

Conference: "Srebrenica - Beyond Reasonable Doubt", organized by the Humanitarian Law Center and the ICTY Outreach

Belgrade, Sava Center

11 June 2005

Speaking Points

Ruth van Rhijn, Head of the Human Rights/Rule of Law Department
OSCE Mission to Serbia and Montenegro

- Ladies and Gentlemen, I would like to express my gratitude to the Humanitarian Law Center and its Executive Director Natasa Kandic for inviting me to speak at this gathering today.
- Again the HLC and its staff are playing the vital role they have played for many years: Pioneers who have courageously and persistently tried to uncover the terrible crimes committed during the break-up of the former Yugoslavia, encouraging debates, encouraging victims to come forward to give testimony
- *Srebrenica has become symbolic for the horrors of the wars in the former Yugoslavia which were full of terror and bloodshed of an unprecedented nature in Europe since WWII*
- So, again we have gathered here to "deal with the past". But what does that mean "to deal with the past"? What has to happen? Who has to participate in this process?
- *Such a process has to be undertaken by all social forces and institutions.*
- The Union Serbia and Montenegro and its constituent republics have to fulfill their international obligations and fully co-operate with the ICTY in The Hague, that means indicted war criminals have to be arrested and extradited
- Increased co-operation between the ICTY and the Serbian government has resulted in the voluntary surrender of nearly a dozen indictees. But the two most wanted are still at large.
- *In addition, the judiciary and the police have to work together on a series of reforms so that war crimes trials can be conducted in Serbia and Montenegro.*
- The OSCE Mission to Serbia and Montenegro has been working closely with both the judiciary to introduce far-reaching reforms that will in future lead to local war crimes trials that will have to be fair to both the victims and the accused.
- Prosecutors and investigative judges have received training both here in Serbia and in The Hague.
- We are providing legal expertise to a number of legislative reforms such as the Law on Witness Protection
- We are also promoting regional co-operation between prosecutors of the former states of Yugoslavia. I have just returned from a conference in Brijuni where officials from the Croatian, BiH and SaM Ministries of Justice discussed a variety of concrete activities to strengthen their co-operation
- The ICTY and the OSCE only last month agreed the OSCE would monitor local war crimes trials of cases that may be transferred from The Hague in Croatia,

Bosnia and Herzegovina, and Serbia and Montenegro. We will stand by all our partners in these and future endeavors.

- The successful prosecution of those responsible for war crimes such as the wanton killing of civilians in Srebrenica is however only the first step
- Serbia as a state and as a nation will have to take cognizance of the fact that terrible deeds were committed in its name, including by people who were in high positions of power and authority
- There has to be a clear statement from all relevant government institutions that such crimes did occur and that all efforts will be made to inform the general public on these crimes and bring those responsible to justice.
- This **policy**, and not just a declaration of intent, of revealing all information available should be done irrelevant of what other neighboring countries have done to reveal their own crimes.
- Serbia must break out from the cycle of accusations and counter-accusations. These are the tactics of those who live in denial, or even worse, are trying to hide their own responsibility
- We are here today to open the debate based on the information at hand.
- For this purpose we have prepared this publication which is a compilation of the all Srebrenica related ICTY judgements. It includes the judgements on the Krstic case and in particular, the guilty pleas of some of those accused for the Srebrenica massacre.
- It shows the legal arguments how for the first time after WWII, the massacre at Srebrenica was defined as an act of genocide, who participated in it, what happened when. The facts give no room for denial or justification
- The OSCE Mission supported the publication of this book as part of our war crimes trial awareness raising project with the generous financial support of the Dutch government. Our local partners that have also contributed are the War Crimes Prosecutor's Office and the Belgrade District Court War Crimes Chamber, the Ministry of Human and Minority Rights, the Council for Co-operation with the ICTY, as well as many local NGOs.
- On a personal note: Serbia does not stand alone in this process of "dealing with the past". My country, Holland, also had to ask itself some very tough questions on the role of our peacekeeping troops at the time. Other countries, such as Germany also had to confront the horrors of their deeds during WWII. South Africa had its "Truth and Reconciliation Commission"
- There are therefore many examples in the world from which Serbia could learn to find its own way to truth, justice and re-conciliation.
- Thank you very much.