

## How does (if it does) the public in Serbia learn from institutions today about the war crimes from the recent wartime past and the related war crimes trials<sup>1</sup>

Andjelka Markovic<sup>2</sup>

Intense conflicts on the territory of former SFR Yugoslavia lasted from 1991 - 1999.<sup>3</sup> The conflicts were filled with, among other, serious violations of international humanitarian law. On the territory of Bosnia and Herzegovina only, estimates say, around one hundred thousand people were killed, while more than two million were forced to leave their homes.<sup>4</sup>

For the purpose of prosecution of those who ordered and / or executed the gravest crimes in the territory of former SFR Yugoslavia, the UN Security Council established in 1993 the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY).<sup>5</sup> Ten years later, in 2003 Serbian Parliament adopted the Law on the Organization and Jurisdiction of the Government Authorities in War Crimes Proceedings<sup>6</sup>, establishing thus the specialized system competent to prosecute those accused for war crimes. The War Crimes Department of (formerly District and now) Higher Court and the Office of the War Crimes Prosecutor, both based in Belgrade, were, among other, established by this Law.

This research is being conducted exactly **25 years** after the beginning of the conflict in the former Yugoslavia. It also has been **23 years** since the establishment of the ICTY and the **13 years** since the establishment of national institutions of the Republic of Serbia specialized for prosecutions of the accused for war crimes.

In order to establish sustainable peace in the community, in the aftermath of the conflict, transitional justice<sup>7</sup> is essential - for healing and for reconciliation. Its aims are more far-reaching than mere putting the accused for war crimes on trial. Some of the basic requirements of transitional justice, among other, are the following: to determine the responsibility for human rights violations in the past using the court proceedings or using the extrajudicial investigative mechanisms; to provide justice for victims; to remove violators of human rights from public institutions; to reform the public institutions so as to prevent the recurrence of human rights violations.

Taking into account the time elapsed since the establishment of the institutions responsible for prosecuting the accused for war crimes, an average observer – the one that assumes that the civilized community is the one that puts the well-being and justice for the victims and families of victims in the first place – would undeniably think that such time span was more than

---

<sup>1</sup> The research was carried out in the period March 2016 - September 2016.

<sup>2</sup> Lawyer; former associate of the Belgrade Center for Human Rights, now associate of the organisation committed to advancing the practice of human rights Three Points, in Belgrade (Serbia).

<sup>3</sup> Analysis did not cover all conflicts that had took place in this period, due to time limits as well as lack of resources. More comprehensive and thorough research is needed thus to get highly precise findings.

<sup>4</sup> See at <http://www.icty.org/en/about/what-former-yugoslavia/conflicts>

<sup>5</sup> See at <http://www.icty.org/en/about/office-of-the-prosecutor/history>

<sup>6</sup> Official Gazette of the Republic of Serbia, No. 67/2003, 135/2004, 61/2005, 101/2007, 104/2009, 101/2011, 6/2015

<sup>7</sup> See more at <http://www.balkaninsight.com/rs/balkanska-tranziciona-pravda/sta-je-tranziciona-pravda#http://ictj.org>

sufficient for fulfilling all mentioned transitional justice requirements, everywhere in the Balkans, including Serbia. It would look like the time span was quite sufficient to establish the facts on the crimes committed. Also – observing through the prism of the assumption that the community holds the well-being and justice without delay for the victims and families of victims as an utmost priority – an observer would conclude that there was plenty of time for the awareness and the knowledge of the general public on human rights violations in the past to be firmly rooted in. That the informative and educational components incorporate the established facts from the recent past, and that the decision-making process in the community is being built upon that base. That as a result of such process - an observer would conclude - there is democracy, the rule of law, and we live in a fundamentally stable society.

Is it so?

Since the end of the (open) hostilities in the former SFR Yugoslavia, threats and attacks, verbal and physical, against human rights defenders are permanently present in Serbia. More accurately, the targets are all individuals advocating accountability for war crimes committed by Serbian forces, and demanding justice for the victims.<sup>8</sup> At the time of writing this, genocide denial does not constitute a crime or a misdemeanour in Serbia. Individuals accused for serious violations of humanitarian law are interpreted as heroes by majority. Assemblies and rallies - organised with purpose to remind the general public on crimes committed, on victims of crime and in order to demand the accountability of perpetrators - either are being prohibited or are being organized under (very strong) police presence.<sup>9</sup> It would take time and space to list all acts of violence in the observed period - attempted murders of journalists, interruptions of debates and exhibitions, exposing the representatives of the Office of the War Crimes Prosecutor of the Republic of Serbia to threats and attacks, as well as exposing all individuals advocating reconciliation based on the truth and facts to attacks and lynch. Here, we will not dwell into it. What is obvious is that the atmosphere of denial of crimes, glorification of defendants and belittling of victims prevails, since the end of the conflicts to date. Also, undoubtedly, such atmosphere generates consequences for anyone who dares to challenge the (dominant) narrative on the recent wartime past, or to oppose it.

Here, we will focus neither on listing of nor on vivisection of consequences, but on (an endeavour to open a debate on) only a chunk of the general cause of the problem.

Therefore, let us return briefly to the perception of the above-mentioned observer. If that much time has passed since the institutions competent for war crimes cases have become operational, it is not unreasonable to assume that the process has already yielded some fruits. In civilized societies the generally accepted notion is that it is necessary to prevent the recurrence of crimes committed in the past - thus is necessary to prepare (all individuals in) a society to jointly act against genocide, ethnic cleansing, crimes against humanity.

If we observe the circumstances through that prism, in our case that would mean that up to now 1) certain facts have been established / made undisputable (through a judicial or non-judicial processes), 2) citizens of Serbia are informed on those established / undisputed facts 3) established facts are incorporated as an official narrative in the Serbian education system. Let's stop here.

---

<sup>8</sup> Per example, this was highlighted in annual Progress Reports for Serbia of the European Commission for 2006, 2007, 2008, 2009 and 2011. See more at <http://www.seio.gov.rs/dokumenta/eu-dokumenta.211.html>

<sup>9</sup> Per example, see *Sveće za Srebrenicu u centru Beograda*, RTS, 11 July 2015, and *Sveće za Srebrenicu u Beogradu: Ta teška reč – genocid*, Radio Free Europe/Radio Liberty, 11 July 2016

Is it so?

## 1. PROCEEDINGS BEFORE COURTS AND THE TRIBUNAL

From the beginning of the conflict in the former Yugoslavia to date, a number of cases was brought before international and national institutions, judicial bodies and courts of law - from cases related to individual criminal responsibility for war crimes (involving those that belonged to the military and police leadership and/or members of Serbian forces as accused ones), to disputes between states, where, among other, Serbia was accused for violating the provisions of international treaties that protect fundamental human rights.

Since its establishing, more than 150 individuals from the entire territory of the former Yugoslavia were prosecuted for serious violations of international humanitarian law before the ICTY.<sup>10</sup> In accordance with the provisions of its legislation on cooperation with the ICTY<sup>11</sup>, Serbia has arrested and transferred to the ICTY almost all of its former state leadership - military and police officials as well as political leaders.<sup>12</sup> Also, certain individuals accused before the ICTY - few of them of Bosnian or Croatian origin - were found in their homes or in their secret shelters in Serbia.<sup>13</sup> They were also arrested and then transferred to the Tribunal.

---

<sup>10</sup> Key figures of the cases available at <http://www.icty.org/en/cases/key-figures-cases>

<sup>11</sup> Law on Cooperation between Serbia and Montenegro with the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (Official Gazette of FRY, No. 18/2002 and Official Gazette of Serbia and Montenegro, No. 16/2003)

<sup>12</sup> Among others, President of the Republic of Serbia from 1989 to 1997 and the President of the FR of Yugoslavia from 1997 to 2000, Slobodan Milosevic was arrested in Serbia and transferred to the ICTY. Milosevic was indicted for crimes in Kosovo and in Croatia, as well as for crimes committed between 1992 and 1995 in Bosnia and Herzegovina, including those in Srebrenica, Sarajevo and camps throughout BiH. In 29 counts of the indictment, Milosevic was accused for genocide, for serious violations of the Geneva Conventions, crimes against humanity and violations of laws or customs of war.

Jovica Stanisic, former Chief of State Security of the Republic of Serbia, and Franko Simatovic, commander of special police units (whose actions, among other, are closely related to establishing of and operations of „Red Berets“ units) are accused for crimes committed in Croatia and BiH.

Vlastimir Djordjevic, former Assistant Minister of the Serbian Police, was convicted for war crimes against Kosovo Albanians in 1999.

Representatives of the authorities and officials of the army and of the police of the Republic of Serbia were convicted for crimes against Kosovo Albanians during 1999 - Nikola Sainovic to 22, Dragoljub Ojdanic to 15, Nebojsa Pavkovic to 22, Vladimir Lazarevic to 15, and Milan Lukic to 22 years in prison. In this case, former President of the Republic of Serbia in the period from 1997 to 2002, Milan Milutinovic, was also prosecuted. Veselin Sljivancanin, former Yugoslav Army officer, was sentenced in December 2010 to a 10-year prison sentence for aiding and abetting the crimes of torture and cruel treatment of prisoners of war at the farm Ovcara near Vukovar.

Zeljko Raznatovic Arkan, the commander of the Serbian paramilitary unit "Tigers" (killed in Belgrade in 2000), was indicted in 1999 for crimes committed in Sanski Most area during 1995.

Etc.

<sup>13</sup> Among others, Stojan Zupljanin, head of the regional Security Services Center in Banja Luka, indicted for crimes against Muslims and Croats in several Bosnian municipalities, was arrested in June 2008 in Pancevo. Radovan Karadzic, a former Bosnian Serb leader, indicted among other for genocide, crimes against humanity, violations of the laws and customs of war, and serious violations of the 1949 Geneva Convention (deliberate killing), was arrested in Belgrade and transferred to the ICTY in July 2008.

From 2004 to date, war crimes trials are also taking place in Serbia. According to available data,<sup>14</sup> by the end of 2014, 162 individuals were indicted for war crimes against civilians and prisoners of war. Most of accused individuals belonged to Serbian forces - nearly three quarters were members of the army, while almost all others belonged to police or paramilitary forces. By the end of 2014, all cases (with indictments) incorporated crimes committed over 1100 victims.<sup>15</sup> Trials in 27 cases ended with final judgements, by the end of 2014.<sup>16</sup>

Alongside trials regarding individual criminal responsibility, a significant case was also taking place before the International Court of Justice (ICJ). In February 2007, the ICJ ruled on the application filed by Bosnia and Herzegovina in 1993, accusing Federal Republic of Yugoslavia for violations of the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.<sup>17</sup> The ICJ found that Serbia cannot be held responsible for genocide that forces of Republika Srpska have committed in Srebrenica. However, the Court found that Serbia violated the Convention by failing to do all that was in its power to prevent genocide, and, subsequently, failing to punish the perpetrators or to extradite them to the ICTY. The Republic of Serbia thus became the first country in the sixty-year old history of the ICJ that was found responsible for violating the provisions of the Genocide Convention.

Not only in listed cases, but in those cases among other, a vast number of facts was established – the facts on perpetrators, on organizers, accomplices, on their responsibility in committing war crimes, on circumstances of crimes committed as well as on victims. The primary sources of information are of the critical importance in this respect – the primary sources being texts of indictments or applications, the trial transcripts and judgments of the trial and appeal chambers.

Although a number of cases - some of them extremely significant - is still in progress / not completed yet, with reference to the question above, we can conclude that in the last 23 years a significant number of facts has been established /made indisputable.

---

Ratko Mladic, former Bosnian Serb army general, also indicted for genocide, crimes against humanity, violations of the laws and customs of war, and serious violations of the Geneva Convention of 1949 (deliberate killing), was arrested in Lazarevo and transferred to the ICTY in May 2011.

Immediately after, in July 2011, Goran Hadzic, former president of so-called Republika Srpska Krajina, indicted for war crimes and crimes against humanity, was arrested in vicinity of Fruska Gora and transferred to the ICTY in July 2011.

Etc..

<sup>14</sup> See in *Postupci za ratne zločine u Srbiji (2003–2014) - Analiza rezultata praćenja suđenja Misije OEBS-a u Srbiji*, OSCE Mission in Serbia, Belgrade, 2015, p. 17 – 18 (in Serbian)

<sup>15</sup> Victims belonged to all most numerous national groups (i.e. Albanians, Bosniaks, Croats, Roma and Serbs). *Ibid.*

<sup>16</sup> Before the national institutions responsible for persecution of war crimes indictees, among other, the following cases were finalised: "Ovcara", "Scorpions", "Podujevo", "Zvornik", "Suva Reka", "Gnjilane group", "Beli Manastir", "Sjeverin", as well as trial involving accused for helping Ratko Mladic to hide and for helping Stojan Zupljanin to hide. Source – official website of the War Crimes Prosecutor's Office of the Republic of Serbia (browsed on 25 July 2016)

<sup>17</sup> See at <http://www.icj-cij.org/files/case-related/91/091-20070226-JUD-01-00-EN.pdf>

## 2. INFORMING THE PUBLIC

There was no precise analysis in the last five years on whether (and to what extent) the public in Serbia is informed about the events from the recent wartime past and about the trials for war crimes that involve officials and/or members of Serbian forces.

The last public opinion survey on the attitudes of citizens in Serbia towards domestic war crimes trials, the ICTY and the events from the recent wartime past, was conducted in 2011 by the Belgrade Centre for Human Rights, in cooperation with the OSCE Mission to Serbia.<sup>18</sup> The results of the survey provided rather interesting picture on knowledge of facts among citizens of Serbia.

According to the survey, 60% of respondents knew little or nothing about the organisation and the work of the ICTY. Still, over 70% of respondents had a negative perception of the ICTY. In addition, circa half of the respondents were convinced that Ratko Mladic is not responsible for the crimes he was indicted for. A similar percentage of respondents shared this belief about Radovan Karadzic. Although respondents had strong opinions about war crimes trials, 90% of respondents indicated that they did not read any of the ICTY judgments.

According to the survey, in 2011 nearly 40% of respondents firmly believed that Srebrenica genocide did not happen, and only 28% of respondents picked the correct answer (among several options offered) to a question on how the ICJ ruled on the genocide lawsuit of Bosnia and Herzegovina against Federal Republic of Yugoslavia. Although the survey was conducted in the period with lesser temporal distance from critical events, and the issues were far more present in the public sphere than they are today, the survey results demonstrated rather low and superficial awareness of the population.

In view of that fact, it is important to mention here that over 80% of respondents stated that they were receiving information about the proceedings through traditional media outlets (TV, press) - only 5% 'checked' the Internet and / or the ICTY website as source of information.

In the same period (in the moment when the war crimes trials are taking place before domestic institutions for seven years already), small number of respondents confirmed to have heard of a national institution responsible for the prosecuting perpetrators of war crimes. Most respondents recognized the Office of the War Crimes Prosecutor of the Republic of Serbia (9%). However, what exactly is it that the War Crimes Prosecutor deals with, more than 80% of respondents - did not know.

Except for the "Scorpions" case,<sup>19</sup> that 9% of respondents have heard about, almost none knew to name any other case before the War Crimes Department of the Higher Court in Belgrade.

---

<sup>18</sup> See at <http://www.bgcentar.org.rs/istrazivanje-javnog-mnenja/stavovi-prema-ratnim-zlocinima-haskom-tribunalu-domacem-pravosudu-za-ratne-zlocine/> (in Serbian) or at <http://www.osce.org/serbia/90422?download=true> (in English)

<sup>19</sup> The case concerns killings of prisoners, Muslims from Srebrenica, executed by members of "Scorpions" unit in Trnovo (BIH). The video was broadcasted on RTS and several other television stations in Serbia, after it was broadcasted during the trial in ICTY

## a) MEDIA

Although perceptions identified in the survey were not created solely under the influence of traditional media, the survey findings indirectly demonstrated that the quality and the quantity of information about the recent wartime past and war crimes trials, which the public in Serbia operated with, were at a fairly poor level.

Although the public opinion is created not by the media only, here the media played an important role. Also, although the public opinion in Serbia is under the influence of the growing number of media, it is important to look back briefly at the role the public service broadcaster Radio Television of Serbia (RTS) had. This, among other, because the respondents in the survey from 2011 cited RTS as their main source of information about war crimes trials before the ICTY and before the national courts.<sup>20</sup>

From 2000 to date, the public service broadcaster aired a number of programs with the relevant content. As an example, the trial to Slobodan Milosevic was broadcasted live for a short time<sup>21</sup> in 2002, as well as "Srebrenica: A Cry from the Grave" documentary - aired on 11 July 2001 and followed with furious reactions of the political opposition.<sup>22</sup> Alongside TV Studio B and TV B92, the public service broadcaster also aired the videotape recording of execution of prisoners, Muslims from Srebrenica, committed by members of "Scorpions" unit in Trnovo (Bosnia and Herzegovina).

Over the years, significant amount of TV content produced by journalists of RTS, and especially of RT Vojvodina, focused on war crimes issues. Informative content was also produced and aired, and series of news and reports are available on the websites of the public service broadcaster.

However, is it only the presence of the topic, the quantity of the contributions, reports and broadcasts the thing that counts? Is the quantity - enough? We underline: There is no doubt that the public service broadcaster – the outlet that (poorly informed) survey respondents mentioned as a vital source of information – aired and produced vast amount of content on this topic.

In its "Analysis of media discourses on war crimes trials in Serbia, 2003 - 2013"<sup>23</sup>, the Humanitarian Law Center (HLC) from Belgrade, looked closely into the quality and the substance of the relevant media content in Serbia.

The findings of the analysis, conducted from 2012 – 2013, highlight that media contents "follow ethnic division to *our* and *their* war criminals and that observations in trial reports are determined by the ethnicity of the defendant."

So when it comes to stories about members of Serbian forces, "the media very carefully avoid testimonies of victims that might challenge the mainstream efforts to relativise and/or marginalize war crimes, or the dominant, official narrative about the civil war where all sides committed crimes." "The war crimes trials reports in the media... are stripped of context and of the comments of elites; they do not provoke the attention of the public and they lack

---

<sup>20</sup> See the Survey, p. 270

<sup>21</sup> *Državna televizija: Gašenje Haga*, Vreme weekly, 14 March 2002

<sup>22</sup> *Srebrenica - Suočavanje s istinom: Zavera stida*, Vreme weekly, 19 July 2001

<sup>23</sup> See at [http://www.hlc-rdc.org/wp-content/uploads/2014/11/medijski-diskursi\\_SR.pdf](http://www.hlc-rdc.org/wp-content/uploads/2014/11/medijski-diskursi_SR.pdf) (in Serbian)

pressure for critical examination of the past... Relativisation of guilt and responsibilities, decomposition of the narrative on the recent wartime past and/or taking the pieces out of context, diminishing crimes and dehumanisation of victims are the basic features of media reports on domestic war crimes trials", the analysis finds.

HLC analysis, however, notes "a completely different portraying of trials if defendants are of *other* ethnicity. Such trials are interpreted as justice for victims, and an indicator of involvement of the highest political structures of the ethnicity in question in war crimes. There is no justification or understanding for the defendants in these cases and crimes are interpreted as monstrous, uncivilized atrocities. The statements of the victims are far more frequent and the reports are usually followed with the comments from politicians and / or other interested parties, so it is easier for those trials to end up on a cover page and get the attention of the public. Those trials are used mostly to confirm the official narrative on the recent wartime past and - instead of serving to transitional justice - to restore nationalism and narratives on Serbian victimization."

From the hefty amount of detailed observations in the HLC analysis, it can be concluded that informing the public on the war crimes trials in Serbia, via so-called traditional media (electronic media and the press) is of such quality that it does not trigger the process of confrontation with the past. "The crimes as isolated incidents that all media report about, do not pose a threat to the official narrative on the recent wartime past, and until they do not lead to / link to political structures - they are harmless," the analysis finds; it highlights that "the context would indicate the responsibility of Serbian authorities and institutions, and thus is almost completely absent." Information collected for the purpose of HLC analysis does not indicate that the public service broadcaster is an exception to the rule.

So although, in principle, there are no restrictions for media to report on the topic, we come to the conclusion that nothing is there to prove that the public service broadcaster *as a rule* places the information in a relevant context, or that the principal policy of RTS is to deviate and/or to break-away from the official narratives of the recent wars. Thus, despite its duty to report in the public interest, the Serbian public service broadcaster neither influenced the vast majority to face the crimes from recent wars, nor it architected the public dialogue on duties and responsibilities towards victims and future generations.

Although these trials involve persons that played key roles in the recent wartime past and their purpose is to establish if they are to be held accountable for serious violations of international humanitarian law, neither Radovan Karadzic, nor the Ratko Mladic trials were broadcasted by RTS.<sup>24</sup> The Serbian public service broadcaster runs a number of radio stations with national coverage, yet it is not known whether the broadcasts of trials over the radio have ever been considered (because of, allegedly, high costs of TV transmissions).

According to the available information, the trial proceedings i.e. in cases before the War Crimes Department of the Higher Court in Belgrade, or any of judgments pronouncements

---

<sup>24</sup> Not crucial, yet important could be the fact that in 2009 survey of the Belgrade Center for Human Rights, almost 58% of respondents said that the public service broadcaster should air the trials (page 20), and almost 80% of the respondents said that they followed the broadcasts of the ICTY trials at least sometimes (p. 22). See at <http://wcjp.unicri.it/proceedings/docs/OSCESrb ICTY Perception in Serbia.pdf>

held so far before the trial chambers of the respective Department, were never broadcasted by any media (in delayed or in live TV or radio transmissions).<sup>25</sup>

## b) INTERNET

Although estimates say that more than 50% of the population uses the Internet<sup>26</sup>, online habits in Serbia are still insufficiently developed. Significant part of the population still uses traditional sources of information, and television is still dominant. Among the Internet users, the overwhelming majority are the members of younger generations.

There is no doubt that Internet has its role in the context we are examining here. It would be interesting, as an example, to examine the growing-up-with-Internet generations' sources of awareness of the recent wartime past or of the war crimes trials, especially taking into account, among other, the existing popularity of war crimes trials defendants among Serbian adolescents.<sup>27</sup> Yet, due to limited resources we will not dwell into details - instead we will focus on a single aspect here. That aspect refers to the following: 1) the information coming from the institutions responsible for conveying the unpleasant truth and 2) whether the institutions convey that information via their official internet presentations.

"The institutions responsible for conveying the unpleasant truth" - what is that?

According to the results of the mentioned 2011 public opinion survey<sup>28</sup>, the respondents believe that the state institutions (35%) or the judiciary (27%) or witnesses of events (13%) are the ones that should communicate the "unpleasant truth" to the public. The politicians (5%) were ranked fourth, and the journalists (4%) are at sixth place.

Let us focus here on the outlined perception of the majority of respondents, and combine it with an assumption. The assumption is that the Serbian institutions have a clear position on the crimes committed by Serbian forces (taking into account the passage of time and the number of undisputed facts already established). In that context, official internet presentations of state institutions should somehow reflect that position / that policy.

Searching for that type of information, we took a closer look at the content of the official internet presentations of key institutions of the Republic of Serbia:

- Ministry of Justice
- Ministry of Interior

---

<sup>25</sup> In this context, the media are not the only one to blame - existing rules and regulations on recording the trials does not make it easy for them. See more under *To learn and to understand*.

<sup>26</sup> <http://www.internetlivestats.com/internet-users/serbia/>

<sup>27</sup> Descriptive are the findings presented at the 2011 public opinion survey event for the media – namely, compared to 2009 (the time period when he was arrested and transferred to the ICTY), even 20% fewer of young people between 18 and 23 years of age knew why Radovan Karadzic is in trial. See at [http://www.mc.rs/upload/documents/izvestaji/2012/Februar/Negativan\\_stav\\_o\\_Tribunalu.pdf](http://www.mc.rs/upload/documents/izvestaji/2012/Februar/Negativan_stav_o_Tribunalu.pdf)

<sup>28</sup> See p.147 of the Survey (<http://www.bgcentar.org.rs/istrazivanje-javnog-mnenja/stavovi-prema-ratnim-zlocinima-haskom-tribunalu-domacem-pravosudu-za-ratne-zlocine/>)



- Ministry of Foreign Affairs
- Ministry of Defence
- Serbian Armed Forces
- Security Information Agency (SIA)

Noteworthy findings are the following:

- The content of presentations focuses mainly to ongoing activities and plans for future activities (European integration, as an example). In principle, the content related to the recent wartime past, in the context that we examine here, does not exist.
- The ‘non-existing content on the conflicts from the recent past’ rule has one exception. Namely, certain institutions select and highlight certain events from the past, by giving them special attention on their presentations. Per example, information about the sufferings born by the victims of Serbian ethnicity, or about the activities related to certain individuals from the distant past, are the ones that get emphasised (i.e., the content on the front page of the Ministry of Foreign Affairs’ website on the Kosovo pogrom in 2004<sup>29</sup> or the content on the violence and intolerance against Croatian Serbs<sup>30</sup>; the presentation of the Commission for secret burial places of individuals killed after the 12 September 1944<sup>31</sup> at the website of the Ministry of Justice, etc.).
- The webpages mention members of the military or national security leadership from the recent wartime past. However, as a rule, if a certain official has been indicted or has been convicted in war crimes proceedings, information on such circumstances is missing. As an example, SIA webpage provides information on Jovica Stanisic’ title and the time he spent as the Head of the State Security Department of the Ministry of Interior.<sup>32</sup> No other information is there that would provide details i.e. on the role that one of the heads of the state security had in events from the recent wartime past, or on the outcome of that role. Also, as an example, there is a report on the return of Vladimir Lazarevic to Serbia, posted on the Ministry of Defence’ website.<sup>33</sup> Except the statements of the ex-convict Lazarevic, the report mentions neither the indictment, nor the content of the final judgment that sentenced him to 14 years in prison.
- Some trials (before the ICTY or before the War Crimes Department of the Higher Court in Belgrade) involving those who served in Serbian military and police forces ended with final judgements and some cases are on-going. However, the institutions do not keep / have any content / reports about any of those cases on their official internet presentations. Webpages contain neither documents (indictments or convictions, as an example) nor even links that would take the user to i.e. the Office of the War Crimes Prosecutor of the Republic of Serbia or to the ICTY webpage.
- Not a single institution posted on its webpage the information and/or statistics on the human losses from the recent wartime past.<sup>34</sup>
- Among other, the Serbian translation of the judgment of the International Court of Justice in the case *Bosnia and Herzegovina v. Serbia and Montenegro* is not available

<sup>29</sup> See at <http://www.mfa.gov.rs/sr/index.php/2013-05-16-10-43-58/zlocin-bez-kazne?lang=cyr>

<sup>30</sup> See at <http://www.mfa.gov.rs/sr/index.php/2013-05-16-10-43-58/-2014?lang=cyr>

<sup>31</sup> See at <http://www.komisija1944.mpravde.gov.rs/>

<sup>32</sup> See at <http://www.bia.gov.rs/rsl/istorijat/dosadasnji-rukovodioci.html>

<sup>33</sup> See at [http://www.mod.gov.rs/sadrzaj.php?id\\_sadrzaja=9085](http://www.mod.gov.rs/sadrzaj.php?id_sadrzaja=9085)

<sup>34</sup> Non-governmental organizations are warning on the constant abuse of the number of dead civilians and members of the armed forces, as well as on presentation of incorrect data in order to manipulate the public. Per example, see CEAS Press release of February 2016, <https://www.ceas-serbia.org/sr/aktuelno/saopstenja/4626-zaustaviti-manipulaciju-brojem-zrtava-nato-bombardovanja>

on any webpage of any institution.<sup>35</sup> The judgment is available on the ICJ website, in English and in French.

Also, despite the fact that Serbia was involved in several cases before the ICJ concerning events from recent wartime past,<sup>36</sup> we could not find any relevant information (i.e. documents, detailed content of the proceedings and outcome of those proceedings) on the webpages of institutions.

Some internet presentations with relevant information are no longer available - per example, the webpage of the Yugoslav Truth and Reconciliation Commission.<sup>37</sup>

Let us recall the fact that Serbia has transferred to the ICTY almost all key high-state officials - military and police officials and political leadership. With that in mind, if we go back to the question we initially asked, one is incontestable: when conveying the "unpleasant truth" to the citizens, judging by the content of their official internet presentations (as a minimum), relevant institutions of the Republic of Serbia choose to - remain silent.

And if any deviation from this policy of silence takes place, that is if institutions decide to use this outlet to communicate the facts about the crimes to the general public - the selection of information and the tone of the content is such that it supports the official narrative on the recent wartime past (the information made available are filled with selectivity and the context is notably absent).

To sum up - insisting on (non)existence of a certain content on the webpage of a certain institution may sound irrelevant. However, if none of listed competent institutions communicates essentially important information to the general public (neither about the victims, nor about the responsibility for crimes of those from the high ranks of FRY / Serbia), then certainly it is not the fact without a special significance.

### c) OTHER SOURCES

The assumption is that the official internet presentations of institutions serve the public interest - among other, this implies that they feed the public with complete, objective and reliable information. However, the data collected reveal - at least vis-à-vis some of the institutions of the Republic of Serbia<sup>38</sup> - that this is not always the case.

Outlined circumstances raise the question - are there any other sources? Another way to provide (without obstructions) the general public in Serbia with information (complete, reliable, from primary sources preferably) on the recent wartime past?

---

<sup>35</sup> See at <http://www.icj-cij.org/files/case-related/91/091-20070226-JUD-01-00-EN.pdf>

<sup>36</sup> Several court proceedings were initiated in which then Federal Republic of Yugoslavia was one of the parties in the dispute. Thus, in March 1999 Bosnia and Herzegovina filed a lawsuit against FR Yugoslavia. Then in April 1999, FR Yugoslavia filed lawsuits against NATO member states. In July 1999 Republic of Croatia filed a lawsuit against FR Yugoslavia. Etc.

<sup>37</sup> See more in <http://pescanik.net/komisija-za-istinu/>

<sup>38</sup> Per example, in April 2016, Humanitarian Law Center reported that the content of the site of the Army of Serbia - on which, among other, their report "Dossier Ljubisa Dikovic" was founded on - was changed after the publication of the Dossier. HLC researchers, however, managed to find/recover the original version of the Serbian Army website with the original data. See *Serbian Army Removed Public Information for the Purpose of Protecting General Dikovic*, <http://www.hlc-rdc.org/?p=31803&lang=de>

Basic assumption is that the relevant information should be stored in institutions. Yet, those do not necessarily have to be only the ones of administrative or judicial authority. Among other, those may be institutions whose mission is educational or cultural. Taking into account the passage of time, the topic and type of data-carriers, it is reasonable to assume that institutions such as museums, archives, libraries could store and / or feed us with information on the role of the FRY / Serbia and Serbian forces in the recent wartime past.

Searching for such information, we focused on certain (out of total) number of museums funded from the budget of the Republic of Serbia<sup>39</sup>:

- Historical Museum of Serbia<sup>40</sup>
- Museum of Contemporary Art Belgrade<sup>41</sup>
- Museum of the Security Information Agency<sup>42</sup>
- Military Museum<sup>43</sup>
- Museum of Genocide Victims<sup>44</sup>
- Museum of Yugoslav History<sup>45</sup>

Our assumption was that there is an averagely informed citizen, with standard knowledge / perception of existing museums and their role. The assumption was also that she/he is interested in knowing credible facts on the recent wartime past - as minimum, information on the context of the conflict, on the commanders, perpetrators, organizers, on the circumstances under which the war crimes were committed, on victims of crimes committed. If she/he would search for such facts in museums, here is what she/he would find:

- The Historical Museum of Serbia has the task to protect and to take care of the artistic and historical heritage, significant for the history of Serbia.<sup>46</sup> According to the information received from the staff, the Museum does not have any amenities from the recent past. Performances or exhibitions, with focus on the period after the Second World War, were produced with items borrowed from related museums.<sup>47</sup> There are no performances or exhibitions related to the recent wartime past, nor were they ever held there.
- The Museum of Contemporary Art Belgrade has the task to protect and to take care of the artistic and historical works, significant for the contemporary visual art from 1900

---

<sup>39</sup> Due to time constraints and limited resources, the review applies only to certain museums in Belgrade. In order to have complete picture and greater precision of the findings, it would be necessary to carry out more extensive and thorough research

<sup>40</sup> See at <http://imus.org.rs/izlozbe/>

<sup>41</sup> See at <http://www.msub.org.rs/stalna-postavka-dela-jugoslovenske-umetnosti-iz-zbirki-muzeja-savremene-umetnosti>

<sup>42</sup> See at <http://www.bia.gov.rs/rsl/istorijat/muzej.html>

<sup>43</sup> See at [http://www.muzej.mod.gov.rs/sr/muzejska-delatnost/zbirke/zbirka-fabrickog-naoruzanja-od-1945-godine#.V5vsC\\_m7iko](http://www.muzej.mod.gov.rs/sr/muzejska-delatnost/zbirke/zbirka-fabrickog-naoruzanja-od-1945-godine#.V5vsC_m7iko)

<sup>44</sup> See at

<http://www.muzejgenocida.rs/%D0%B8%D0%B7%D0%BB%D0%BE%D0%B6%D0%B1%D0%B5.html>

<sup>45</sup> See at <http://www.mij.rs/upoznajte.html>

<sup>46</sup> See Decision on determining the jurisdiction of museums according to the types of historical and artistic works and according to the territory, Official Gazette of the Republic of Serbia, No. 28/95

<sup>47</sup> According to available data, several exhibitions on the period after the Second World War were organized in the Historical Museum of Serbia - per example "In the name of the people! Political repression in Serbia 1944-1953" and "Before and after and now".

to date.<sup>48</sup> According to the available data, in one period, the Museum occasionally hosted /organised exhibitions addressing the recent wartime past.<sup>49</sup> Today, however, the Museum is neither fully operational, nor is there any information indicating that exhibition of a permanent character, dealing with this topic, is set in any of its (operational) salons / galleries.

- Museum of the Security Information Agency is located in Belgrade and is not open for general public. During 2011 and 2012, media outlets reported on the exhibition which referred, among other, to indicted individuals that were arrested and transferred to the ICTY; in addition, the reports mentioned the plans of the SIA leadership to open the Museum for general public.<sup>50</sup> We reached out to SIA with the request for approval to visit the Museum, yet the Agency did not provide us with the respond. Thus, we were unable to take a closer look into the collection(s) / items stored in the Museum.
- The Military Museum has the task to "collect, to protect, to process, to publish and to display the items from the military history of Serbs."<sup>51</sup> The permanent exhibition displays a part of the museum fund, which "depicts the 14 centuries of war history of Serbs and of the Balkan people."<sup>52</sup> Displayed content refers mainly to the period before 1990. Although in a very limited space, the Museum also displayed items from the period of armed conflicts in the former Yugoslavia and NATO intervention in 1999.<sup>53</sup>
- The Museum of Genocide Victims has the *responsibility* to collect, to process and to use data on Serbian victims of genocide and the *possibility* of collecting, processing and use of data on genocide of Jews, Roma and members of other nations and national minorities.<sup>54</sup> The Museum reflects on the events from the recent wartime past in a series of its activities.<sup>55</sup>
- Museum of Yugoslav History, among other, "uses and manages historical and cultural assets, which illustrate the historical period when Yugoslavia existed."<sup>56</sup> The permanent exhibition in the Museum entitled "The Exhibition *Yugoslavia: From the Beginning to the End*", among other, mentions the disintegration of the former state and its devastating outcomes and makes a reference to the crimes committed in

---

<sup>48</sup> See Decision on determining the jurisdiction of museums according to the types of historical and artistic works and according to the territory, Official Gazette of the Republic of Serbia, No. 28/95

<sup>49</sup> Per example, the exhibition of Slovenian artist Marko Peljhan "Theory 1995" was set up in 2010 in MCAB. The content of the exhibition was an attempt to reconstruct the movement of troops during the military operations and mass executions during the war in the former SFR Yugoslavia. It was based, among other, on long-term research of the events and documents obtained from the ICTY and the ICJ. See Vidi *Izložba o događajima u Srebrenici 1995*, Blic, 3 December 2010.

In this Museum, some other works of contemporary art - that looked into and discussed the issue of crimes committed by members of Serbian forces - have also been exhibited - works by artists Radenko Milak, Milica Tomic and Sejla Kamerić (From the interview with Branislav Dimitrijević, PhD, art historian, held on 14 July 2016)

<sup>50</sup> *BIA izlaže radove haških optuženika*, B92, 20 November 2011 and *Reporteri Novosti u poseti Muzeju BIA*, Novosti, 29 January 2012

<sup>51</sup> See pages 71 and 72 in

[http://www.mod.gov.rs/multimedia/file/staticki\\_sadržaj/informator/2016/april/informator\\_o\\_radu\\_mart\\_lat.pdf](http://www.mod.gov.rs/multimedia/file/staticki_sadržaj/informator/2016/april/informator_o_radu_mart_lat.pdf)

<sup>52</sup> *Ibid.*

<sup>53</sup> See at <http://www.muzej.mod.gov.rs/sr/muzejska-delatnost/zbirke/zbirka-fabrickog-naoruzanja-od-1945-godine#.V7hV-fl97IU>

<sup>54</sup> Law on the Establishment of the Museum of Victims of Genocide, Article 1, para 1 and 2; Official Gazette of the Republic of Serbia, No. 49/92, 53/93, 67/93, 48/94, 101/05

<sup>55</sup> See at <http://goo.gl/ohrdT6>

<sup>56</sup> Statute of the Museum of the History of Yugoslavia, Article 3, para 2; available at <http://www.mij.rs/ona/dokumenta.html>

Croatia, Bosnia and Herzegovina, Kosovo.<sup>57</sup> In the context that we examine here, this is the first time we ever encountered the institution conveying somewhat different message to the public, thus deviating from the generally accepted narrative.

Despite its recent past being full of tragic wartime events and serious human rights violations and despite the fact that large number of facts has been established in proceedings before national and international judicial bodies, there is no special type of institution (museum) in the Republic of Serbia that would be assigned to collect and to keep data on victims, on the crimes committed, on the organizers, perpetrators of crimes and commanders and assigned to identify and to label places where the victims from the recent wartime past have suffered and/or have lost their lives.

Should museums take a lead in (initiating) a dialogue about those issues, should they promote critical thinking, social responsibility or should they only be there to keep and to protect certain amenities; which content is there and which is not and why, what content is displayed and which one isn't and why - all this should be the subject of a debate. What is certain, in the context that we examine here, is that a specialized institution of this type - does not exist in Serbia; in addition, the existing museums funded from the state budget, as a rule, neither keep the content related to the recent wartime past, nor organise exhibitions on this topic.

Few institutions mentioned in this review serve as an exemption to the rule – those institutions organise presentations of the content related to the recent wartime past. However, even when this is the case, information they provide are not of such quantity and / or quality that would be sufficient for an average observer to, as a minimum, fully understand the recent wartime past, to cope with it and to (based on available information) form an objective opinion. More specifically, available to the general public are 1) information that conflicts took place, yet (as a minimum) without any elaboration of development, outcomes<sup>58</sup> and the context of conflicts (Military Museum); 2) information that the disintegration of the former state was accompanied by heavy destructions, numerous victims, war crimes and finally genocide, yet - without further elaboration (Museum of Yugoslav History); 3) information from the distant and from the recent past about the sufferings of Serbs, Roma and Jews, placed in parallel with explanations that relativise or deny the crimes - the Srebrenica genocide particularly - committed by Serbs in Bosnia and Herzegovina<sup>59</sup> (Museum of Genocide Victims).

---

<sup>57</sup> The exhibition catalogue, among other, cites: "The irresponsible behavior of the Serbian, Slovenian and Croatian political leadership as well as of national leaders in Bosnia and Herzegovina, wide-spread nationalist propaganda and the unethical behavior of the European Community and the United States have contributed to the outbreak of the bloodiest wars in the European soil after the Second World War ... The Yugoslav Army degraded its reputation of the anti-fascist army from the Second World War. Along with Yugoslav Army, various paramilitaries, often referring to Ustasha or Chetnik traditions and often with criminals as their leaders, committed war crimes.... the fundamental destruction of Vukovar, shelling of Dubrovnik, ethnic persecution and other war crimes against Croats Serbs in Croatia, the siege of Sarajevo, genocide against Bosniaks in Srebrenica, ethnic persecution and other war crimes against civilians and prisoners of war of all three nations - Bosniaks, Serbs and Croats - in Bosnia and Herzegovina, and against Albanians and Serbs in Kosovo and Metohija." See at <http://www.mij.rs/upoznajte/istorija-jugoslavije/127/izlozba-jugoslavija-od-pocetka-do-kraja.html>

<sup>58</sup> Per example, although the responsibility of the political, but also of the military leadership of the FRY / Serbia for Kosovo crimes was established by final decisions of the ICTY, the visitor of the Military Museum can not find out anything about it.

<sup>59</sup> Per example, in his text, director of the Museum of genocide Victims emphasizes that "the fate of Muslim soldiers in July 1995 can not be qualified as a genocide but as a crime," and that „...the number of 8000 victims

Simply put, based on the information on the recent wartime past made available in museums, not only that wider audience cannot learn, as a minimum, about the responsibility of commanders, about the responsibility of perpetrators of crimes, about the facts already established before international or national judicial authorities – the public can hardly even find out that conflicts (in which the FRY / Serbia (political, military, police, media) establishment played an important role) ever took place.

Consequently, when institutions are concerned, in order to find source of information that does not encourage amnesia or denial, it is necessary to look further.

We moved on in our search for such source of information and focused on some of the most important, state-funded, national institutions responsible for archives:

- Archives of Yugoslavia<sup>60</sup>
- Archive of Serbia<sup>61</sup>
- Historical Archive of Belgrade<sup>62</sup>

These institutions store the large amount of historical records both from the territory of Serbia and from countries which part Serbia once was. Among other, some of them store records that relate to periods of major international conflicts and records on the post-war period of the XX century.

According to available data, some of these institutions organize events or exhibitions of historical records, thus, among other, reminding the general public on the established facts and encouraging them to take a stand on war crimes, on war crimes perpetrators, on victims of war crimes.<sup>63</sup> However, when it comes to the recent wartime past, this is not the case. When it comes to influence on / creation of perceptions of the general public on the recent wartime past - taking into account the prevailing silence and the wide-spread practice of semi-information or misinformation - in this moment, archives in Serbia do not contribute to prevention of such practices.

In this moment the UN Mechanism for International Criminal Tribunals Archives and Records Section (MARS) in The Hague (Netherlands) is entrusted with keeping and management of the ICTY archive.<sup>64</sup>

---

was assigned in advance! Planners of media storm wanted to transform the suffering Serbian nation to a nation of criminals, so they, among other, proclaimed that this number will be sacred and untouchable ..."

See more at <http://goo.gl/ky70Ld>

Also, one of the news informs the public about involvement of the Museum in marking the anniversary of the "tragic events in and around Srebrenica"; on that occasion, the head of this institution participated in the presentation of the book *Srebrenica Fraud*, organized in May 2016 in Belgrade. See more at

<http://goo.gl/WlrtFG>

Etc.

<sup>60</sup> See at <http://www.arhivyu.gov.rs/active/sr-cyrillic/home.html>

<sup>61</sup> See at <http://www.archives.org.rs/>

<sup>62</sup> See at <http://www.arhiv-beograda.org/index.php/rs/>

<sup>63</sup> Per example, a permanent exhibition in the Historical Archive of Belgrade "Centuries of Belgrade / XIV - XX Century", which, among other, introduces the public with sufferings of the XX century, with trials involving members of the special police forces and head of the Banjica concentration camp, etc.

<sup>64</sup> See at <http://www.unmict.org/bcs/o-mehanizmu/arhive-me%C4%91unarnodnih-krivi%C4%8Dnih-sudova>

In the years during which the ICTY operated in its full capacity, a number of discussions was held on where the archives should be stored in the future. There are no available data that indicate that institutions responsible for archiving historical records in Serbia have ever requested to store those records or at least part of the available materials from trials that involved members of the FRY / Serbia' political, military and police establishment.

One of the reasons for this situation could be in the provisions of the national Cultural Property Law<sup>65</sup>. Namely, the Law prescribes that “arranged and catalogued archival material shall be handed over to the competent archival office after 30 years from the day it was created” (para. 1, Art. 39.). Materials from the national war crimes institutions, per example, would thus be available in the national archives only from 2033 onwards, as a rule.

The Law, however, provides for possibility of handing the material over to the archives before the deadline prescribed by law - “deadline .. may be shortened by means of an agreement between the holder and the competent archival office” (para. 6, Art. 39.). Yet, although there is a possibility to get a hold of them, according to the available data the national archives were not entrusted with / do not hold the records related to the recent war history.<sup>66</sup>

Accordingly, we can conclude that even national archives in the Republic of Serbia – such as they are at present - are not the place where the interested public could be provided with direct insight to primary sources of information (i.e. indictments, transcripts of proceedings, judgements, testimonies of victims, witnesses, court experts, survivors, etc.)) created in international and domestic instances competent to establish individual criminal responsibility as well as in courts competent for disputes between the states and related to FRY / Serbia or to accused members of their establishments.

The quest for primary sources of information, therefore, had to be continued. In the context of our research - and in light of facts that online habits in Serbia are still insufficiently developed and that majority still uses traditional methods of collecting knowledge and / or information - we concluded that it would make sense to focus on the content of the public libraries.<sup>67</sup>

Certainly, in comparison to national archives, libraries may predominantly store unconventional, secondary sources - but the possibility that those institutions may also collect and keep the primary sources of information was something we did not want to exclude. Also, if we go back to the beginning of this text and to our "presumption of informed society" taking into account the passage of time, it would not be unreasonable to expect (given the potentially sizeable number of interested audiences) that the libraries throughout Serbia were

---

<sup>65</sup> Official Gazette of the Republic of Serbia, No. 71/94, 52/2011, 99/2011

<sup>66</sup> The COBIB catalogue data show that the library of the Archives of Yugoslavia, per example, keeps some records (mostly secondary sources of information) that refer to conflicts in the former SFR Yugoslavia. The number and quality of those is not negligible, however it is also not of such quantity/quality that one could conclude that the archives, at this moment, play the pivotal role in the process of confronting the past by informing the public on established facts.

<sup>67</sup> See the list here <http://www.vbs.rs/scripts/cobiss?ukaz=getid&lani=sc>

Our search did not include special libraries financed from sources other than the budget of the Republic of Serbia

provided with vast number of information of this kind and that they are available to all potentially interested users.<sup>68</sup>

Starting with that presumption, COBIB<sup>69</sup> was searched – an online database of the content of libraries in Serbia, which, at this moment, stores circa 3 millions of bibliographic items. Taking into account the scope of the content, the possibility of diversified searches and particularly the fact that our search here relied only on the *online* database<sup>70</sup> - wider and detailed research and analysis would be needed in order to have more precise and less descriptive conclusions.

Taking into account that limitation, noteworthy results of the search of the content of 140 public libraries financed from the budget of the Republic of Serbia are as follows:

- In Serbia, there is not a single one thematic / specialized library financed by the state. Also, it remains unknown / there are no available data if there was any intervention of the state with purpose to provide the general public in Serbia, in a balanced and systematic manner, regardless of where they live, with relevant sources of facts established in court proceedings - thus with opportunity to be acquainted with facts on recent wartime past - using the network of public libraries.
- Responsibility of libraries to collect, to process, to protect, to store and to provide users with library materials and resources, is prescribed by law.<sup>71</sup> In the context of this duty, libraries store a variety of sources about the recent wartime past. Certain number of primary sources of information is available in libraries throughout the country. Significantly larger is the number of secondary sources (descriptions / testimonies on relevant events from the viewpoint of the author, memoirs, newspaper articles, etc.), also stored in libraries throughout the country.
- If the primary sources of information are at all available in libraries, then, as a rule, they are about trials before the ICTY.

Per example, 20 public and university libraries in Serbia keep transcripts from Slobodan Milosevic trial, the ICTY judgements referring to crime of genocide in Srebrenica are kept in 23 public and university libraries, literature on judgments and pleas of guilty - Biljana Plavsic and others are kept in 26 libraries, etc. It seems that the content itself is available to the extent of efforts and available resources that publishers (mostly local non-governmental organizations) invested in it. This may be one of the reasons why not all COBIB searches return results (per example, search for keywords "Milan Lukic", "Visegrad case", "Ovcara" or "Zeljko Raznatovic" did not return any results). Also, libraries keep transcripts, closing arguments and other documents from ICTY trials that were published by certain political parties - more precisely it is Serbian Radical Party whose member was accused before the ICTY (Vojislav Seselj).

---

<sup>68</sup> "Libraries are ... essential for citizens to be informed ... (and) represent the driving force of the overall development of a free, democratic, civil society." (Library and Information Services Law, Article 5, para 1; Official Gazette of the Republic of Serbia, No. 52/2011)

<sup>69</sup> See at <http://www.vbs.rs/scripts/cobiss?ukaz=BMEN&id=0139459675247308>

<sup>70</sup> Per example, the possibility of errors in process of entering data / keywords, then appearance of different results or different number of results in same searches, and so on. Also, it was unknown to us if certain books exist, but have not yet been registered into the database. Also, one can not be certain if particular records in the library were received (on various grounds) or were purchased on the initiative of a library – and that difference is crucial.

<sup>71</sup> See Library and Information Services Law, Article 8



- Some primary sources of information on the 1993 genocide lawsuit filed to ICJ by Bosnia and Herzegovina against Federal Republic of Yugoslavia are available - a publication containing defence of Serbia before ICJ, as well as a publication containing the ICJ ruling in that dispute, are kept in 22 public and university libraries. According to the search results, there are no primary sources of information on the 1999 genocide lawsuit filed by Croatia against FRY to the ICJ (a few secondary sources are available). The primary sources of information on the 1999 lawsuit filed by the FRY against eight NATO member states, according to returned results, are also missing (several secondary sources are available).
- The number and the availability of secondary sources of information significantly outnumbers the total amount of records (and their distribution by libraries) containing primary sources of information (indictments, trial transcripts, judgments, etc.). Secondary sources (some of them related to critical events) authored by those convicted and / or accused before the ICTY - Veselin Sljivacanin<sup>72</sup>, Vojislav Seselj<sup>73</sup>, Slobodan Milosevic, Biljana Plavsic and others – are, among other, available in public and / or university libraries. Books authored by the ICTY convicts Milan Lukic, Momcilo Krajisnik, etc., are also available.
- Furthermore, dozens of materials about Radovan Karadzic, materials written by Radovan Karadzic and materials written / published by the „International Committee for the Truth about Radovan Karadzic“ are stored in a series of public libraries throughout Serbia. The texts of indictments against Radovan Karadzic and against Ratko Mladic (publications of the Sarajevo University Institute for Research of Crimes against Humanity and International Law), on the other hand, are available in two libraries - in Belgrade and in Novi Sad.
- When it comes to numbers and to distribution of secondary sources of information, results of publishing activities of "Srebrenica Historical Project" (an initiative that, according to available data, denies the established facts about Srebrenica genocide<sup>74</sup>) are remarkably present. Search shows a whole series of Srebrenica Historical Project' publications stored in libraries across Serbia. As an illustration, "Srebrenica - An Official Lie of an Era" is available in 15 public libraries and "Srebrenica - Forgery of History" can be found in 35 public and university libraries in Serbia.
- When it comes to sources containing information on war crimes committed by Serb forces, the search returns very few results.  
Comparing the statistic of cases at the official website of the War Crimes Prosecutor's Office of the Republic of Serbia<sup>75</sup> with the content of the COBIB database, we noticed - with the exception of "Scorpions" case (excerpts from trial transcripts and selected

<sup>72</sup> His book "Honey and Bitterness" is stored in 28 public libraries, book "I Defended the Truth: 2450 Days in The Hague" in 27 public libraries, book "Son, Be a Man" in 23 public and university libraries in Serbia.

<sup>73</sup> More than a dozen titles of this type, by this author, each in several copies, are stored in public and / or university libraries in Serbia - per example: "United Nations money robber Hans Holthuis" (in one library), "Degenerate monkey Bakone Justice Moloto" (in 3 libraries), "In the Jaws of Whore del Ponte" (in 3 libraries), "Corrupted President of the Illegal Hague Tribunal Fausto Pocar" (3), "Lying Fagot from The Hague Geoffrey Nice" (in 4 libraries), "Dutch Son of a Bitch Alphons Orié" (4), "Retarded ICTY Prosecutor Hildegard Uertz-Retzlaff" (4), "South Korean Pest O-Gon Kwon" (in 5 libraries), "Political Deal of Whore del Ponte and Whore del Kostunica" (5), "Hrtkovci Affair and Ustasa Whore Natasa Kandic" (in 9 libraries), etc.

<sup>74</sup> According to media reports, in 2014 the Office of the Prosecutor of Republika Srpska confirmed that it "launched an investigation of the business of this organization, which was founded with the help of the government of Republika Srpska, in order to challenge the facts established before courts about the proportions of genocide .. over Srebrenica Bosniaks." See more in *Republika Srpska istražuje zakladu koja negira genocid u Srebrenici*, Index.hr, 4 July 2014, *Vlada RS za negiranje genocida dala 1.898.900 KM*, Klix.ba, 14 April 2014, etc.

<sup>75</sup> See at <http://www.tuzilastvorz.org.rs/en/cases/cases->

documents were published and stored in 27 public and university libraries), the "Podujevo" case (in 24 libraries) and "Suva Reka" case (in only 4 libraries) - that the number of (searchable) sources of information on war crimes committed by Serb forces is noticeably small. COBIB search displays 1 to 3 such bibliographic units - mainly secondary sources and mainly stored in Belgrade or Novi Sad (per example - "Strpci abduction" (2 secondary sources), "Lovas" (1 secondary source), "Ovcara" (1 article in one journal), "Bytyqi brothers" (1 secondary source), "Qyshk" (1 secondary source)). No results, in this context, were found for war crimes related keywords "Milan Milutinovic", "Nikola Sainovic", "Sjeverin", "Batajnica", "Tekija", etc.

The contents of the state-founded Military Academy library are not searchable in COBIB. Pupils, cadets and students of the national Military Academy, as well as all members of the Ministry of Defence of the Republic of Serbia and of the Army of Serbia, have the possibility to use the library of the Centre for Librarianship, Military Science Documentation and Information (CLMSDI). Access to CLMSDI library resources to users outside the defence system is limited.<sup>76</sup>

In order to find out to what extent primary sources of information on international and domestic war crimes trials are (or are not) available to users, we reached out to the Defence Ministry with requests to grant us access to CLMSDI. Except confirming that our letters were received, the Defence Ministry did not provide us with any other response. *De facto*, the permission to visit CLMSDI in order to search the contents of library was not granted.

As already mentioned, in order to have solid final conclusions, more extensive analysis would be needed. However, based on the listed observations, the impression is that – in addition to the fact that relativisation and / or genocide denial are not yet incriminated - the state has done almost nothing in using this traditional method of distributing knowledge and / or information to create conditions for the public to be systemically informed / aware of the facts and responsibilities established for serious violations of the international humanitarian law in the recent wartime past.

Namely, if it wasn't for efforts of civil sector and international institutions and organizations, it is highly likely that public libraries would not have in their collections primary sources of information about at least few trials to members of the FRY / Serbian (and Republika Srpska) leadership held before the ICTY. The same could apply to cases of domestic war crimes trials, where the representatives of the War Crimes Prosecutor's Office of the Republic of Serbia, certain judges, independent experts for war crimes were investing their efforts and giving their contribution..

The fact that national public enterprises (the "Official Gazette", per example) publish books of ICTY convicts<sup>77</sup> and / or arrange up-to-date procurements and distributions of books of family members of accused before the ICTY<sup>78</sup>, on the other side, sends a certain message.

<sup>76</sup> See more at <http://www.va.mod.gov.rs/cms/view.php?id=902>

<sup>77</sup> Per example, book "Son, Be a Man" by Veselin Sljivancanin was published in 2015 and stored in 23 public and university libraries in Serbia. The book publisher is the public enterprise "Official Gazette".

<sup>78</sup> Per example, in June 2016 the Ministry of Culture and Information of the Republic of Serbia' Commission for purchase of books for public libraries in the Republic of Serbia approved the purchase of memoirs of Slobodan Milosevic's widow. Book "It was like this" written by Mirjana Markovic (published in 2015) was purchased and

That message is that institutions of the Republic of Serbia are willing to take care of documenting and informing the general public about the recent wartime past - if the content is of such quality that upholds the official narrative about the events from the recent wartime past.

In addition to the fact that appropriate, systemic activities of the state were absent so far, it also remains unknown if there are any activities now, or at least plans on the state level for any activities in the future that would aim at regular publishing and balanced distribution and storage of relevant contents based on established facts, in order to make them available to the widest audience in Serbia.

Although established with purpose to serve the public interest, according to the described above it looks like institutions, in this moment, *de facto* reinforce the system of "non-disclosing the unpleasant truth" to the public. Thus, paradoxically, institutions participate in widening of the space for abuses, manipulations and political populism.

Moreover, there is an additional injustice to it. Namely, the effects of such practices do not necessarily affect those with certain resources and / or knowledge - resilient part of the population. The young ones and / or those to whom (due to lack of resources, of IT skills, knowledge of languages, due to life outside of centres of political activity, etc.) the institutions may serve as the only source of any information and / or knowledge (on the events from the recent past, among other) - they will almost certainly be exposed to and / or affected by misinforming.

### 3. EDUCATION

It is obvious already that the assumption outlined in the opening of this paper – that, during the long period after the end of armed conflicts, the society learned from based-on-facts information obtained from various sources, thus facing its violent past and making sure that conflicts and/or crimes are never to be repeated - is not so firmly grounded.

To what extent the young / new generations in Serbia are aware (or not aware) of crimes committed, of victims of crimes, of commanders and perpetrators of crimes from the recent wartime past? There are no recent researches / analysis that focus on this question.<sup>79</sup> In general, the inclination towards extreme and right-wing political options is growing<sup>80</sup> and newer generations often find their idols in members of the FRY / Serbian and Republika Srpska leadership who were transferred to The Hague due to their roles in crimes committed

---

stored in 13 public libraries throughout Serbia. See also <http://balkans.aljazeera.net/vijesti/memoari-mire-markovic-u-bibliotekama-srbije>

<sup>79</sup> One survey, without much details available, was conducted by the HLC for the purpose of drafting recommendations for introduction of transitional justice into university programs (see at <http://goo.gl/WwvUfL>). Chunks of data are available in public opinion survey of the 2011 Belgrade Centre for Human Rights. More extensive / serious research on this subject has not been implemented in the last 5 years. Smaller / pilot research was conducted by the Youth Initiative for Human Rights in 2015 on the awareness / knowledge on war crimes and war crimes trials, in which respondents were young Albanians and Serbs in Kosovo (see at <http://www.recom.link/hr/koliko-se-mladi-albanci-i-srbi-medusobno-poznaju/> )

<sup>80</sup> See *Zašto mladi Srbi mrze Hrvatsku, EU i NATO?*, Deutsche Welle, 12 August 2016

during conflicts. From the media reports it can be learned that "only 5% of young people have heard about Srebrenica" or that students of one faculty of the Belgrade University found "the contents of the ICTY judgement in the case regarding rape of women in Foca hilarious."<sup>81</sup>

It may seem at first that such attitudes are created by frequently consumed contents popular among youth - tabloid journalism, obscure contents on the Internet, and so on. However, a closer look reveals that misinformation or semi-information would not be able to create that problematic attitudes (or not without difficulties, at least), if the education system - based on inclusion and on modern, neutral and objective, not-nationally-coloured learning materials (as a minimum) - that prepares citizens for critical thinking, was in place.

Does the education system in Serbia prepare new generations to act against intolerance, discrimination and irresponsibility? Is the fact-based narrative on the recent wartime past included in the curriculum? If yes, is knowledge of such narrative compulsory? Does the educational system in Serbia teach on how to (critically) observe, per example, misinformation or semi-information about the recent wartime past? According to available data, it seems like universal answer could be - no.

The education system is not sufficiently reformed and its (substantive) problems are regularly at the bottom of a scale of political priorities. The fact that the curriculum and materials in secondary schools and in faculties in Serbia do not contain any information, or contain incomplete or inaccurate information about the recent wartime past, has been pointed out by civil society (NGOs, various scholars' initiatives, independent experts) in Serbia for years. Governmental support for reform projects in this area was missing, as a rule.<sup>82</sup> Certain experts tried to make a change and faced consequences.<sup>83</sup> Waiting for the outcome of the civil society initiatives currently under way<sup>84</sup> is thus filled with concerns.

Few signals that change may happen, in regard to schools, came up recently - namely, in key strategic documents it adopted in February 2016 and in September 2015, the Government of the Republic of Serbia expressed its commitment to "improving curricula so as to... ensure pupils are provided with sufficient amount of relevant information on conflicts.. and war crimes .." <sup>85</sup> as well as to "removing any discriminatory content" from "all textbooks, from the curricula and from other teaching materials at all levels of education."<sup>86</sup> Although this in fact sounds encouraging, certain signs are there that indicate that the implementation of this principle commitment will be problematic.<sup>87</sup> It will be very important thus to carefully observe its future implementation in practice.

---

<sup>81</sup> See *Zašto su se beogradski studenti smejali silovanjima u Foči?*, Radio Free Europe/Radio Liberty, 28 August 2016

<sup>82</sup> Per example, in 2005 Ministry of Education of the Republic of Serbia led by Slobodan Vuksanovic PhD, during the government of Vojislav Kostunica PhD withdrawn itself from the EU-funded project, aimed at placing modernized textbooks in history, with balanced content, in schools in Serbia. (From presentation of Dubravka Stojanovic Phd at the event organized by the HLC on 14 September 2015 in Belgrade)

<sup>83</sup> Per example see *Beograd: Profesorka Dulić penzionisana nakon pisanja o zločinima u BiH*, Radio Free Europe/Radio Liberty, 28 June 2012

<sup>84</sup> See more in *Učenje o prošlosti: ka ponavljanju ili ka pomirenju?*, HLC, 20 April 2016

<sup>85</sup> *National Strategy for the Prosecution of War Crimes*, February 2016, Goal 3, page 35

<sup>86</sup> See Activity 3.8.1.10 of the Action Plan for Chapter 23, September 2015

<sup>87</sup> According to the information received from ICTY Outreach Programme representative in Belgrade, it happened more than once that the principle approval of the Ministry responsible for education for lectures on the ICTY in schools in Serbia was provided, yet the lecture is not allowed by the school director.

Taking into account the declared commitment of the Government to implement reform in schools (as well as considering the university autonomy), we intended to examine if the situation is the same or is it different when it comes to institutions of higher education. For that reason, we focused on several institutions of higher education, financed from the budget of the Republic of Serbia, located in Belgrade.<sup>88</sup>

Considering the number of universities and faculties that may be relevant, their dispersion throughout Serbia, as well as insufficient resources / space to examine everything here, in order to get more accurate / factual and less descriptive findings and conclusions, way more extensive research / analysis would be needed. Taking into account that limitation, the most striking findings of our analysis of several institutions of higher education are as follows:

- Knowledge of students on transitional justice, if any, exists predominantly due to personal initiatives of the university professors. Certain professors have put their efforts into organising lectures or visits, per example, of representatives of the ICTY or the representatives of the War Crimes Prosecutor's Office of the Republic of Serbia. Although very important, these initiatives are occasional, they dependent on the choice of a professor and by nature they are not systemic.
- All interlocutors from faculties financed from the budget of the Republic of Serbia confirmed that „faculties are open to these topics and that students are interested“ - at all faculties, lectures of ICTY representatives were held occasionally. At one period of time, joint projects on war crimes were implemented in cooperation with certain international organizations.
- Interlocutors from faculties were not aware if there were any contacts, in the recent period, between the faculty and the War Crimes Department of the Higher Court in Belgrade for purpose of cooperation - in context of, per example, organising lectures for students, bringing students to Court to observe ongoing trials, and so on - or if there was any initiative to make an agreement / to formalize cooperation between institutions for that purpose.
- In terms of compulsory material, a comprehensive subject or a program which would elaborate the relevant subject matter and would be compulsory for all students, does not exist at faculties financed from the budget of the Republic of Serbia – fragments of relevant theoretical knowledge students adopt through various subjects (i.e. subjects at the Faculty of Law - International Public Law, International Criminal Law, International Humanitarian Law, Human Rights Law, Criminal Law..).
- Knowledge of subjects closest to this topic (i.e. International Criminal Law at the University of Belgrade, Faculty of Law) is not mandatory for all students. Adopting of that knowledge is mandatory for a certain number of students only – those that choose to attend a certain course at the Faculty. The percentage of those students is not always

---

<sup>88</sup> Information were collected in interviews with professors of the University of Belgrade Faculty of Law and the University of Belgrade Faculty of Political Sciences, as well as with professors from the Law Faculty of the Union University in Belgrade, with representatives of the Office of the War Crimes Prosecutor of the Republic of Serbia, with the ICTY Outreach Programme representative in Belgrade and with several reputable national experts on war crimes issues. Interviews were conducted with Bojan Milisavljevic, PhD (Faculty of Law, University of Belgrade), Vesna Knezevic Predic, PhD (Faculty of Political Sciences, University of Belgrade), Violeta Besirevic, PhD and Sladjana Jovanovic, PhD (Faculty of Law, Union University in Belgrade), Goran Georgijev (Office of the ICTY Outreach Programme in Belgrade), Bruno Vekaric (War Crimes Prosecutor of the Republic of Serbia), Marijana Toma and Nemanja Stjepanovic (experts from the Humanitarian Law Center) and Jelena Stevancevic (independent expert). Also, we reached out with request for interviews to the History Department of the University of Belgrade Faculty of Philosophy, to the Academy of Criminalistic and Police Studies in Belgrade, to the Military Academy.; however, feedback from certain institutions was not received.

high, so with certainty it can be assumed that only very small percentage of the total population of students is introduced with basics, at least. Even this small quota of students, however, is not required to be introduced with / to be aware of practice of prosecuting those accused for war crimes.

- In addition to the fact that small number of students might choose to study, per example, international criminal law, even this small number can find itself in situation to use textbooks that continue to focus on *controversial legitimacy and legality of the ICTY* and that provide examples from the ICTY practice only if they turn up to be supportive of such assertions of the author (per example, „International Criminal Law" (2012) by Prof. Zoran Stojanovic; this textbook is compulsory for undergraduate students, as well as for students at master studies at the University of Belgrade Faculty of Law).
- According to available data, "Clinical Legal Education"<sup>89</sup> programme - which provides students with opportunity to gain practical skills in various fields of law – has been active and operating for years, at the University of Belgrade Law Faculty. However, no similar activity in relation to topics of war crimes or transitional justice was being organised at the Faculty, until today.
- It is interesting that apparently not one of faculties financed from the budget of the Republic of Serbia is holding a separate library that would store / keep the primary sources of information in relation to cases involving FRY / Serbia or cases involving accused members of the state leadership (per example, indictments, transcripts of proceedings, judgements, testimonies of victims, witnesses, court experts, survivors, etc., created in international and domestic instances competent to establish individual criminal responsibility as well as in courts competent for disputes between the states).<sup>90</sup> The employees of the faculty libraries that we reached out to for information about primary sources of information mostly referred us to COBIB service.
- According to data collected indirectly, the students of the Department of History of the University of Belgrade, Faculty of Philosophy are studying periods of history until 1945 only. Students of this faculty are not learning about the periods of history after 1945.<sup>91</sup>

In our opinion, the most serious weakness is in the lack of a systemic solution for education on transitional justice. The fact is that through alternative and / or occasional educational activities, students may get the information about the crimes that have been committed, but – comprehension of the content of textbooks (that can sometimes offer the personal views that support the official political narrative, instead of facts) is what is mandatory. However, expressed interest of students and professors in some faculties and, at least theoretical, openness to change, is encouraging.

While there is a chance for change in the future, the present remains problematic. Key institutions of higher education that shape future decision-makers lack systemic solution for teaching (all students or majority, at least) about crimes committed, about those responsible for crimes and about victims of conflicts from the recent past. As it was the case with previously analyzed aspects of learning about war crimes and war crimes trials in Serbia, it

---

<sup>89</sup> See at <http://www.ius.bg.ac.rs/Pravna%20klinika/PRAVNA%20KLINIKA.htm>

<sup>90</sup> Respectable law faculties are devoting particular attention to primary sources of information – see, per example, Harvard Law School digital collection of documents from the Nuremberg trials at <http://nuremberg.law.harvard.edu/>

<sup>91</sup> From the interview with Marijana Toma, historian, Humanitarian Law Center deputy executive director, held on 14 July 2016.

turns out - according to available data - that most serious weakness here is also the (lack of) information about domestic war crimes trials.

According to the information received from the Deputy War Crimes Prosecutor of the Republic of Serbia, up till now there were no contacts between domestic institutions responsible for prosecution of war crimes with the Military Academy, in the context of establishing cooperation, transfer of knowledge to the students of the Academy and so on. The same is with the Academy of Criminalistic and Police Studies in Belgrade.<sup>92</sup>

Also, according to the information received from the representative of the ICTY Outreach Programme in Belgrade - although the representatives and employees of the ICTY participated in a series of trainings, lectures and discussions involving various target groups in Serbia - up till now there weren't any contacts with purpose of cooperation, neither with the Military Academy nor with the Academy of Criminalistic and Police Studies.<sup>93</sup>

Also, according to the information obtained from NGO Belgrade Centre for Human Rights, neither teaching staff nor the students of the respective academies attended any of trial hearings in war crimes cases held in the Higher Court in Belgrade in previous two years (among other, in cases before the Higher Court indicted were the members of military forces and police units).

Given that indirectly collected information were discouraging, we decided to examine first-hand if, how and to what extent the students of the Military Academy and of the Academy of Criminalistic and Police Studies (ACPS) learn about the practice of international and domestic institutions for prosecution of war crimes. With that intention, we reached out to these institutions with requests for interviews.

In reply to our request for permission to talk on that topic with the teaching staff of the Academy, an ACPS representative informed us that the "holiday season is ongoing and that all relevant information are available on the official ACPS website." Also, there was no feedback from the Ministry of Defence of the Republic of Serbia, to our written requests for permission to talk with the teaching staff of the Military Academy. Ultimately, Defence Ministry did not provide us with the response (*de facto*, approval was not granted). For listed reasons, it was not possible to carry out any interviews.

#### 4. TO LEARN AND TO UNDERSTAND

The ICTY Statute prescribed that trial hearings shall be public as a rule, unless "the Trial Chamber decides to close the proceedings in accordance with its rules of procedure and

---

<sup>92</sup> From the interview with Bruno Vekaric, deputy Prosecutor in the Office of the War Crimes Prosecutor of the Republic of Serbia, held on 6 July 2016.

<sup>93</sup> From the interview with Goran Georgijev from the Office of the ICTY Outreach Programme in Belgrade, held on 14 July 2016

evidence" (para 4., Art. 20. of the Statute). The ICTY Media Office additionally contributed to this rule by enabling the use of various resources to journalists that assisted in reporting on the work of trial chambers.

Moreover, there was awareness that communities living in the area where the conflicts unfolded have the right to be acquainted with the proceedings before the ICTY. Also, there was awareness of the mistrust of communities in the Balkans, often fostered by nationalistic propaganda, towards the work of the ICTY. Equally, there was awareness that it is important that facts established during trials get their place in the public spheres of the countries of the former SFR Yugoslavia. Six years after the establishment of the ICTY, all this resulted with establishing of the ICTY Outreach programme.<sup>94</sup>

The rule that the work of the ICTY shall be public, along with the special programme that reported and explained the facts about the Tribunal, as well as about the work of the Tribunal to audiences at the territories of former SFR Yugoslavia (*outreach*), contributed to introducing public with facts. The work (and success) of the Outreach programme were the subject of series of justified criticisms. However, the fact that the ICTY provided unrestricted and easy access to all aspects of the process to all interested public as well as invested efforts to ensure that all target audiences *understand* the results of its work, is undeniable. Per example, the multilingual internet platform was providing insight in the work of the Office of the Prosecutor, of the Registry and of the Tribunal, as well as in all documents relevant to various stages of process - recordings, indictments, judgments, as well as transcripts of trials were available on the ICTY website.

Contrary to the ICTY practice, it is obvious that in Serbia very little information about domestic war crimes trials is available and the scope of audiences familiar with the processes and outcome of trials is even smaller. We couldn't help but wonder: Could the confrontation of a society with its wartime past really be expected - on the basis of facts established in the proceedings before the national institutions for prosecution of war crimes (among other) - if the institutions do not make those facts available to the public in (as a minimum) understandable, simple and non-bureaucratic manner?

Could the confrontation of a society with its wartime past really be expected - on the basis of facts established in the proceedings before the national institutions for prosecution of war crimes (among other) - if the institutions do not make those facts available to the public in (as a minimum) understandable, simple and non-bureaucratic manner?

Are the documents containing relevant information and/or facts on national war crimes trials accessible to the public in an understandable, easy and non-bureaucratic manner? With aim to get the correct answer, we carried out a sort of experiment. Namely, in 2010, in an attempt to make the course of cases before domestic courts more transparent, the Ministry of Justice of the Republic of Serbia launched Portal of Serbian Courts.<sup>95</sup> In order to receive data from the Portal on the course of a certain case, user needs to enter several parameters, such as – name of the court, name of the judge, case number, date of reception of documents, etc. During our quest, 6 lawyers logged onto the Portal in 2 attempts, seeking information on (at that time) 5 ongoing cases before the War Crimes Department of the Belgrade Higher Court.<sup>96</sup> In the first

<sup>94</sup> See at <http://www.icty.org/bcs/outreach/home-bcs>

<sup>95</sup> Portal of Serbian Courts, <http://www.portal.sud.rs/code/navigate.aspx?Id=601>

<sup>96</sup> Log-in sessions took place on 13 July 2016



attempt, lawyers were searching for data as layman / as any interested citizen would do it. In the second attempt, lawyers were searching for data using knowledge and information usually available to lawyers (case number, names of judges, etc.). Data were not found in either case.

One of the reasons may be the interpretation of provisions of certain regulations, which affect the work of national judiciary, that are related with rules and regulations on personal data protection. For example, the search of the Portal simply by the name of accused is not possible, so it is also the case with accused for war crimes.

Opinion of experts is that in Serbia these rules need to be separated into rules in cases of war crimes and rules in cases before the courts of ordinary jurisdiction (protection of data should be strict, except in war crimes cases).<sup>97</sup>

With rules on personal data protection, and also with data anonymization rules<sup>98</sup>, when it comes to video recording of war crimes trials the practice of institutions is generally discouraging. Serbia is the only country where cameras were not allowed in to record pronouncing of judgment in a war crimes case.<sup>99</sup> Despite the provision of the law that stipulates that the president of the court, with the obtained consent of the parties, can approve the recording of trial hearing for purpose of public broadcasting<sup>100</sup> - in practice, it happens, per example, that court president rejects the request for recording of the pronouncement of judgment, without providing explanation.<sup>101</sup>

Taking into account the rules and regulations in force as well as their interpretation, it is unclear which content could then be placed, per example, on the website of the court. It turns out that it is also not entirely clear how the general public could actually at all find out – in an understandable, simple and non-bureaucratic manner - about the crimes committed and about those responsible for the crimes.

Hopes that such practice will change were raised recently - a principal commitment of decision-makers to improve the website of the Higher Court in Belgrade ("all necessary information on judgments will be available, and, gradually and increasing in number, the very judgments in war crimes cases, as well"<sup>102</sup>) was declared; also, the High Judicial Council (HJC) expressed intention to "support the courts through opinions, guidelines and recommendations related to the mandatory content of the courts' websites and their improvement."<sup>103</sup>

---

<sup>97</sup> From the presentation of Ivan Jovanovic, LL.M., at *Access to information of public importance in war crimes cases*, Humanitarian Law Center, 4 April 2016

<sup>98</sup> Per example, *Beogradski Viši sud zatamnjuje presude*, Danas daily, 22 January 2016

<sup>99</sup> Information from *Access to information of public importance in war crimes cases* round table, Humanitarian Law Center, 4 April 2016

<sup>100</sup> Law on the Organization and Jurisdiction of Government Authorities in War Crimes Proceedings, Article 16a

<sup>101</sup> Judgment pronouncing in "Beli Manastir" case. *Access to information of public importance in war crimes cases - Fact sheet*, Humanitarian Law Center, 2016.

<sup>102</sup> *National Strategy for the Prosecution of War Crimes*, February 2016, Goal 1, page 34

<sup>103</sup> *Communication Strategy of the High Judicial Council*, March 2016, page 8

However, six months after the adoption of strategic documents (where these intentions were expressed), the war crimes cases section on the webpage of the Higher Court in Belgrade is still without content.<sup>104</sup>

In order to find out more about the implementation of those intentions in practice, as well as to find more details about the (lack of) content on war crimes cases section on the webpage of the Higher Court, we reached out to High Judicial Council with request for an interview with HJC public relations person. Although the request was repeated several times, the High Judicial Council did not provide us with any feedback or reply.

In terms of providing public with information on war crimes in a non-bureaucratic manner - the content of the website of the Appellate Court in Belgrade is being updated regularly and, within the section on decisions in war crimes cases, it contains summaries of decisions of the Court.<sup>105</sup>

The fact is, however, that since its establishing, the Office of the War Crimes Prosecutor of the Republic of Serbia made efforts not only to prosecute those involved in war crimes, but also to explain the events in the courtroom to the public (beside also making indictments available online and regularly updating certain information about cases). The webpage of the Office of the War Crimes Prosecutor contains extensive number of data and information.<sup>106</sup>

In view of the fact that the trial for massacre of more than 1,300 civilian victims in Srebrenica (Kravica)<sup>107</sup> is scheduled to start in September 2016, it is of the utmost importance that public regularly and promptly receives information about the course of this case. It is without a doubt that the knowledge and experience of the representatives of the Office of the War Crimes Prosecutor here could play a very important role.

However, according to available information, internal act on organization and systematization of work positions in the Office of the War Crimes Prosecutor that was recently adopted, does not mention PR position and/or public relations department.

Although the implementation of adopted strategic documents and / or plans is quite problematic in Serbia (i.e. as a rule, goals remain unaccomplished the implementation depends almost exclusively on existence of political will, etc.), we will note however that Republic of Serbia does not have a comprehensive strategy on transitional justice. Also, there

<sup>104</sup> See at <http://www.bg.vi.sud.rs/lt/articles/sudska-praksa/pregled-sudske-prakse/krivicno-odeljenje/ratni-zlocini/> Webpage accessed on 25 August 2016

<sup>105</sup> See at <http://www.bg.ap.sud.rs/lt/articles/sluzba-za-odnose-sa-javnoscju/aktuelni-predmeti/ratni-zlocini>

<sup>106</sup> See at <http://www.tuzilastvorz.org.rs/st/>

<sup>107</sup> In March 2016, the competent tribunal in the War Crimes Department of the Higher Court in Belgrade confirmed the indictment for war crimes against civilian population in Srebrenica (Kravica) in July 1995. The case involves eight accused individuals and refers to deaths of more than 1300 victims. From the aspect of the gravity of the crime and its consequences, this is one of the most difficult cases to take place before the trial chamber of the War Crimes Department of the Higher Court in Belgrade.

are no strategic documents or plans concerning outreach at the national level, which would, per example, map and address the abovementioned shortcomings.

In view of these facts, a dilemma arises - would it then be correct to conclude that institutions in Serbia *as a rule* enable general public to be fully acquainted with the course and content of war crimes trials and their outcomes, in a transparent, simple, up-to-date and non-bureaucratic manner? Also, a dilemma arises on whether it would be correct to conclude that institutions in Serbia *as a rule* invest efforts to ensure that widest audience learns and understands the course and the outcome of war crimes trials, including facts established during trials.

## 5. INSTEAD OF A CONCLUSION

At the end of this analysis, to use available space here to list conclusions and recommendations, in our opinion, would be pointless.

Namely, numerous solutions already exist - over the decades, they have been repeatedly offered by a number of non-state actors in Serbia – non-governmental organizations, initiatives, independent media, experts, activists.

Therefore, on questions that arise out of all this, we will (allow ourselves to) answer – by asking few additional questions.

Could it be that it is fine with someone and to whom it could be fine with that there is *systematic silence* in 2016 in Serbia on crimes committed and victims of those crimes, while the convicted for war crimes are being promoted to idols and heroes? Could it be that it is fine with someone and to whom it could be fine with that "crimes did not happen", so that any factual-based dialogue and confrontation with the past could then be left out? Can we talk about why so many declarative gestures and alleged political will for decades, and so little (or no) facts or truth, as prerequisites for reconciliation, in practice? Can we talk about whether the international community values forgetting of war crimes or genocide denial, and if not, why does it seem like it turns a blind eye to the fact that it is a common practice in Serbia? Can we talk about if certain representatives of the judiciary are at least a bit worried that among general public there is *de facto* almost zero-familiarity with their work – the work that is literally essential for awareness and healing of a society? Finally, can we talk about why cultural and educational institutions in Serbia - key pillars of an enlightened and responsible society - agree to *de facto* collaborate in creation of space for manipulation and abuse?

Can we talk about whether this state (alike local hooligans who had been destroying billboards with campaign dedicated to memory of Srebrenica genocide back in 2005<sup>108</sup>) is actually sending us a message - "It will be repeated"?

And if we can't talk about all this - why can't we?<sup>109</sup>

---

<sup>108</sup> See *Srbijanović: Lov na sve nas*, Radio Free Europe/Radio Liberty, 12 July 2016

<sup>109</sup> See *Srpsko društvo i ratni zločini*, Srdja Popovic, 16 June 2003, <http://pecanik.net/srpsko-drustvo-i-ratni-zlocini/>