directors held two meetings in 2009 and adopted the 2008 programme implementation and financial reports, programme and budget proposal

for 2009 and amendments to the HLC Statute. In the period August 27-29, 2009 the HLC team convened for a strategic planning session including the HLC vision and mission for the period 2011-2013.

- XII. In October 2009 HLC moved to a new address: Dečanska 12, Belgrade. HLC is able to better organize and preserve its archives in the new premises. The additional refurbishment of the premises will facilitate better access to the HLC library and easier implementation of educational programmes for high school and college students on transitional justice.
- XIII. In December 2009 HLC received recognition for its work on establishing transitional justice from the *Schwarzkopf Stiftung* in Berlin. HLC Executive Director was awarded the *Schwarzkopf Europe Prize* together with Vesna Teršelič, Director of *Documenta* from Zagreb, Croatia and Mirsad Tokača, Director of the *Research and Documentation Center* from Sarajevo. *Schwarzkopf Stiftung* also honoured HLC's Deputy Executive Director, Sandra Orlović, with the *Young European of the Year* award.

1. Research, documentation, and memory

In 2009 HLC continued its activities on the creation of an individualized register of human losses in Kosovo, BiH, Croatia, and Slovenia. HLC conducted research and collected relevant documentation on war crimes and other serious human rights violations committed on the territory of the former Yugoslavia. These materials were stored in the HLC archive and entered and analysed in the Data Base. In addition, HLC continued writing the *Kosovo Memory Book*.

1.1. Human losses in the period 1991-1995 and 1998-2000

After the end of the wars waged on the territory of the former Socialist Federal Republic of Yugoslavia (SFRJ) in which over 130,000 persons lost their lives, successor states to the SFRJ failed to compile a comprehensive individualized register of human losses. Due to the absence of accurate data, political manipulation of the number of victims has been widespread giving rise to myths about the recent past which only contribute to an even deeper lack of understanding and trust among the nations of the Western Balkans.

Based on the premise that a record of human losses on a name-by-name basis can prevent political misuse and create a favourable recording of the past, HLC began creating a record in 2005 of human losses in Kosovo between January 2008 and December 2000. In January 2009 HLC created a register of the citizens of Serbia and Montenegro who were killed, died, or disappeared in the wars in Slovenia, Croatia, and BiH⁴.

HLC researchers interview witnesses/victims' family members. They also analyse court documentation from the ICTY and domestic courts, official reports, reports of domestic and international government and NGOs, as well as data obtained from victims' associations, publications, newspaper articles, etc, in order to collect data on human losses.

⁴ In June 2007 Research and Documentation Center (IDC) from Sarajevo, BiH, published a register of human losses from the war in BiH. In January 2009 Documenta, Zagreb, started making a list of Croatian citizens who had lost their lives in the course of the armed conflict in Croatia.

1.1.1. Register of the killed and missing in Kosovo in the period 1998 – 2000

In 2009 HLC researchers and HLC Kosovo continued interviewing witnesses and victims' family members and acquiring relevant documentation in order to obtain information about the persons who were killed, died, or disappeared during the armed conflict in Kosovo and immediately after the arrival of international forces in Kosovo.

HLC researchers interviewed 532 witnesses and family members and obtained information about the circumstances of the killing, death, or disappearance of 811 persons. In addition, researchers collected 373 documents and 791 photographs, 588 of which are photographs of victims, which allowed them access information about over 6,000 persons who lost their lives in Kosovo in the period 1998-2000.

1.1.1.1 Research in Serbia

HLC researchers interviewed 305 witnesses and family members of Serbs, Roma, Bosniaks, Montenegrins, and other non-Albanians who were killed, died, or disappeared in Kosovo in the period 1998-2000. From these statements, HLC researchers collected information on 349 persons who were killed, died, or disappeared in the municipalities of Đakovica/Gjakovë, Suva Reka/Suharekë, Gnjilane/Gjilan, Uroševac/Ferizaj, Obilić/Obiliq, Klina/Klinë, Štimlje/Shtime, Mališevo/Malishevë, Glogovac/Gillogoc, Kačanik/Kaqanik, Orahovac/Rahovec, Srbica/Skenderaj, Mitrovica/Mitrovicë, Kosovo Polje/Fushë Kosovë, Priština/Prishtinë, Istok/Isotg, Prizren, Vučitrn/Vushtrri, Gora/Dragash, Štrpce/Shtërpce, Podujevo/Podujevë, and Dečani/Dečan.

From a number of interviews, HLC researchers were able to extract information on 312 Serbs, nine Roma, seven Hungarians, five Bosniaks, three Croats, three Montenegrins, two Ashkali, one Bulgarian, one Russian, one Yugoslav, one Ruthene, one Slovak, and one Czech national.

During the research, they also conducted 272 documents (certificates, death certificates, newspaper clippings etc.) and 281 photograph (photographs of victims, tomb stones, etc.).

1.1.1.2. Data entry

HLC entered 1,823 new documents into the Data Base concerning killings, deaths, and disappearances in Kosovo in the period 1998-2000 (witness statements, exhibits from the trial of Slobodan Milošević before the ICTY, various certificates, magazines, books, death certificates, etc.) along with 1,567 photographs, of which 988 are photographs of victims and 579 photographs of tomb stones, crime scenes, photographs taken during exhumations etc.

Further, 1,528 documents (which had been previously scanned in the HLC archives) were entered into the Data Base in *pdf* format.

1.1.1.2 Document analysis: creating new victim files & adding information to existing files

HLC researchers analysed over 1,500 documents and based on their findings they created 1,126 new victim files⁵ and made additions to 5,747 existing victim files. By analysing these documents HLC researchers concluded that 892 victims have been registered twice. All of these multiple entries were removed.

There were 1,025 Albanian victims registered for the first time, 68 Serbian victims, and 33 victims of various nationalities or unknown nationality.

⁵ HLC has had no prior information f these victims.

1.1.1.3 Kosovo Memory Book

HLC continued writing short summaries about all persons who lost their lives in Kosovo in the period January 1st 1998 to December 31st 2000 which will be published as part of the Kosovo Memory Book. These summaries contain information about the place and date of birth, address, ethnic background, occupation, marital status, as well as the circumstances surrounding the death of each victim.

Based on the analysis of 1,441 documents, HLC researchers wrote 1,021 draft summaries which detail the fate of 1,454 victims from the following municipalities: Peć/Pejë, Dečani/Dečan, Istok/Istog, Gnjilane/Gjilan, Prizren, Srbica/Skenderaj, Vučitrn/Vushtri, Podujevo/Podujevë, Priština/Prishtinë, Obilić/Obiliq, Lipljan/Lipjan, Klina/Klinë, Štimlje/Shtimje, Suva Reka/Suharrekë, Glogovac/Gllogoc, Mališevo/Malishevë, and Uroševac/Ferizaj.

Among others, HLC analysts wrote summaries on the victims of mass crimes committed in Gornje Obrinje/Obri e Emprme (September 26th 1998 and April 8th 1999), Kraljan/Kralan (April 2nd 1999), the town of Đakovica/Gjakovë (April 1st 1999), Pusto Selo/Pastasellë (March 31st 1999), the town of Orahovac/Rahovec (July 17th – 21st 1998), Celini/Cellinë (March 25th and 26th 1999), Koljić/Kolliq (April 19th 1999); Staro Čikatovo/Qitakovë e Vjetër (May 1st 1999), the town of Prizren (May 1st 1999); Gornje Sudimlje/Studime e Eperme (May 13th 1999), Lužan/Luzhan (May 1st 1999), Meja/Mejë (April 27th 1999), etc.

Also, in this reporting period HLC analysts made additions to 160 draft summaries describing the fate of 473 victims.

From the time they first started creating the Kosovo Memory Book, HLC analysts wrote a total of 5,091 draft summaries⁶ detailing the fate of 10,206 victims, which is 74,59% of the total number of victims registered in the Data Base until December 2009 [13,681] victims⁷.

1.1.1.5. Public verification of the results of the Record of the killed and missing in Kosovo⁸

In 2009 HLC and HLC Kosovo organized 15 public presentations of the results collected within the project known as the Record of the killed and missing in Kosovo. Presentations were held in Suva Reka/Suharrekë, Orahovac/Rahovec, Velika Kruša/Krusha e Madhe, Lipljan/Lipjan, Đakovica/Gjakovë, Meja/Mejë, Srbica/Skenderaj, Izbica/Izbicë, Glogovac/Gllogoc, Prizren/Prizren, Peć/Pejë, Kosovo Polje/Fushë Kosovë, Obilić/Obiliq, Belgrade, and Vučitrn/Vushtri.

⁶ The final document will have a number of summaries which is different than the number obtained by a simple addition of the data from monthly reports because following further reviews some memos will be combined in one.

⁷ Number of victims according to national groups and status is contained in the Annex I.

⁸ Presentations in Albanian and Serbian languages and the video recording of the presentation can be found at: www.hlc-rdc.org



Presentation in Prizren/Prizren on October 28th 2009

These presentations were attended by over 1,800 victims' family members. During the first part of the presentation, the HLC team presented the statistical overview of the results of the Record. In the second part, family members were able to check the data about their loved ones in the HLC Data Base for accuracy and authenticity.

Thanks to the public presentations of the HLC Data Base, HLC and HLC Kosovo were able to obtain information on 686 victims, 36 of whom had not previously been registered in the Data Base. Victims' family members gave 774 photographs and 255 documents to the HLC team. HLC produced short video recordings from five such presentations which can be found on the HLC website.

Shortly after the TV and Radio spot For People to Remember People was had been aired by different TV and Radio stations in Serbia, Montenegro, and in Kosovo, over 100 family members contacted the HLC and HLC Kosovo and provided additional information about the circumstances surrounding the killing, death, and the disappearance of their loved ones.

1.1.2. Register of citizens of Serbia and Montenegro killed and missing in Slovenia, Croatia, and BiH 1991-1995

On January 1st 2009 HLC started creating an individualized Register of the citizens of Serbia and Montenegro who were killed, died, or disappeared in the armed conflicts in Slovenia, Croatia, and BiH in the period 1991-1995.

1.1.2.1. Research

HLC researchers interviewed 117 witnesses and victims' family members of killed and missing persons in conflicts in Slovenia, Croatia and BiH. In this way 149 citizens of Serbia and Montenegro who lost their lives in the armed conflicts on the territory of the former Yugoslavia in the period 1991-1995 were registered. At the same time HLC researchers collected 111 documents (certificates issued by the Yugoslav Army (VJ) on the circumstances surrounding the death of VJ soldiers, death certificates, copies of personal documents, etc.) and 120 photographs of victims and tomb stones.

HLC researchers reviewed 3,418 editions of daily newspapers⁹, magazines, and publications of the Yugoslav National Army (JNA) and the Army of the Federal Republic of Yugoslavia (SRJ)¹⁰ as well as weekly magazines¹¹ and made clippings of 2,657 articles and 2,327 obituaries of killed soldiers, reservists, volunteers, and civilians on which basis 1,099 citizens of Serbia and Montenegro that perished in conflicts between 1991 and 1995 were registered.

1.1.2.2. Making entries into the War Crimes Data Base

The HLC team tasked with compiling the Register of the citizens of Serbia and Montenegro who were killed, died, or disappeared in the armed conflicts in Slovenia, Croatia, and BiH in the period 1991-1995 entered 5,273 documents into the Data Base in 2009. Most of these documents are statements of witnesses and family members, news clippings, and clippings from JNA publications, and documents obtained from the family members of the killed or missing (books, certificates, death certificates, obituaries, witness statements, etc.).

Also, in the reporting period, HLC analysts entered 1,914 documents in the jpg and pdf format (death certificates, certificates, photographs, and other documentation).

1.1.2.3. Document analysis: creating new victim files & adding information to existing files

HLC researchers analysed over 2,300 documents¹² which enabled them to create 2,449 new files on persons who lost their lives in the war conflicts in Slovenia, Croatia, and BiH and also helped them make additions to 468 previously created files.

According to the citizenship¹³ of persons registered by the HLC for the first time in 2009, 1,216 were citizens of Serbia and Montenegro, and for 1,233 persons it was not possible to establish with certainty from which former SFRJ republic they came. Files of 377 citizens of Serbia and Montenegro and files of 91 persons whose citizenship was not established were updated with new data in 2009.

1.2. Mapping war crimes and possible war crimes perpetrators

HLC focussed on researching war crimes that were committed by members of the 37th Special Police Battalion in Kosovo. Researchers documented 36 war crimes, in which dozens members of

⁹ *Politika, Večernje Novosti, and Politika Express.*

¹⁰ *Narodna Armija, Vojska, Front, Vojnoistorijski Glasnik, Dobrovoljački Glasnik, Glasnik RV and PVO, and Vojni Glasnik.*

¹¹ *Duga and Monitor.*

¹² Based on the analysis of these documents, HLC registered 608 citizens of other SFRJ republics and one Canadian citizen who were killed, died, or disappeared during the war conflicts in Slovenia, Croatia, and BiH and made additions to 143 citizens of other SFRJ republics.

¹³ Former SFRJ citizens were at the same time citizens of one of the six republics.

the PJP battalion participated, among which 16 have been identified. HLC submitted a crime report against these individuals on March 3rd 2009 to the Office of the War Crimes Prosecutor. On March 13th 2009 the War Crimes Prosecutor filed a request to begin an investigation and ten days later an investigating judge from the War Crimes Chamber opened an investigation. Apart from that, researchers, using data gathered under the Human Losses in Kosovo project and the Hague Tribunal Transcripts project, created more than 100 files on individual crimes and suspected war crimes perpetrators and three dossiers on locations of mass crimes.

1.3. Transfer of the ICTY Archive

The Humanitarian Law Center's *Hague Archives Transfer Team* (HATT) was formed in February 2005. Since then the HATT has recorded completed trials or trials still underway before this Tribunal, made copies of exhibits and other court documentation available to the public. In this way HLC makes it possible for offices of the war crimes prosecutors, researchers, journalists, victims, victims' family members, and all those individuals in the region interested in this topic to have easy access to the ICTY archives.

In 2009 the HATT recorded 1,956 trial days¹⁴ and made copies of 17,437 exhibits and other court documents. In order to properly preserve them and create copies necessary for transcribing, The HATT made copies of 216 trial days on 672 DVDs in the reporting period.

To date HLC has made copies of over 83% of all court sessions held before the ICTY. Copies have been made of as many as 6,284 trial days in 50 cases¹⁵ tried before the Tribunal and 88,544 exhibits and other court documents from 29 cases.¹⁶

1.4. Preserving documentation on war crimes and other serious human rights abuses

Ever since it was founded in 1992, HLC continued collecting and preserving documentation on war crimes and other serious human rights violations. In January 2005 HLC began entering these documents into the electronic War Crimes Data Base and in December. That same year HLC created its Archive where hard copies of these documents about war crimes are professional organized and preserved.

1.4.1. War Crimes Data Base

The War Crimes Data Base is the most important instrument enabling HLC to preserve, organize, and analyse documentation on war crimes and other serious human rights violations. Based on the analysis of these documents, HLC researchers/analysts create files on victims of war crimes and other serious human rights violations, on perpetrators, witnesses, micro-locations of crimes, etc.

In 2009 HLC entered into the Data Base a total of 6,947 documents¹⁷, 1,086 of which were generated by HLC's research teams (HLC is the primary source for witness statements,

¹⁴ In the reporting period HLC also made copies of 442 trial days in 11 cases which had been recorded earlier in an inadequate format.

¹⁵ The list of recorded trial sessions categorized by case names can be found in Annex II.

¹⁶ Milošević S, Krajišnik M, Martić M, Limaj et al, Orić N, Krstić R, Blagojević and Jokić, Krnojelac M, Kunarac and Kovač, Stakić M, Galić S, Brđanin R, Simić B, Vasiljević M, Tadić D, Kvočka et al, Sikirica et al, Mrkšić et al, Dokmanović S, Halilović et al, Strugar P, Blaškić T, Naletilić i Martinović, Jelisić G, Milošević D, Haradinaj et al, Milutinović et al, and Popović et al.

statements of victims' family members, trial reports, publications, etc.), 344 court documents (ICTY documents and documents generated by the courts in the region) and 5,527 documents from other sources¹⁸.

Based on the analyses of documents entered into the Data Base in 2009, HLC researchers/analysts formed files of a total of 3,058 victims, 19 perpetrators, and 1,311 witnesses.

1.4.1.1. Contents of the HLC War Crimes Data Base

From the moment HLC started analysing and entering the data into the Data Base in January 2005, a total of 27,999 documents were entered, 11,074 of which are documents whose primary source is HLC or HLC Kosovo (9,518 witness statements, 770 trial reports, and 786 other documents); 1,643 whose primary source is ICTY¹⁹, 8,954 court documents from war crimes trials conducted before courts and war crimes trial chambers across the region in the period from 1990 until the end of 2009 and 6,337 documents from other sources.

By the end of 2009, based on the analysis of 9,759 documents from the Data Base, the HLC research team had created 22,209 files on victims of war crimes and other serious human rights violations committed on the territory of the former Yugoslavia, they were able to identify 3,456 incidents (violations of the international humanitarian law, violations of international human rights conventions, etc.) and 970 micro-locations of incidents.

Out of the total number of victims registered in the Data Base, 16,975 (80%) are victims of human rights violations in Kosovo in the period 1997-2003 while 5,313 (20%) are victims of the war conflicts in Slovenia, Croatia, and BiH.

Out of the total number of victims registered in the Data Base, there are photographs of approximately 4,500 victims.

When categorized according to the type of human rights abuses, most victims are victims of murder, disappearance, and kidnapping (over 85%), torture, beating, deportation, forced displacement,

rape, illegal imprisonment, infliction of bodily injuries, etc.

Information on persons who lost their lives on the territory off Serbia, Montenegro, Albania, and Macedonia as well as information on people who died due to an exposure to circumstances directly connected to the war conflict (death caused by the lack of water, food, medicine, death caused by hyperthermia) are also preserved in the HLC War Crimes Data Base, along with information on those who lost their lives due to a self-infliction of wounds. To date, HLC has registered 257 victims belonging to these categories.

¹⁷ Most of these documents were acquired through the activities conducted in an effort to compile materials for the Census of the killed and missing in Kosovo, BiH, Slovenia, and Croatia and through war crimes trials monitoring.

¹⁸ Medical documentation, victims' photographs, photographs of tomb stones and buildings, book, official notes, death certificates, documents obtained from various non-governmental organizations, regional and inter-state bodies, inter-governmental organizations, expert teams etc.

¹⁹ 411 transcripts of trials conducted before the ICTY, 303 statements taken in compliance with the 92bis Rule, 820 exhibits (documents, photographs, video-recordings, maps, etc.) and so on.

1.4.2. HLC Archives

In the reporting period a total of 1,408 printed documents were entered into the HLC Archives, 720 of which are witness statements, 16 indictments, 37 court decisions/judgments, 80 live notes from main hearings, 21 live not from the questioning of the accused, 66 live notes on the hearing of witnesses, 17 trial reports, 28 trial transcripts, 18 newspaper articles, and 405 other documents.

A total of 7,235 DVDs of audio-visual materials were archived, too, 5,123 of which contain recordings from 1,813 trial days from trials held before the ICTY, 15,937 exhibits in the DVD format, and 1,535 DVDs with clips from various TV programmes, recordings of consultations and forums on the Initiative to create RECOM, meetings, conferences, films, etc..

In March 2009 HLC archivists started cataloguing the video documentation²⁰ and by the end of 2009 245 videos – TV programmes/documents lasting for 178 hours were catalogued.

1.4.2.1. Content of the HLC Archive

Starting in December 2005, when the documentation archiving process began, over 85 meters of printed documentation, 29,735 discs (CDs and DVDs), 690 video cassettes, and 210 audio cassettes have been stored in the HLC Archive. All of these documents are classified according to their contents into 22 different archiving funds²¹.

1.4.3. Documentation Digitization

In order to preserve the archive materials and secure an easier access to the documentation, in June 2007 HLC started the digitalization process of the printed documents stored in its Archives. To date 8,828 printed documents have been digitized in 65,538 A4 size pages, which represents roughly 50% of the printed materials stored in the HLC Archives.

In the period January-December 2009, HLC document digitization team scanned and entered into the Data Base a total of 2,110 documents on 24,449 pages.

2. Justice and Institutional Reform

In 2009 HLC provided support to victims in exercising their right to justice and reparations. HLC Executive Director and HLC lawyers represented victims in a number of war crimes trials and they filed one criminal complaint against perpetrators of war crimes committed in Kosovo. At the same time, HLC lawyers continued representing victims of war crimes and other serious human right violations in several compensation lawsuits. In 2009 HLC observers continued monitoring war crimes trials and informed the public regularly about their findings.

2.1. Representing victims in war crimes trials

In the reporting period, the HLC Executive Director and HLC lawyers acted as representatives of victims of war crimes and victims of other serious human rights violations and their families

²⁰ Each of these documents is entered into the Data Base under a specifically assigned number which enables users to search the Data Base.

²¹ The list of funds can be found in Annex III.

which occurred in conjunction with the war conflict in six cases tried before the War Crimes Trial Chamber of the Belgrade District Court (Zvornik II Case, Podujevo II Case, Lovas Case, Suva Reka Case, and the Bytyqi Case) and in one case tried before the District Court of Niš Trial Chamber (Isa Emini murder case). In 2009 there were 100 trial days combined in all of the above trials, during which 113 witnesses were heard, 32 of which are victim-witnesses and three are court appointed experts.

HLC facilitated the arrival of 29 victims' family members and five journalists from BiH, Kosovo, and Croatia who monitored the trials before the War Crimes Trial Chamber of the Belgrade District Court and before the Trial Chamber of the District Court of Niš.

The HLC Executive Director walked away from the trial of two MUP Serbia members conducted before the War Crimes Trial Chamber of the Belgrade District Court on June 9th 2009²² because of a blatant obstruction of justice by the Office of the War Crimes Prosecutor and the Ministry of the Interior (MUP) of the Republic of Serbia (RS) which prevented the establishment of the facts in the Bytyqi brothers murder case (Agron, Mehmet, and Yllija Bytyqi).

2.2. War Crimes Trial Monitoring²³

In the reporting period, HLC observers monitored trials in 17 cases tried before courts in Serbia, Croatia, Montenegro, and in Kosovo. They monitored a total of 116 trial days.

2.2.1. War Crimes Trial Monitoring in Serbia

In 2009 HLC observers monitored war crimes trial in the following cases: *Tuzlanska kolona/Tuzla Column* (Ilija Jurišić), *Zvornik 3* (Goran Savić and Saša Čilerdžić), *Banski Kovačevac* (Pane Bulat and Rade Vranešević), *Škorpioni/Scorpions* (Aleksandar Medić), *Grubišno Polje* (Boro Trbojević), *Ovčara* (Damir Sireta), *Gnjilanska grupa/the Gnjilane Group* (Fazli Ajdari et al.), *Stara Gradiška* (Milan Španović), *Medak* (Milorad Lazić et al.), *Orahovac and Opteruša* (Sinan Morina), and *Stari Majdan* (Nenad Malić) tried before the War Crimes Trial Chamber of the Belgrade District Court; *Kušnin Case* (Zlatan Mančin et al.) tried before the Trial Chamber of the District Court of Niš, and *Orahovac Case* (Boban Petković and Đorđe Simić) tried before the District Court of Prizren situated in Požarevac. First-instance decisions were handed down in the *Tuzlanska kolona/the Tuzla Convoy*, *Ovčara*, and *Stari Majdan* cases, while the decisions in the *Grubišno Polje*, *Škorpioni/Scorpions*, and *Slunj* cases (Zdravko Pašić) became legally binding in the reporting period.

HLC observers monitored a total of 90 trial days during which nine court-appointed experts and 133 witnesses were heard, 29 of which were victim-witnesses, 10 protected witnesses, and two were witness-collaborators. HLC observers compiled a short report on each trial session.

2.2.2. War Crimes Trial Monitoring in Montenegro

Three war crimes trials were initiated in Montenegro in 2009 before specialized trial chambers tasked with dealing with cases of organized crime, corruption, terrorism, and war crimes in the

²² Nataša Kandić leaves the trial of the accused for the murder of the Bytyqi brothers, HLC Press Release, June 10, 2009

²³ War Crimes Trial Reports and trial analyses can be found at: www.hlc-rdc.org/pravdaireformainstitucija

following cases: Morinj (Mlađan Govedarica et al.) and Deportation of Refugees (Boško Bojović et al.) - High Court in Podgorica and Kaluđerski Laz (Predrag Strugar et al.) – High Court in Bijelo Polje. One HLC observer monitored directly one trial day in the Morinj Case when four victim-witnesses were heard.

2.2.3. War Crimes Trial Monitoring in Croatia

Within the regional national trials monitoring project, HLC observers monitored the trial of Branimir Glavaš *et al.* In 2007 and the first half of 2008 the trial was monitored directly from the courtroom of the County Court of Zagreb, and from September 2008 until the date the decision was brought down, the trial was monitored through the live note from the main hearings, which enabled the HLC monitoring team to analyse 25 trial days during which seven witnesses, one victim-witness, and two court-appointed experts were heard.

2.3. Filing criminal complaints against direct war crimes perpetrators and persons responsible for committing war crimes

Following an extensive analysis of documents and statements of witness and family members, HLC filed a criminal complaint against 17 members of the 37th battalion of the Special Police Unit (PJP) of MUP Serbia at the beginning of 2009 based on the strong indication that they had committed war crimes against Albanian civilians in several villages in the Prizren municipality (Kosovo). Based on the criminal complaint filed by the HLC, the War Crimes Trial Chamber of the Belgrade District Court opened an investigation against the suspected police officers while some of them are kept in pre-trial imprisonment. The War Crimes Prosecutor had not raised an indictment by the year's end.

2.4. Support to war crimes trials

At the request of the Office of the War Crimes Prosecutor of the Republic of Serbia, in February and December 2009, HLC turned over to the Deputy War Crimes Prosecutor 75 witness statements testifying about crimes committed against the Serbs and other non-Albanians in the Gnjilane/Gjilan (Kosovo) region in the course of 1999. In May 2009, responding to a request by EULEX, HLC turned over to the EULEX War Crimes Investigation Unit all available documents about the crime committed against four Serbs in Orahovac/Rahovec on June 16th 2009.

2.5. Representation of victims of human rights abuses in the past in reparation-seeking lawsuits

HLC represented victims of war crimes, torture, illegal detention, forced mobilization, and other forms of serious human rights violations seeking pecuniary and non-pecuniary damages through compensation lawsuits filed against the State and against direct perpetrators.

HLC continued offering support to victims of human rights abuses in Sandžak, helping them independently advocate for their right to seek reparations from the institutions of the Republic of Serbia.

2.5.1. Reparations

Institutions of the Republic of Serbia apply different criteria in treating its citizens whose basic human rights were violated during the war waged on the territory of the former Yugoslavia depending on whether they were victimized by members of the Serbian military and the police or by another armed formation considered by the Republic of Serbia government as an “enemy” force (NATO, OVK, Army of the Republic of Croatia, etc.).

While the victims of “enemy” forces are offered continuous financial support, those victimized by the Serbian military and the police remain unrecognized by the Serbian institutions and remain invisible for any form of societal care. In addition, citizens of neighbouring countries, post-Yugoslav states, who were during the war conflict victims of war crimes and other serious human rights violations committed by the members of the JNA, VJ, and MUP Serbia and the formations subordinated to them, have not received any form of financial compensation from the Republic of Serbia as of this moment.

In the period from 2002, HLC represented approximately 1,000 victims in compensations lawsuits filed on the grounds of human rights violations (forced mobilization, war crimes, torture, illegal detention, and other forms of serious violations of basic human rights committed

Currently the only option for the victims of Serbian military and police forces to obtain some sort of financial reparation for the injustices they endured is to initiate court proceedings against the Republic of Serbia seeking financial compensation on the grounds of the responsibility of the State²⁴ for the acts of its military and police personnel. In order to help the victims of war crimes violations exercise their right to reparations, HLC initiated 13 new compensation lawsuits in 2009 against the Republic of Serbia on behalf of 56 victims of human rights violations committed in the past. At the same time, HLC continued to represent 143 victims of human rights violations committed in the past which it had initiated at an earlier time.

2.5.1.1. Representing victims in Serbia

HLC lawyers represented 143 victims of human rights violations, illegal detention, torture, forced mobilization, and other forms of serious human rights violations in 33 compensation lawsuits filed against the Republic of Serbia in the period from 2005 to 2008.

There have been a total of 118 trial days during which 43 victims and seven witnesses were heard²⁵. During the same period, 27 forensic examinations were conducted. In the reporting period, HLC secured the arrival of 56 victims to attend main hearings and forensic examinations. In 2009 courts handed down 10 decisions in compensation lawsuits filed and conducted by the HLC on behalf of the victims.

²⁴ *The responsibility of the State for the damages caused by the acts of its military and police personnel is stipulated in Article 35 of the Constitution of the Republic of Serbia and Article 172 of the Law on Contractual Relations.*

²⁵ *Trial reports and analyses can be found at: www.hlc-rdc.org*

2.5.1.1.1. Initiating new compensation lawsuits

At the end of November 2009 HLC initiated 13 proceedings with the Office of the Public Defender of the Republic of Serbia (RJP)²⁶ against the Republic of Serbia seeking compensation on behalf of 56 Albanians from Podujevo/Podujevë, Glogovac/Gllogoc, Srbica/Skenderaj, Priština/Prishtinë, and Vučitrn/Vushtrri who had been illegally arrested in April and May 1999 by members of the Serbian MUP and held illegally in Serbian prisons for periods ranging from two to 13 months.

2.5.1.1.2. Court decisions handed down in trials initiated based on the criminal complaints filed by the HLC

In 2009 HLC received 12 court decisions in trials in which it represented victims of human rights violations committed in the past. In five cases the courts ruled in favour of the victims, ordering a total of Euro 65,000 to be paid as financial compensation for the human rights violations they were exposed to.

Judgments with Positive Outcomes:

In March 2009 the HLC received a judgment from the High Court in Bijelo Polje (the decision was rendered on December 30th 2008) upholding the sentence of Mihailo Marković handed down by the First Instance Court in Rožaje²⁷ on the charge of a criminal act of fraud²⁷. The Court ordered Mihailo Marković to pay the amount of EUR 43,000 in compensation to the plaintiff (Sadri Tahiraj), who was represented in the trial by the HLC. When the decision became legally binding, HLC informed the public about it in a press release issued on March 12th 2009.²⁸

In November 2009 HLC received a decision from the First Municipal Court in Belgrade ordering the Republic of Serbia to pay RSD 500,000 in compensation for non-pecuniary damages to Šefket Hukić for the criminal act of torture committed against him by MUP Serbia members in Sjenica in 1993. HLC filed the compensation lawsuit on behalf of Šefket Hukić in June 2007. On the day the decision in this case was rendered, HLC issued a press release informing the public of the outcome of this trial²⁹.

In December 2009 HLC received a Decision handed down by the First Municipal Court in Belgrade which the Court sustained the complaint filed by the HLC in November 2008 on behalf of the Roma man Dragan Durmić against the Republic of Serbia on the grounds of its responsibility for an illegal conduct of state institutions – failure to investigate allegation on the

²⁶ *State organ tasked with representing the financial interest of the State in court proceedings*

²⁷ *Mihailo Marković was sentenced with a legally binding prison sentence of 18 months because of fraudulently acquiring the amount of DEM 84,000 from Sadri Tahiraj from Racaj/Rracaj [Đakovica/Gjakovë municipality] in the period from December 2000 to December 2004, in exchange for alleged information on his imprisoned son Rustem Tahiraj who had been singled out from a convoy of Albanian refugees on April 27th 1999, by the Serbian forces in the village of Meja/Mejë, [Đakovica/Gjakovë municipality]. The body of the late Rustem Tahiraja was later found in a mass grave in Batajnica near Belgrade.*

²⁸ *Mihailo Marković was sentenced with a legally binding decision for fraudulently acquiring money from a Kosovo Albanian man who had been searching for his missing son, HLC, March 12th 2009*

²⁹ *Republic of Serbia ordered to pay compensation to the victim of torture from 1993, HLC, November 9th 2009.*

discrimination of Dragan Durmić³⁰. In this Decision the First Municipal Court ordered the Republic of Serbia to pay RSD 200,000 in compensation to Dragan Durmić.

In December 2009 HLC received a Decision of the First Municipal Court in Belgrade ordering the Republic of Serbia to pay RSD 700,000 in compensation to Fehrat Suljić on the grounds of its responsibility for torture committed against him by members of MUP Serbia in March 1996 in Tutin. HLC filed the compensation lawsuit on behalf of Fehrat Suljić in June 2006.

On December 25th 2009 HLC received another Decision handed down by the First Municipal Court of Belgrade ordering the Republic of Serbia to pay RSD 200,000 in compensation to Šefčet Mehmedović for torture committed against him in 1994 by members of MUP Serbia. HLC initiated a compensation lawsuit against the Republic of Serbia on behalf of Šefčet Mehmedović in January 2006.

Judgments with Negative Outcomes:

In April 2009 HLC received a Decision handed down by the First Municipal Court in Belgrade refusing the non-pecuniary damages compensation lawsuit filed by the HLC on behalf of 25 family members of kidnapped residents of Sjeverin. On this occasion, HLC held a press conference and issues a press release³¹. HLC filed a timely appeal to this Decision with the District Court of Belgrade.

In April 2009 HLC received another Decision of the First Municipal Court in Belgrade, dismissing the lawsuit filed by the HLC on behalf of 26 family members of 14 Albanian civilians executed by members of MUP Serbia on March 26th 1999 in Podujevo/Podujevë, Kosovo. HLC lawyers filed an appeal to this Decision with the District Court of Belgrade³².

In August 2009 HLC received a Decision from the District Court of Serbia upholding the Decision of the First Municipal Court of Belgrade which dismissed the lawsuit filed in March 2007 on behalf of the three children of the late Uzeir Bulutović who was killed by VJ members on February 19th 1993 in the village of Kukurovići near the Serbia/BiH border, Priboj municipality. The HLC lawyer in charge of this case filed a revision request to the Supreme Court of Serbia on October 22nd 2009.

In September 2009 HLC received a Decision of the District Court of Belgrade upholding the Decision rendered by the First Municipal Court of Belgrade dismissing the lawsuit filed on April 8th 2008 on behalf of Elmaz Hukić against the Republic of Serbia for torture committed against him by MUP Serbia members in Sjenica, Serbia, in December 1993. The HLC lawyer in charge of this case filed a revision request to the Supreme Court of Serbia on September 24th 2009.

³⁰ At the beginning of 2000, HLC was informed of cases of discrimination of Roma persons on the grounds of their ethnic background, i.e. some Roma boys and girls were denied access to certain public buildings in Belgrade because of their Roma origin. For that reason, HLC and the Democratic Roma Union conducted several “tests” in a number of Belgrade clubs, one of which was the “Trezor” disco club. During the “test” a security guard at the entrance to this disco club told a group of Roma people, one of which was Dragan Durmić, that entrance was “by invitation only” due to a private a private function at the club. Shortly after, the same security guard granted an unconditional entry to a group of non-Roma visitors.

³¹ *Request for reparation of family members of kidnapped persons from Sjeverin denied*, HLC, April 7th 2009.

³² *Compensation lawsuit for victims from Podujevo dismissed*, HLC, May 21st 2009.

In November 2009 HLC received a Decision of the First Municipal Court of Belgrade dismissing the lawsuit filed on March 25th 2005 by the HLC against the Republic of Serbia on behalf of Dušan Milković on the grounds of the responsibility of the State for being forcefully mobilized³³ by members of MUP Serbia and torture committed against him afterwards. The HLC lawyer filed a timely appeal to this Decision to the Belgrade District Court.

In December 2009 HLC received a Decision of the First Municipal Court from Belgrade dismissing the compensation lawsuit filed by the HLC in November 2005 on behalf of Antun Silađev against the Republic of Serbia for the responsibility of the State for an attempted murder of Antun Silađev³⁴. HLC lawyers filed a timely appeal to this Decision with the Belgrade District Court.

In December 2009 HLC received a Decision of the First Municipal Court in Belgrade dismissing the lawsuit filed in June 2007 by the HLC on behalf of Ekrem Nebihu and Sylejman Bajgore against the Republic of Serbia on the grounds of the responsibility of the State for their illegal detention and torture committed against them by members of the Serbian MUP in 1999. HLC lawyers filed a timely appeal to this Decision to the Belgrade District Court.

2.5.1.2. Representing victims in Kosovo

HLC represented five Serbs, victims of human rights abuses which occurred after the arrival of international forces to Kosovo in three lawsuits against the Republic of Kosovo and against one individual filed by the HLC in the period from 2006-2008. There were no scheduled hearings in these lawsuits in 2009 and no decisions were rendered. The HLC lawyer in charge of these lawsuits contacted the Court on several occasions requesting the trial date be set but without any success.

2.5.1.3. Representing victims in Montenegro

HLC continued representing victims of human rights abuses in lawsuits conducted before the courts in Montenegro: seven Bosniaks, victims of human rights violations in Bukovica³⁵, on whose behalf HLC had initiated six lawsuits against the Republic of Montenegro on the grounds of its responsibility for human rights violations committed by members of the military and the

³³ In 1995 MUP Serbia members illegally deprived of their freedom over 10,000 refugees from Croatia and BiH and then forcefully, violating the *Convention on the Status of Refugees*, sent them to participate in military operations as part of the Army of the Republic of Srpska Krajina (VRSK) and the Army of Republika Srpska (VRS). They had been previously “trained” at the *Serbian Volunteer Guard* camp in Erdut, where they were exposed to brutal acts of torture and humiliation. Some forcefully mobilized men were killed on the front line, while those who survived still suffer from physical and psychological consequences of the torture they had suffered.

³⁴ In September 1991 two unidentified members of the Yugoslav National Army (JNA) attacked Antun Silađev at his place of work at the pressure pump station on the Bogojevo bridge location near the Serbia-Republic of Croatia border, accusing him of “sending light signals to the Croats. They fired at his legs from an automatic rifle gun and beat him brutally afterwards. Antun Silađev still suffers from the consequences of the wounds sustained on this occasion and an investigation into this case has never been initiated.

³⁵ Bukovica is a conglomerate of 38 villages clustered in the North of the Republic of Montenegro, Pljevlja municipality, at the Montenegro/BiH border. During the armed conflict in BiH, Bukovica was mainly inhabited by the Bosniak population. Constant house searches, torture of Bosniak men, and violation of their property rights conducted by members of the VJ and Montenegro police forced the entire population to relocate, mostly to the neighboring BiH. There have been seven murder cases and most of the victims were senior citizens.

police. There have been 20 hearings during which two witnesses were heard. Three forensic examinations were conducted in this period. No decisions were rendered by the end of 2009.

2.5.2. Representing members of the *OTPOR* movement

HLC continued representing Bojan Aleksov, member of the *OTPOR* movement in a lawsuit against the Republic of Serbia. HLC filed a lawsuit against the Republic of Serbia on behalf of Bojan Aleksov in March 2001 for illegal deprivation of freedom during a rally against Slobodan Milošević in 2000. There were two hearings in 2009. The decision has not been made yet.

2.5.3. Representing victims of other human rights violations

In the reporting period HLC represented 16 victims of torture, discrimination, property right infringement, and illegal deprivation of freedom. HLC filed a number of lawsuits on behalf of these victims in the period 2000-2005 before courts in Serbia. There has only been one hearing and one legally binding decision has been handed down.

In April 2009 the Decision of the First Municipal Court in Belgrade was upheld by a judgment of the Belgrade District Court, ordering the Republic of Serbia to pay Radmila and Dragomir Petrović RSD one million each in compensation for non-pecuniary damages on the grounds of the responsibility of the State for the death of their son Dejan Petrović³⁶. RJP filed a revision request to the Supreme Court of Serbia stating that the compensation amount is too high. HLC issued a press release³⁷ on this occasion. The Supreme Court of Serbia has not handed down a decision yet.

2.6. Representing victims of human rights abuses in criminal proceedings

HLC continued representing seven victims of torture in criminal proceedings initiated in the period 2003-2004. There were eight hearings in four cases and two decisions were handed down.

In March 2009 First Municipal Court of Belgrade handed down an acquitting decision in a re-trial in the Dijana Jovanović case³⁸.

In May 2009 the Municipal Court in Batočina handed down an acquitting decision for two police officers accused of beating Zvonko and Saša Dini from Batočina³⁹. The HLC lawyer filed a timely appeal to this Decision.

³⁶ Dejan Petrović was arrested on January 16th 2002 at 21:30 in his home in Belgrade on suspicion that he had committed a theft. He was taken to the Vračar Internal Affairs Department. The next day around noon, police informed Dejan's parents, Dragomir and Radmila Petrović, that Dejan had jumped through the window during the interrogation and that he had been taken to the Emergency Center in critical condition. Twenty days later Dejan passed away from the injuries sustained while in police custody. Forensic expertise and the official record of the investigative judge refuted the police version of the death of Dejan Petrović.

³⁷ *Innapropriate bargaining with respect to the compensation amount awarded in the death of only son*, HLC June 23rd 2009

³⁸ On February 16th 2005 an underage person (D.J.) was brought to the Stari Grad Internal Affairs Department on suspicion that she had stolen a mobile phone. During her stay in the police station, D.J. was tortured, and a criminal complaint was filed against her mother Dijana, who tried to help her, on charges of obstructing a law enforcement officer conduct his duty. A criminal complaint was also filed against the underage D.J. for theft of a mobile phone. A criminal complaint against police officers was filed on March 1st 2005 by a personal lawyer of Dijana Jovanović and underage D.J.

In June 2009 Municipal Court of Čačak dismissed the proceedings against Željko Popović⁴⁰ on the grounds of the statute of limitation.

2.7. Empowering victims to claim their right to reparations

HLC helped found the *Association for the protection of the rights of the forcefully displaced residents of the Priboj municipality*⁴¹. In 2009 HLC organized two meetings of representatives of this Association with representatives of the Priboj municipality and members of the Serbian National Assembly from Sandžak⁴².

2.8. The creation of a collection of transcripts from ICTY trials in BCS languages

In order to encourage a more intensive criminal prosecution of war crimes perpetrators on the territory of the former Yugoslavia, HLC started transcribing audio recordings from the trials held before the ICTY in 2004 in BCS languages. This project enables victims, victims' family members, researchers, historians, and all other individuals from the countries formed on the territory of the former Yugoslavia, interested in this topic but who do not speak any of the ICTY

³⁹ On August 23rd 2003 members of the Batočina Dana Internal Affairs Department brought in Saša Dinić to the police station following a short altercation in the street. They beat Saša Dinić on the police station premises and broke his arm. Shortly after, Saša's father Zvonimir, a handicapped person, came to the police station. Zvonimir protested the fact that the police beat his son and he ended up being beaten, too.

⁴⁰ On May 21st 2003 several police officers arrested Željko Popović, a college student, in Čačak for allegedly fitting the description of a person being sought for robbing a store. An unidentified police officer dressed in civilian clothes smashed Željko's front teeth for refusing to admit committing the robbery. In July 2003 HLC filed a criminal complaint against the unidentified police officer for a criminal act of abusing a person while on duty. In October 2003 a lawsuit was initiated against Željko Popović before the Municipal Court in Čačak on store robbing charges. HLC represented Željko Popović in this trial. The Court acquitted Željko Popović of all charges in December 2008. Following an appeal to this decision by the Office of the Municipal Prosecutor, the District Court of Čačak sent the case for a re-trial in April 2009.

⁴¹ After the arrival of members of the reserve force of the Yugoslav Army (VJ) in May 1992, residents of the villages situated along the border in the Priboj municipality were exposed to constant house searches, unprovoked firing from automatic weapons on their houses, intimidation, threats, plundering, and torture. There have been several cases of murder and kidnapping. In the course of 1992 and at the beginning of 1993, fearing for their lives, citizens of approximately 20 villages in the border zone of the Priboj municipality moved away from their homes and went to Priboj, Pljevlja, Sarajevo, Goražde, and other places. After their departure, their property was plundered, devastated, and most of it was burned. The police came to scene on several occasions, compiled an official report, but not a single perpetrator was ever brought to justice. Today, 17 years after they had been forced to leave their homes, residents of the villages in the Priboj municipality, mainly elderly people, still cannot come home. During this time they never received any help from the government of their country Serbia. They were neither granted a refugee or a misplaced person status in BiH nor in Serbia. At the same time, they had to pay taxes on their land which cannot even tend since they don't live there.

⁴² At a meeting held on December 9th 2009 in the offices of the National Assembly of the Republic of Serbia, Members of Parliament from four parliamentary parties supported the activity of the *Association for the protection of the rights of the forcefully displaced residents of the Priboj municipality* and promised to offer their political support to help them exercise their right to reparations on the grounds of being forcefully displaced; they formed a group consisting of three Members of Parliament (Bajram Omeragić, Kenan Hajdarević, Bajram Šehović) which will undertake specific activities aimed at providing compensation for the forcefully displaced residents of the Priboj municipality. After the meeting, Members of Parliament sent a request to the Government of Serbia to form an inter-departmental commission tasked with making an inventory of property damages and losses and whose report would be used as a foundation for the assessment of the overall compensation amount which would be secured from the 2011 Budget of the Republic of Serbia.

official languages (English and French) to get an insight into these cases and the way they were conducted before this Tribunal.

In the reporting period HLC transcribed and redacted 144 trial days on 5,544 A4 size pages in the following cases: 59 trial days in the *Haradinaj et al.* Case [2,376 pages], 43 trial days in the *Limaj et al.* Case [1,489 pages], and 42 trial days in the *Gotovina et al.* Case [1,679 pages].

From the time HLC began transcribing audio recordings of trials held before the ICTY, a total of 1,000 trial days have been transcribed and redacted on 44,000 A4 size pages in the following cases: *Slobodan Milošević* Case [476 trial days], *Naser Orić* [60 trial days], *Mitar Vasiljević* [64 trial days], *Limaj et al.* [99 trial days], *Mrkšić et al.* [200 trial days], *Gotovina et al.* [42 trial days], and *Haradinaj et al.* [59 trial days].

3. Public Information and Outreach

In 2009 HLC issued a number of press releases, held one press conference, updated its website, issued several publications in order to inform the public, institutions of the Republic of Serbia, states in the region, media, international government and NGOs about its activities and topic relevant for the establishment of transitional justice in the region.

In 2009 HLC continued to advocate the establishment of RECOM. Together with other members of the Coalition for RECOM, HLC continued to implement a public debate on the RECOM model within the civil society and local communities in the countries formed in place of the former Yugoslav republics.

3.1. Public Information

In 2009 HLC issued a total of 97 press releases, two reports, two issues of the Transitional Justice Forum, held one press conference, and five seminars.

3.1.1. Press Releases

In 2009 HLC issued 97 press releases in Serbian, 62 of which were also translated and published in English, and 17 were translated and issued in Albanian. In its press releases, HLC gave its opinions and analyses of war crimes trials conducted before courts in Croatia, Kosovo, and in Serbia; informed the public about the preliminary findings of the Record of the killed and missing in Kosovo; informed the public about a criminal complaint filed against members of the 37th battalion of the PJP of MUP Serbia for crimes committed in Kosovo in 1999.

3.1.2. Press Conferences

On April 7th 2009 HLC organized a press conference following a Decision handed down by the First Municipal Court of Belgrade dismissing the lawsuit of 25 family members of 16 Bosniak men who were kidnapped in Sjeverin. HLC had filed the lawsuit on behalf of the family members in April 2007. Sandra Orlović, HLC Deputy Executive Director, Behudin Hodžić, and Dževad Koldžić, family members of the kidnapped residents of Sjeverin, as well as Marko Karadžić, State

Secretary in the Ministry of Human and Minority Rights of the Republic of Serbia spoke to the press about this case⁴³.

3.1.3. Reports and publications

3.1.3.1. Trials of perpetrators of criminal acts of war crimes and ethnically and politically motivated crimes committed in the post-Yugoslav states⁴⁴

In April 2009 HLC published a report titled *Trials of perpetrators of criminal acts of war crimes and ethnically and politically motivated crimes committed in the post-Yugoslav states* in which it offered analyses of 41 war crimes trial and other ethnically motivated violations of basic human rights committed in Serbia, Montenegro, Kosovo, BiH, and Croatia. The report was published in 600 copies⁴⁵ and it was distributed to courts, offices of prosecutors, media, libraries, victims' associations, institutions, international government and NGOs, and to all other interested individuals in the region.

3.1.3.2. Transitional Justice Forum, Issue No. 2

In April 2009 HLC published issue No. 2 of the Transitional Justice Forum, a periodical dealing with transitional justice issues. This issue was dedicated to the right of victims of war crimes and other serious forms of human rights violations to reparations, with a special accent on the post-Yugoslav states. The Transitional Justice Forum contains nine articles written by domestic and foreign experts on transitional justice and human rights activists, who give a theoretical and comparative platform for a better understanding of the problems victims on the territory of the former Yugoslavia face on a daily basis in their efforts to exercise their right to reparation. The magazine was published in 500 copies in the Serbian language⁴⁶ and distributed to libraries, universities, students, state bodies, NGOs, victims' associations, and other relevant individuals and institutions in the region.

3.1.3.3. Transitional Justice Forum, Issue No. 3

Transitional Justice Forum Issue No. 3 was published in September 2009 and it tackles the issue of efficiency of the current European Union strategy applied with respect to the establishment of transitional justice and the rule of law in the countries of the Western Balkans. The Forum also discusses whether it is possible to use the influence of the civil society sector to shape the European Union's strategy, especially in the context of the Initiative to create RECOM.

Transitional Justice Forum contains the speeches of 14 participants of the *European Integrations and Transitional Justice Seminar: From Retributive to Restorative Justice*⁴⁷ and it is classified into 4 thematic groups: 1) European Union Strategy: missed opportunities and future opportunities, 2) Restorative Justice: approaches, preconditions, and instruments; 3) the Coalition for RECOM: continuation, goals, and ambitions, and 4) European Union and Restorative Justice: the role of the civil society.

⁴³ More information on this press conference can be found at: www.hlc-rdc.org.

⁴⁴ The report in electronic form in Serbian, Albanian, and English languages can be found at: www.hlc-rdc.org.

⁴⁵ The publication was published in three languages (Serbian, Albania, and English).

⁴⁶ Transitional Justice Forum contains an annex with the translation of articles written by authors from the region into the English language. The electronic version of the Forum can be found at: www.hlc-rdc.org.

⁴⁷ See 3.2.1.

Transitional Justice Forum Issue No. 3 was printed in 500 copies⁴⁸ and it was distributed to libraries, universities, institutions, embassies, representatives of international government and NGOs, and other relevant individuals and institutions across the region.

3.1.3.4. HLC Activity Report 2008

In May 2009 HLC published the 2008 HLC Activity Report. The Report contains a review of all activities implemented by the HLC in the course of 2008 in terms of offering support to victims exercise their right to truth, justice, and reparations. The Report was published in Serbian (500 copies) and in English (250 copies) most of which were distributed to NGOs, institutions, media outlets, foundations, etc.

3.1.4. HLC website

In the reporting period HLC uploaded press releases, reports, video-clips from regional consultations and forums, transcripts, trial reports, announcements of important events, etc to its website. HLC also posted press releases of other NGOs and media clippings tackling the issue of dealing with the past in the countries of the Western Balkans on its website.

In 2009 the HLC website in Serbian, English, and Albanian was visited by 67,452 people who viewed it more than 230,000 times.

A total of 99 press releases, three publications, three reports, 26 trial reports, court decisions, and indictments from war crimes trials conducted before the courts in the region. The web page displaying information about HLC's presence in the media (HLC in the Media) was updated with 187 articles and 79 video clips.

The web page displaying information about trials held before the ICTY was updated with the transcripts of 99 trial days in the *Limaj et al. Case*, 39 trial days in the *Haradinaj et al. Case*, and 33 trial days in the *Gotovina et al. Case*.

In 2009 HLC continued posting video clips on its YouTube page. By the end of the reporting period, 95 new video clips from conferences, regional consultations, forums, TV programme clippings, etc. were added to the HLC YouTube page. The most viewed (over 1,000 times) is the TV spot For People to Remember People.

3.1.5. HLC Library

The HLC Library was founded in 2005 and contains a total of 5,077 publications in the field of human rights, transitional justice, international humanitarian law, political history, socially engaged arts, etc.

In 2009 415 publications (287 monographs, 89 copies of serial publications, five copies of CD and DVD, and 43 copies of monographic and serial publications) were added to the HLC Library.

The HLC Library is part of the COBISS⁴⁹ library network, which enables automatic exchange of information on new editions, helps locate older editions, and information exchange with other libraries in Serbia.

⁴⁸ Transitional Justice Forum No. 3 was printed in Serbian and English.

3.2. Outreach

In 2009, within the Coalition of RECOM HLC continued to advocate the creation of RECOM and together with other members of the Coalition for RECOM continued implementing a regional debate on the model of the future truth commission.

In addition, HLC organized two seminars on European integration and transitional justice, a panel discussion on transitional justice and the role of the civil society, as well as two seminars on transitional justice for representatives of the civil society in the Sandžak.

3.2.1. Initiative for RECOM⁵⁰

Based on a two-and-a-half year long debate within the civil society in the region on instruments for establishing the facts on war crimes and other serious human rights violations committed in the former Yugoslavia⁵¹, on May 9th 2008, during *Regional consultations with veterans and victims' associations* held in Podgorica (Montenegro) the idea to create RECOM – *an non-judicial investigative body which should be formed by the states formed on the territory of the former Yugoslavia with a mandate to establish the facts on victims of war crimes committed in the former Yugoslavia and provide a public platform for the victims of war crimes to speak* – was publicly promoted for the first time.

In June 2011 the Coalition for RECOM will submit the proposed RECOM model to the governments in the region along with one million signatures of citizens of all former Yugoslav republics supporting the initiative to create RECOM.

Participants of numerous regional debates have discussed the mandate, goals, powers, structure, and the way members of the future commission will be elected. Their recommendations, suggestions, and opinions will be sent to an expert group tasked with the creation of the RECOM model which will be formed at the beginning of 2010. It is expected that the proposed RECOM model will be adopted by the Coalition for RECOM during the Eighth Regional Forum on

⁴⁹ *Co-operative Online Bibliographic System & Service s- A shared catalogue-bibliographic library system in Serbia*: http://www.cobiss.net/platforma_COBISS-SR.htm

⁵⁰ More details on the consultations process can be found in the segment: *The Report on the consultation process on the instruments for the establishment of facts on war crimes and other serious human rights violations committed in the post-Yugoslav states*, HLC, September 2009 and at: www.korekom.org

⁵¹ Objective limitations of court proceedings with respect to the establishment of the facts about war crimes committed on the territory of the former Yugoslavia (inability to prosecute all crimes, focusing on war crimes perpetrators instead on victims of war crimes, long processes, etc) motivated HLC, RCD, and *Documenta* to initiate a regional debate in September 2005 – a consultations process withing the civil society on mechanisms for establishing the facts about war crimes and other serious human rights violations committed in during the armed conflict in the former Yugoslavia. At numerous gatherings held to date – consultations and forums – certain civil society groups (victims' associations, associations of veterans, non-governmental organizations, women's groups, youth organizations, journalists, artists, intellectuals, etc.) discussed the best available mechanisms on establishing and telling the truth about the recent past of the countries of the Western Balkans. Participants of these debates strongly supported war crimes trials as the most significant form of establishing the responsibility for the crimes committed in recent wars, but they also expressed belief that the war crimes trials are insufficient for the creation of a shared understanding of the past, and that establishing the facts about what happened was only possible through a regional approach.

Transitional Justice in Sarajevo scheduled for December 10th 2010, International Human Rights Day.

The regional debate is conducted by a coalition of civil society organizations, victims' associations, veterans, youth organizations, professional associations, intellectuals, artists, and individuals called *Coalition for RECOM*. The Coalition for RECOM (CORECOM) was formed during the Fourth Regional Forum on Transitional Justice in Priština/Prishtinë (Kosovo) on October 28th 2008. By December 31st 2009 the Coalition for RECOM had been joined by 686 organizations and individuals.

From May 2006, when the consultation process began, until December 31st 2009, the consultations and regional forums on transitional justice were attended by over 3,400 participants.

3.2.1.1. Initiative for the creation of RECOM in 2009

In addition to national and regional consultations, public debates on RECOM were for the first time also organized in local communities in 2009. In some of these communities, local consultations on RECOM were an opportunity for victims and citizens belonging to different ethnic communities to meet for the first time after the end of the conflict, and start talking about the past and their needs with respect to overcoming the heavy burden of the legacy of the past.

Fifty-four local, national, and regional consultations were held along with the *Fifth Regional Forum on Transitional Justice* (Budva, Montenegro) which were attended by over 2010 participants in 2009. Participants of the consultations and the Forum made suggestions, opinions, and recommendations on the mandate of RECOM, the goals of the Initiative for RECOM and RECOM itself.

In addition to the consultations and the Forum, members of the Coalition for RECOM held 18 preparatory meetings with representatives of victims' associations, non-governmental associations, and other interested individuals in BiH, Serbia, Croatia, Kosovo, and in Macedonia during which they discussed the specific needs and opportunities for the advancement of the consultation process in certain countries.

On December 17th 2009, on behalf of the Coalition for RECOM, HLC organized National Consultations with the Civil Society in Serbia, which were attended by representatives of 44 NGOs.

3.2.1.2. The content of the debate – significant suggestions and recommendations⁵²

The debate on the establishment of RECOM in 2009 was marked by a number of suggestions and recommendations on the RECOM mandate, its structural organization, and member selection criteria made by the participants of the consultations.

⁵² More details on suggestions and recommendations in the *Report on the consultation process on the instruments for the establishment of facts on war crimes and other serious human rights violations committed in the post-Yugoslav state* and in the *Review of opinions and recommendations of participants of the consultation process on the establishment of RECOM*

Participants of the consultations all agreed that the most important task for RECOM was to investigate and establish the fate of the missing and to create an individualized register of all human losses which will in addition to the name of the victim contain information on the circumstances they lost their lives or disappeared. According to most participants, facts about persecution, rape, and torture should be established, too. Also, RECOM is expected to compile an exact list of detention camps, collection centres, and all other detention locations. All participants agreed that the testimonies of victims are very important and that RECOM should provide a public platform for the victims to speak about their suffering.



National consultation with the civil society in Serbia, City of Belgrade Town Hall, December 17th 2009

During the discussion on the structural organization of RECOM, participants of the consultations also agreed that RECOM should have a main/central office and local offices and that research teams should collect information as directed by the central office. They all insisted on the professionalism and personal integrity of future RECOM commissioners in order that they are able to resist all sorts of political pressure and be accepted throughout the region as trustworthy individuals.

The debate on the RECOM model conducted in 2009 indicated that there was no agreement on the most fundamental goal of RECOM – while some participants believe that RECOM should only remain at the level of establishing the facts on war crimes and other serious human rights violations, others think that it is equally as important to establish the causes of the conflicts in the former Yugoslavia.

Participants of consultations held in 2009 were also unable to reach consensus on the way RECOM should treat war crimes perpetrators. Some of them believe that RECOM should have

the power to grant pardon/amnesty or mitigate prison sentences of those who are willing to cooperate with the commission while others are very strongly against RECOM having this kind of power.

3.2.1.3. Empowering the Coalition for RECOM

In the reporting period HLC, on behalf of the Coalition for RECOM, aided by the International Center for Transitional Justice (ICTJ) organized three trainings for moderators of RECOM consultations. At the trainings, the participants consolidated their knowledge about the experiences of other countries where truth commissions had been established.

The Coalition for RECOM was joined by 480 organizations and individuals⁵³ in 2009. On May 28th 2009 a founding Assembly of the Coalition of RECOM was held in Budva (Montenegro) on which occasion the Statute of the Coalition of RECOM was adopted and members of the Coordination Council were elected.

3.2.2. Conferences and seminars

3.2.2.1. European Integration and Transitional Justice: from Retributive to Restorative Justice Seminar

On February 2009 HLC and the Centre for the Study of Global Governance, LSE (London School of Economics (LSE) London) organized a seminar titled *European Integration and Transitional Justice: from Retributive to Restorative Justice* which was attended by approximately 80 domestic and foreign representatives of the civil society sector of the countries of the Western Balkans and European Union. On this occasion participants discussed the possibility and means of implementing restorative justice in the region in the context of integration of the countries of the Western Balkans in the European Union and the initiative of civil society to establish RECOM.

3.2.2.2. Transitional Justice – basic mechanisms, challenges, and obstacles seminar

On June 18th 2009 HLC and the Sandžak Committee for Human Rights and Basic Freedoms organized a seminar titled *Transitional Justice – basic mechanisms, challenges, and problems* in Novi Pazar. A lecture given by Marijana Toma (Impunity Watch), expert on transitional justice was divided into two sessions: *Mechanisms, principles, and challenges of transitional justice and the role of the civil society* and the *Role of the civil society in truth-establishing initiatives and in the work of truth commissions*. At the end of the seminar the participants watched the film *Dealing with the Truth: Truth Commissions and Transitional Societies* film, produced by the ICTJ. The seminar was attended by 39 participants, representatives of human rights and democracy organizations, student organizations, humanitarian organizations, and other representatives of the civil society in Sandžak.

3.2.2.3. Panel discussion Transitional Justice: the Role of the Civil Society

On June 19th 2009 HLC and the Centre for the Study of Global Governance, LSE, organized a panel discussion *Transitional Justice: the Role of the Civil Society* in Belgrade which was attended by 28 human rights organizations activists from Serbia, Cambodia, Armenia, United States of America, BiH, Croatia, and Refik Hodžić, representative of the Secretariat of the ICTY.

⁵³ Five media outlets, 173 non-governmental organisations, 271 individuals, 28 victims' association, and three associations of war veterans.

During the first part of the discussion, activists of human rights organizations from Cambodia, Armenia, United States of America, Great Britain, Netherlands, and BiH spoke about their different roles in the process of establishing transitional justice. During the second part of the discussion, activists of human rights organizations from Serbia, Croatia, Kosovo, and BiH talked about the engagement of the civil society in the countries of the Western Balkans in the process of dealing with the past.

3.2.2.4. Global Society and Transitional Justice Seminar

On June 20th 2009 HLC and the Centre for the Study of Global Governance, LSE, organized a professional seminar titled *Global Civil Society and Transitional Justice* in Belgrade. The seminar was attended by 11 human rights activists and academics from the Great Britain, United States, Cambodia, Armenia, Netherlands, BiH, Serbia, and Croatia. They discussed the existing forms and the real influence of the civil society sector on transitional justice mechanisms, comparing the experiences of other countries. A special segment of the seminar was dedicated to transitional justice processes and organizations carrying them out in BiH, Serbia, and Croatia.

3.2.2.5. Transitional Justice and European Integrations Seminar

On December 1st 2009 HLC and the Centre for the Study of Global Governance, LSE, with the support of the Enlargement Directorate of the European Commission organized a seminar titled *Transitional Justice and European Integration* in Brussels (Belgium). The seminar gathered approximately 30 representatives of the civil society of the countries of the Western Balkans, transitional justice experts, intellectuals dealing with the Balkans and the European Union institutions⁵⁴ who discussed ways of overcoming the legacy of the past in the Western Balkans region in the context of European integration of these countries – formed on the territory of the former Yugoslav republics.

Participants agreed that the Initiative for RECOM contributes significantly to the implementation of the most important criteria required in the EU accession process, i.e. regional cooperation, democratization, the rule of law and reconciliation in the Western Balkans. Also, they noted that the Initiative for RECOM demonstrated that, in spite of the unwillingness of political elites and in spite of an obvious lack of interest in this topic of the media, the civil society in the region and local communities have a strong need to cooperate on a regional level, establish, and make public the facts about war crimes and other forms of serious human rights violations committed on the territory of the former Yugoslavia.

3.2.2.6. Transitional Justice – Sharing Success Stories Seminar

On December 15th 2009 HLC and the Sandžak Committee for Human Rights organized the second transitional justice seminar titled *Transitional Justice – Sharing Success Stories*. The seminar was held in Novi Pazar and was attended by 30 representatives of victims associations, civil society, and the media from the Sandžak region. The lecture was divided in four sessions

⁵⁴ The seminar was among other participants attended by: Pierre Mirel, (Enlargement Directorate of the European Commission,) Eduardo Gonzales (ICTJ), Dr Eric Gordy (University College London), Dr Zoran Pajic (King's College London, President of the HLC Board of Directors), Tihomir Loza (Transitions Online), Dr Iavor Rangelov, (Centre for the Study of Global Governance, LSE), Gabi Kent, (LSE), Natasa Kandic (HLC) and Dr Denisa Kostovicova (LSE).

(*War Crimes Trials for Crimes Committed in the Past – Military Tribunal in Nurnberg, Truth Commissions – Chile, South Africa, Peru; Reparations – Chile; and Institutional Reform – Lustration Processes in East Europe*). Marijana Toma (Impunity Watch), an expert on transitional justice, facilitated the presentations. In an anonymous survey conducted following the seminar, participants gave the highest grades to the topic, the lecturer, and the overall organization of the seminar.

4. Partnerships

4.1. Oxford Research Group

Following an invitation of the Oxford Research Group, HLC became a partner on the Recording Casualties in the Armed Conflict⁵⁵ (RCAC) project in May 2009. The goal of this project is the improvement of the potential and the readiness on a global level to make information on each and every victim available and preserved permanently. By becoming a partner on this project, HLC became a part of an international network tasked with registering of victims of armed conflicts where all members can exchange opinions, strategies, and good practices.

4.2. Aegis Trust

In 2009 HLC and Aegis Trust, a British non-governmental organization, became partners within the Wanted for War Crimes programme. The goal of this programme is to establish a network of NGOs, researchers, lawyers, and all other interested groups and individuals for the purpose of exchange information and evidence on persons suspected to have committed war crimes and the creation of a *prima facie* cases so that national police and investigators can react quickly if the suspects are located on the territory of their competence.

5. Humanitarian Law Center Internships

Three graduate students from the Great Britain completed internships at the HLC in 2009. Justine Jones worked for two months on the preparation of the *Transitional Justice: the Role of the Civil Society* and *Global Civil Society and Transitional Justice* seminars as well as on preparation of the Fifth Regional Forum on Transitional Justice held within the Initiative for RECOM. Erin Longhurst helped prepare a *Collection of war crimes trials judgments of internationalized courts in Kosovo*. Saoirse Townsend conducted research on war crimes trials for crimes committed on the territory of the former Yugoslavia which were tried before courts in Austria, Germany, Netherlands, Denmark, Norway, and Sweden on the basis of the principle of universal jurisdiction.

6. HLC Executive Board

HLC Executive Board⁵⁶ (EB) held two meetings in 2009. At the meeting held at the beginning of June, the Board of Directors adopted the Annual Financial Report and the Report on the Implementation of the HLC Programme for 2009, the HLC Budget, and the 2009 Activity Plan, as well as changes and amendments of the HLC Statute. At the meeting held in November, the Board of Directors was informed about the realization of the HLC programme and about project

⁵⁵ Recording Casualties in Armed Conflict.

⁵⁶ Members of the HLC Board of Directors are:

activities scheduled to be implemented by the end of March 2010. They were also informed about the course of the consultations process on the Initiative for RECOM, the HLC and the HLC Kosovo budget, the results of the strategic planning meeting held in the period August 27 – 30, 2009.

7. Strategic planning

HLC held a strategic planning meeting in the period August 27 - 30, 2009 which was devoted to defining strategic plans for HLC programmes, and HLC vision and mission for the period 2011 – 2013. Also various strategies of financing and presenting HLC in the public were discussed.

8. New offices

In October 2009 HLC moved to a new address: Dečanska 12, Belgrade. HLC is able to better organize and preserve its archives in the new premises. The additional remodelling of the premises will enable better access to the HLC library and an easier implementation of educational programmes for high school and college students on transitional justice.

9. Acknowledgments/Awards

In December 2009 HLC received recognition for its work on establishing transitional justice from the *Heinz-Schwarzkopf Stiftung* from Berlin. HLC Executive Director was awarded the *Schwarzkopf Europe Prize* together with Vesna Teršlič, Director of *Documenta* from Zagreb, Croatia and Mirsad Tokača, Director of the *Research and Documentation Center* from Sarajevo. *Schwarzkopf Stiftung* also honoured HLC's Sandra Orlović, Deputy Executive Director, with the *Young European of the Year* award.

In their commentary, the officials of the *Heinz-Schwarzkopf Stiftung Foundation* stated that Nataša Kandić, Vesna Teršelič, and Mirsad Tokača receive this award for their “never-ending effort in creating peace and reconciliation in the South-Eastern Europe”.

10. Donor Support

HLC activities in 2009 were financially supported by: the Balkan Trust for Democracy, the Blaustein Foundation, the Canada Fund of the Canadian Embassy in Belgrade, the Charles Stewart Mott Foundation, Compagnia di San Paolo, ERSTE Foundation, the European Commission (EIDHR), the European Commission Delegation to Serbia (EIDHR), French Catholic Committee against Hunger and for Development (CCFD), Fund for an Open Society – Serbia, the Embassy of the Federal Republic of Germany, IKV Pax Christi, the Institute for Sustainable Communities, the National Endowment for Democracy, the Royal Netherlands Embassy (Balkans Regional Program), the Norwegian Ministry of Foreign Affairs, OAK Foundation, Open Society Institute, OSCE Mission to Serbia, Swedish Helsinki Committee for Human Rights, Swiss Ministry of Foreign Affairs, the Embassy of the United Kingdom, the King Baudouin Foundation, the Robert Bosch Foundation, the Rockefeller Brothers Fund, the Sigrid Rausing Trust, the United States Institute of Peace, and USAID.

ANNEX I

	Status					total	Victims from unconfirmed sources
	civilians	Armed civilians	Police officers	soldiers	unknown		
Albanians	7 . 7 9 7	2 9	1 3	1 . 9 6 2	91 4	10.7 15	23
Serbs	1 . 0 8 2	9	3 1 8	5 5 9	26 0	2.22 8	252
Roma	1 4 3	4	-	5	16	168	12
Bosniaks	6 5	-	3	5	20	93	7
Montenegrins	3 4	-	3	3	4	44	4
Turks	8	-	-	1	1	10	5
Hungarians	-	-	3	1 0	-	13	-
Ashkali	2 6	-	-	-	1	27	-
Egyptians	1 6	-	1	-	5	22	-
Goranci	7	-	-	1	-	8	-
Macedonians	3	-	-	-	-	3	3
Russians	-	-	-	3	-	3	-
Ruthenes	-	-	-	1	-	1	-
Bulgarians	1	-	-	2	-	3	-
Romanians	-	-	-	1	-	1	-
Algerians	-	-	-	1	-	1	-
Croats	-	-	-	2	1	3	-
Italians	-	-	-	1	-	1	-
French	-	-	-	1	-	1	-
Slovenians	2	-	-	-	-	2	-

Killed and missing in Kosovo in the period January 1998-December 2000

Czech	1	-	-	-	-	1	-
Slovaks	-	-	-	1	-	1	-
Yugoslavian s	1	-	-	-	-	1	-
Unknown	1	-	1	1	29	331	-
TOTAL	9	4	3	2	1.	13.	323
	.	2	4	.	51	681	
	2		2	5	7		
	0			7			
	2			8			

ANNEX II

Case	Official Case Number	Total trial days	Number of re-recorded trial days (high resolution)	Number of re-recorded trial days (mid-range resolution)
Babić, Milan	IT-03-72	10	10	0
Banović, Predrag	IT-02-65/1	9	9	
Blagojević and Jokić	IT-02-60	167	15	162
Boškoski and Tarčulovski	IT-04-82	161	157	3
Brđanin and Župljanin	IT-99-36	308	298	0
Delić, Rasim	IT-04-83	124	119	7
Deronjić, Miroslav	IT-02-61	11	11	7
Dorđević, Vlastimir	IT-05-87/1	149	149	0
Erdemović, Dražen	IT-96-22	14	10	10
Galić, Stanislav	IT-98-29	246	236	0
Gotovina et al.	IT-06-90	292	292	0
Hadžihasanović and Kubura	IT-01-47	234	234	0
Haradinaj et al.	IT-04-84	131	131	0
Jokić, Miodrag	IT-01-42/1	11	11	0
Karadžić, Radovan	IT-95-5/18-I	22	22	0
Kovačević, Milan	IT-97-24	18	0	14
Krajišnik, Momčilo	IT-00-39	332	12	311
Krnjelac, Milorad	IT-97-25	97	0	91
Krstić,	IT-98-			

Contents of the HLC Archives – re-recorded trials held before the ICTY

Radislav Kunarac et al.	33 IT-96-23&23/1	121 79	111 0	88 62
Kvočka et al.	IT-98-30/1	143	128	0
Limaj et al.	IT-03-66	93	92	93
Martić, Milan	IT-95-11	158	119	149
Milan Lukić and Sredoje Lukić	IT-98-32/1	101	101	7
Milošević, Dragomir	IT-98-29/1	125	125	3
Milošević, Slobodan	IT-02-54	477	<u>BCS</u> 475	<u>Albanian</u> 34 391
Milutinović et al.	IT-05-87	294	294	55
Mrđa, Darko	IT-02-59	7	7	0
Mrkšić et al.	IT-95-13/1	207	206	177
Mucić et al.	IT-96-21	181	0	162
Nikolić, Drago	IT-05-88	29	25	0
Nikolić, Momir	IT-02-60/1	14	14	14
Obrenović, Dragan	IT-02-60/1	5	5	5
Orić, Naser	IT-03-68	200	200	197
Perišić, Momčilo	IT-04-81	141	141	6
Plavšić, Biljana	IT-00-39&40/1	24	24	0
Popovic et al.	IT-05-88	429	429	60
Prlić et al.	IT-04-74	486	486	94
Šešelj, Vojislav	IT-03-67	172 (172	22
Sikirica et al.	IT-95-8	70	67	0
Simić, Milan	IT-95-9/2	2	2	0

Contents of the HLC trials – re-recorded trials	Simić et al.	IT-95-9	278	245	0
	Stakić, Milomir	IT-97- 24	164	112	52
	Stanišić and Simatović	IT-03- 69	55	55	16
	Stanišić and Župljanin	IT-08- 91-PT	74	73	5
	Strugar, Pavle	IT-01- 42	116	9	100
	Tadić, Duško	IT-94-1	121	61	100
	Todorović, Stevan	IT-95- 9/1	3	3	0
	Vasiljević, Mitar	IT-98- 32	66	0	65
	Zelenović, Dragan	IT-96- 23/2	12	7	4
	Total	51	6783	5504	1040

ANNEX III

Contents of the HLC Archive - Funds	ICTY Documents	1,2 meters
	Transitional Justice Documents	0,6 meters
	Oral History Documents	0,2 meters
	Documents on human rights abuses (sub-funds, Ethnic discrimination, Ethnic discrimination – Roma, Police Repression, Forced Mobilization, Human Rights – Misc., and OTPOR)	9,4 meters
	Documents on the status of minorities and human rights violations on the territory of Sandžak, Preševo, Bujanovac, and Medveđa.	0,8 meters
	Exhumations in Serbia and in Kosovo	0,6 meters
	HLC research on war propaganda and hate speech in the media during the armed conflict	2,4 meters
	Statements of witnesses about war crimes committed in Kosovo	5,6 meters
	Statements of witnesses about war crimes committed BiH	0,4 meters
	Reports of non-governmental and international organizations	3,4 meters
	Conferences and seminars	3,2 meters
	General Archives	2,9 meters
	The Property Right	3,2 meters
	HLC Programme and Initiatives	0,6 meters
	Programmatic Transformation of the HLC	0,95 meters
	Miscellaneous	3,2 meters
	Court records from trials of Albanians during the regime of Slobodan Milošević	3,8 meters
	Court records from war crimes trials of Serbian nationals	3,6 meters
	Court records from trials for war crimes and ethnically motivated criminal acts conducted before national courts in the region	7 meters
	Court records from the trial of the assassination of Prime Minister Zoran Đinđić	1,4 meters
Press	14, 6 meters	
Thematic documents on war crimes	0,9 meters	