CONFERENCE REPORT

ROLE OF DOMESTIC JURISDICTIONS IN THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW (IHL) – LAW AND PRACTICE

Sarajevo, 19-20 May 2014

Switzerland.

ICRC

OSCE Organization for Security and Co-operation in Europe
Mission to Bosnia and Herzegovina

OSCE ODIHR

Sud Bosne i Hercegovine
Суд Босне и Херцеговине

INTRODUCTION AND OUTLOOK

Since the establishment of *ad hoc* international criminal tribunals and the adoption of the Rome Statute of the International Criminal Court, European – in particular South Eastern European (SEE) – countries have launched proceedings before domestic courts for the purpose of prosecuting and punishing the perpetrators of serious international crimes, including international humanitarian law (IHL) violations. The considerable caseload of war crimes cases in SEE to be handled by national jurisdictions constitutes a test for the implementation of international law principles, some of which are still in development (e.g. principles of international criminal law (ICL)).

It is important to recall that the primary responsibility for the prosecution and prevention of these international crimes lies with the states: international criminal jurisdictions play only a subsidiary role in this endeavour. In addition, international *ad hoc* tribunals lack the capacity to try all suspected perpetrators of widespread violations and atrocities, such as those committed in the Balkans. Thus, national procedures are the most efficient and practical means to bring the perpetrators to justice. In most cases such procedures are preferred given the proximity to the scene of the crime and to victims, which provides victims with access to justice.

On 19 and 20 May 2014, the International Committee of the Red Cross (ICRC), the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Mission to Bosnia and Herzegovina, the Court of Bosnia and Herzegovina and the Swiss Embassy in Sarajevo, jointly organised a regional conference in Sarajevo which brought together judges, prosecutors and defence attorneys from across Europe who deal with the prosecution of war crimes to discuss the role of domestic jurisdictions in the implementation of international law, including IHL, ICL and human rights law. The conference coincided with the 150th anniversary of the first Geneva Convention (1864) which provides for the first rules of international law protecting victims of armed conflict.

The conference was an opportunity to assess the extent of domestic prosecutions for international law violations in Europe by:

- taking stock of the number and scope of war crimes prosecutions in the Western Balkans region (WB),
- providing a platform for discussion on the role of domestic jurisdictions in implementing international law (including IHL, ICL and human rights law),
- exploring the role of domestic jurisdictions in establishing an integrated system of prosecution for international crimes, including serious violations of IHL,
- considering the influence of international law and judicial processes on domestic legal systems,
- promoting regional co-operation and exchange of good practices among judicial professionals and,
- sensitizing participants on their role in transitional justice processes.

Organizers' contributions in the field of war crimes justice and future activities

In accordance with the mandate entrusted to it by States, the **International Committee of the Red Cross** (ICRC) contributes to the development, implementation and promotion of IHL. Whereas the role to respect and ensure respect of IHL primarily rests with the States, the ICRC supports State authorities in their endeavour to ensure that the protection contained in IHL norms are given effect to the fullest extent possible, including through awareness-raising efforts to translate knowledge into appropriate behaviour. The ICRC, being operational in South Eastern Europe since the beginning of the armed conflicts of the 90's, has contributed to strengthening the capacities of domestic jurisdictions through IHL seminars and regional conferences for around 300 practitioners dealing with war crimes cases prosecution (judges, prosecutors, defence lawyers and interns). These events focused on enhancing the knowledge of participants on the legal framework established under IHL for the repression of serious violations of this body of law; discussing the relevance of IHL, ICL and international human rights law for the judiciary dealing with war crime cases; exploring the role of the domestic judiciary in terms of putting in place an integrated system of repression for international crimes, including serious violations of IHL; sensitising participants on their role and mobilizing them to assist in the clarification of the fate and whereabouts of missing persons. In 2015, the ICRC will organise a regional event on specific challenges of transitional justice and the role of the judiciary in this process.

Since May 2010, **ODIHR** has implemented a number of activities underlining its commitment to fight impunity for perpetrators of crimes against humanity, war crimes and genocide in South Eastern Europe. First, with the EU-funded War Crimes Justice Project - Phase I which was conducted from May 2010 until October 2011, ODIHR strengthened the capacities of local jurisdictions notably through exchange of experiences, training seminars, translation of relevant legal material into local languages, and the development of a training curriculum on ICL. Under the War Crimes Justice Project - Phase II which started in July 2012, and up to date, ODIHR further developed the capacities of local jurisdictions through 10 training sessions and peer-to-peer meetings in seven locations throughout South Eastern Europe, benefitting 212 practitioners (81 women and 131 men) working on war crimes trials, including judges, prosecutors, defence counsel and witness support providers. These activities focused on facilitating the exchange of good practices on how to foster the prosecution and adjudication of international crimes under domestic legal frameworks and relevant international humanitarian and criminal law, and trial advocacy skills specific to war crimes trials. In 2015, ODIHR will organize a last peer-to-peer meeting of war crimes prosecutors to promote regional co-operation in the prosecution and investigation of war crimes cases in the South Eastern European region.

The War Crime Chamber of the **Bosnia and Herzegovina Court** (BiH Court) was established at the state level in 2005, alongside the Prosecutor's Office of BiH, in order for Bosnia and Herzegovina (BiH) to deal with its past. The founding of the BiH Court was an important milestone for the country's battle against impunity. Within the relatively short period since its establishment, the BiH Court has grown into a significant judicial institution which professionally and diligently works on the criminal prosecution of perpetrators of the most serious criminal offences, particularly war crimes, thus contributing to the establishment of

the rule of law and to achieving the goals of transitional justice. During the past nine years, the BiH Court has completed 116 cases related to serious violations of international humanitarian law during the 1992-1995 conflict. The development and adoption of the National Strategy for War Crimes Processing is a notable effort to address systemic problems hampering the effective and efficient processing of war crimes cases in BiH. Courts and prosecutor's offices in the Federation of BiH, the Republika Srpska, and Brčko District have also contributed significantly to the investigation, prosecution, and adjudication of less sensitive and complex war crimes cases.

Switzerland's efforts to reinforce international humanitarian law are expressed in its commitment to its clarification and implementation. Since 2012, Switzerland and the ICRC have been conducting a major consultation process open to all States Parties to the Geneva Conventions with the aim of identifying ways to strengthen compliance with international humanitarian law, as implementation of this body of law is the major challenge today for the respect of IHL. Committed to contribute to combating impunity and strengthening respect for humanitarian law and human rights, Switzerland also supports different initiatives and mechanisms of international criminal justice, including significant support to the International Criminal Court. Finally, Switzerland supported different initiatives to deal with past IHL violations and to promote the rehabilitation of victims through advisory work, technical and political accompaniment, and financial support at the bilateral level in Guatemala, Colombia, Bosnia and Herzegovina, Serbia, Croatia, Kosovo,[1] Indonesia, Burundi, and Nepal. At the multilateral level, Switzerland has taken the initiative of tabling resolutions in the field of transitional justice, and is associated with other countries in organizing reflection processes at the United Nations Human Rights Council.

The **OSCE Mission to BiH** conducts a monitoring programme in order to provide an objective and accurate assessment of the ability of the BiH judicial system to prosecute and try war crimes cases in an effective, human rights-compliant and expeditious manner. The Mission views the fair and efficient processing of war crimes cases as a key element of transitional justice in BiH and, since 2004, has monitored around 350 war crimes cases. Utilizing its field presence and proven expertise in the area, the Mission monitors all war crimes cases in BiH in a systematic manner, collecting relevant data, publishing thematic reports, and advocating for appropriate adjustments to the applicable legal and policy framework. The Mission also implements a number of projects related to war crimes. First, the War Crimes Capacity Building Project aims to assist BiH to tackle the backlog of war crimes cases by providing targeted training focused on enhancing the capacity of the judiciary to process these cases. Second, the War Crimes Monitoring Project provides expert assistance in the qualitative, timely and effective implementation of the EU-financed budgetary support, a multi-million EUR contribution, for war crimes case processing in BiH. Finally, the Mission is nearing completion of a project financed by the UK to develop training modules for police on investigating conflict-related wartime sexual violence crimes.

1 Any reference to Kosovo, whether to the territory, its institutions, or population, is to be understood in full compliance with United Nations Security Council Resolution 1244.

Report methodology

The present report provides a summary of the discussions held and highlights the key messages and conclusions reached during the Conference. Because the Conference was conducted according to Chatham House Rules, the report does not attribute any opinion expressed to any individual participant.

KEY MESSAGES AND CONCLUSIONS

General

Over the past two decades, South Eastern European jurisdictions have generated valuable experience in dealing with war crimes and other international crimes, whether in terms of judicial processes or reconstruction and reconciliation of the society. The lessons learned and good practices from the region should be shared with other states having to deal with mass atrocities in the context of armed conflicts as the primary responsibility for the prosecution of such crimes rests on the states themselves. The experience of SEE jurisdictions in co-operating with the ICTY should also be shared widely, given the establishment of a permanent international criminal jurisdiction, the International Criminal Court (ICC). It is of paramount importance that states worldwide further their co-operation with the ICC to ensure effective repression and prevention of the most serious international crimes.

Session I. Prosecuting War Crimes at National Level: Main challenges

1. Many countries in SEE have established specialized chambers in existing tribunals and courts for dealing with war crimes cases, in addition to transposing the relevant international rules. This move has helped focus resources on the need to prioritize the fight against impunity. Yet, additional efforts need to be made to ensure that those involved in judicial processes (members of the judiciary, the prosecution, and defence counsel) are adequately trained on and informed about the applicable legal frameworks and recent national and international developments.
2. The location of war crimes courts can affect the way cases will be handled. For instance, proximity of the court to the crime scene could influence the judges' objectivity as such cases are quite complex and emotionally charged. Yet, being far from the crime scene (e.g. in a third country) can entail practical obstacles with regard to the applicable procedure and law and access to evidence (including testimonies of witnesses and victims).
3. Witness protection is an instrumental element in every war crimes case and should be thought through well before trial, as early as during the investigation phase. Many jurisdictions in SEE have adopted witness protection laws and also set up specialized witness support services to assist witnesses throughout their experience with the justice system. The necessary resources should be made available for these support services to function in a sustainable fashion.

Session II. Interaction between International and Domestic Law and System

1. The systematic application of international standards in domestic legal frameworks was largely debated as some participants were of the view that international standards offer a broader scope of protection and larger basis for prosecutions and as such, should be directly invoked in current war crimes cases. Other participants argued for a more cautious approach as international law is not a uniformly codified and coher-

ent source of law. A difficult yet necessary balance must be found between these two approaches in order to ensure that the perpetrators of the most serious international crimes are brought to justice.
2. It was agreed that strong reasoning in judgements related to these complex crimes is instrumental for decisions to be accessible, legitimate and authoritative. This applies also to international tribunals' judgments which often exceed a few hundred pages and are drafted in a convoluted style.
3. A plea was made to go beyond the mere repression of international crimes and to pay due attention to prevention mechanisms. The example of criminalizing any incitement to genocide was used to show how prevention efforts could mitigate the risk of the commission of more serious crimes.

Session III. Co-operation in war crimes prosecution

1. Co-operation with international tribunals, particularly with the International Criminal Tribunal for the former Yugoslavia (ICTY), has largely taken place, despite the length of these co-operation procedures at times. Various SEE countries signed bilateral agreements and adopted laws to ensure that evidence collected before the ICTY can also be used before domestic jurisdictions.
2. Inter-state co-operation continues to be improved among jurisdictions of the region with the signing of additional protocols of exchange of information and evidence in war crimes cases. Yet, existing bilateral agreements and their implementation can be improved: for instance, having liaison officers in other countries or even the establishment of joint investigative teams are ideas which should further be explored.
3. Extradition of nationals was also mentioned as an obstacle to further processing of war crimes cases. One solution is the signing of bilateral agreements to transfer cases to the country where the defendant resides. Yet, given the heightened political context surrounding those cases, it was suggested that a more systematic solution be found for those cases, by for instance adopting a Western Balkans arrest warrant or resorting to universal jurisdiction mechanisms.

Session IV. Specific challenges of the transitional justice process

1. Transitional justice relies on various tools which at times pursue conflicting goals. Mention was made of amnesty which is often seen as a renunciation of justice for the victims. Some participants argued that amnesty could be applied to lowest-level perpetrators provided that it also helps society to move on by, for instance, requiring the perpetrators to reveal information on victims or missing persons. Truth and reconciliation commissions and reparations for victims were seen as important ways to promote lasting peace in society.
2. Sexual violence crimes constitute a particularly difficult challenge from the perspective of reconciliation and transitional justice. The large scale of sexual crimes committed in the Balkans makes the justice process long and complex. In addition, justice actors must strive to avoid re-victimization of sexual violence survivors during criminal proceedings.

3. The fate of missing persons remains a serious challenge for many regions affected by armed conflicts. In that regard, investigation on the fate and the whereabouts of missing persons requires both factual information and scientific resources. Both courts and specialized bodies have a specific and complementary role in this respect and should work together to find a balance between accountability and the victims' and families' right to know.

SUMMARY OF DISCUSSIONS

Session I - Prosecuting War Crimes at National Level: Main Challenges

In this session, the panellists highlighted the main challenges facing prosecutorial authorities and judges in the prosecution of international crimes - and particularly war crimes - before domestic courts.

Additional Protocol I of the 1949 Geneva Conventions (GCs) and customary IHL define the acts which constitute international crimes and lays down specific obligations that prosecutorial bodies and national courts must meet in the prosecution and adjudication of these international crimes. These refer, among others, to (i) the basis of jurisdiction, (ii) specific forms of liability such as "command responsibility", (iii) the protection of procedural and judicial safeguards for suspected perpetrators, and (iv) interstate co-operation and assistance in criminal matters. However, implementation of these obligations is difficult. Such crimes must not only be introduced into domestic criminal law, but the national system for criminal prosecution must also be adapted to the specificity and the gravity of international crimes.

When discussing national strategies for war crimes processing, the panel noted the complexity of war crimes prosecution at the domestic level. Domestic judicial authorities of countries with significant war crimes caseloads have gradually set up comprehensive systems and strategies to approach the prosecution of such crimes. These systems and strategies can include: (i) adaptation of the legal framework, (ii) establishment of specialized entities at various levels (police, prosecution and judiciary) and (iii) the creation of specialized courts.

The National Strategy for War Crimes Processing of Bosnia and Herzegovina (BiH) was adopted in December 2008, and subsequently, the State Court has tried cases involving war crimes, genocide and crimes against humanity. To ensure that the caseload of the State Court was dealt with efficiently, more serious cases were tried by the State Court whilst less serious cases were handled by cantonal and district courts in the entities and the Brčko[2] District. The objective of the strategy is to finalize all complex cases by the end of 2015[3] and all less complex cases by the end of 2023.

Additionally, as per the national strategy, justice actors were provided with training in the handling of war crimes cases. Legal co-operation and witness protection mechanisms have also been established. Despite these efforts, the success of the national strategy has been hampered by financial issues impacting the State Court's work. In addition, the Court has

2 To date, approximately 1,000 cases have been assigned to the State Court and entity courts. The prosecutor's office has reviewed 700 cases, half of which were sent for trial. The State Court concluded 132 cases at first instance, 118 cases at second instance and 7 cases at third instance (at the levels of the Constitutional Court or the Appellate Chamber of the State Court, three cases were re-sent to the first instance). In addition, a total of six cases involving ten defendants were transferred from the ICTY to BiH under Rule 11 bis of the ICTY Rules of Procedure and Evidence. According to the BiH Court's Public Information and Outreach Service, all cases were completed; however, one case (the Milorad Trbić case) was quashed by the BiH Constitutional Court in November 2014 and sent for re-trial before the BiH Court.

3 There are currently discussions about extending the deadline for complex cases until 2018.

failed to investigate and prosecute cases of witness tampering. In light of this, the panel observed that national strategies which help address a high number of cases are needed but can only be successfully implemented if the appropriate financial resources and trained human resources are involved.

The panel discussion moved to the issue of interstate co-operation as a crucial component of the prosecution of war crimes cases with an international element. Interstate co-operation is of paramount importance for neighbouring states which have to overcome challenges linked to avoiding impunity such as in cases of defendants with double citizenship, interrogation of witnesses, and the collection of evidence. Consistency in the application of the law is a significant challenge when several war crimes cases are investigated in parallel.[4] With continued discussions on co-operation it is hoped that such parallel investigations will cease.

Bilateral agreements adopted in 2005 between prosecution services in the region have allowed for the exchange of information and hearing of witnesses abroad. However, although neighbouring SEE countries (Serbia[5], Montenegro, Croatia and BiH) enhanced mutual legal assistance in war crimes cases through the negotiation of various bilateral agreements,[6] the extradition of nationals was not addressed. This fact coupled with the prohibition of trials in absentia in certain SEE jurisdictions risks creating a situation of de facto impunity for defendants who have dual citizenship.[7]

One example of successful interstate co-operation on the basis of universal jurisdiction took place in 2008 and concerned a resident of Denmark, of BiH nationality, accused of international crimes.[8] The Danish prosecution service identified an efficient way of accessing crime scene evidence located in BiH. They opened an office in BiH instead of the standard, time-consuming, letters rogatory procedure.[9] BIH authorities agreed to this arrangement which led to the investigation's swift conclusion within three months.

The challenges faced in South Eastern Europe are shared by all jurisdictions in the world. The case involving Denmark and BiH illustrates that the investigation of cases abroad also means following two sets of rules which may conflict with each other. Denmark realized that

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4 The implementation of national strategies encounters difficulties where countries and tribunals have undertaken investigations in parallel against the same defendant. In BiH, parallel cases could be avoided by improved communication with lower courts.

5 Serbia has conducted 30 war crimes trials which benefitted from some form of assistance from BiH authorities.

6 The latest protocols for exchange of evidence in war crimes cases were signed in January 2013 between BiH and Serbia, and in June 2013 between BiH and Croatia.

7 In Croatia, the use of trials in absentia was increasingly limited following the amendment made to the Criminal Procedure Act 2008 which allows the renewal of certain criminal proceedings for past trials in absentia where it would not prejudice the defendant. For more information on regional co-operation and extradition, see Session III.

8 Since 2002, Denmark has had a special unit of prosecutors and investigators who specialize in international crimes on the basis of universal jurisdiction. For more information on universal jurisdiction, see Session III.

9 Letters rogatory are requests to a foreign court to obtain information or evidence from a specified person within the jurisdiction of that court.

to prosecute IHL violations, specialized teams of prosecutors, police officers and judges were needed, given that prosecuting from a third country is rendered difficult by the administrative burdens of acting abroad. Operating through diplomatic channels prevents rapid action. Over the past 10 years, states have come to realize this and are more willing to improve co-operation.

Regarding the proximity of the investigation to the scene of the crime, the panel acknowledged that close proximity can result in pressures on the investigating and judicial authorities and on the perception of the autonomy for the former and independence and impartiality for the latter.[10] A possible solution is to make an exception to the principle of territorial jurisdiction and move the prosecution and adjudication of the case further away. However, a long distance also poses practical challenges as outlined by the previous example, and risks weakening the primary responsibility for domestic jurisdictions to prosecute and adjudicate war crimes cases.

In Croatia, following the conflict, adjudication of war crimes initially took place within the relevant territorial jurisdiction and there were no specialized war crimes courts. However, it became apparent that the prosecution and adjudication of crimes close to the place where they took place could constitute an impediment to fair and efficient justice. The Act on Application of the Statute of the ICC[11] was amended in 2011, resulting in war crimes cases being assigned exclusively to specialized chambers of the major county courts in Zagreb, Osijek, Rijeka, and Split and the corresponding public prosecutor's offices.[12] Most war crimes cases have now been transferred from municipal level to these four courts.[13] Ultimately, the panel concluded that close proximity to where the crime has been committed poses problems of both real and perceived impartiality.

In the final segment, the panel recognized that third-party countries adjudicating war crimes should endeavour to provide adequate protection to victims and witnesses. Witnesses coming from small communities might jeopardize their safety if seen talking to foreign investigators. To overcome the difficulty of witness tampering, a system of witness protection is necessary from the onset of an investigation.

Different measures are taken in domestic contexts to protect vulnerable witnesses and victims. In Croatia, for example, the law provides for two types of protection for witnesses giving testimony: (i) vulnerable witnesses may testify through video link or through voice or image distortion and (ii) protected witnesses may testify in open court, however, following their testimony they will be enrolled in the witness protection programme, thus their identity is changed and they may even be relocated abroad. Croatia's court structure also

10 In Serbia, 92% of cases resulting in a conviction involve Serb perpetrators. One participant said that this fact is perceived by the public as demonstrating the possible pressure on judges.

11 Law on implementation of the Statute of the ICC and prosecution of crimes against IHL (Official Gazette of Croatia, no. 175/03, 29/04, 55/11, 125/11).

12 The panel acknowledged that the Croatian prosecutor's office and the Attorney General are independent and not subject to political pressure.

13 Information and statistics on prosecutions and judgments are available on the Croatian prosecution service website.

includes witness support departments.[14] In BiH, although a witness protection programme is in place,[15] authorities have difficulty providing the level of protection provided by the ICTY. Witness protection or witness support measures are awarded mostly at the trial stage, while prior assistance is foreseen but rarely used.

The importance of balancing the rights of the accused with the interests and rights of the victims when investigating war crimes was raised. Victims being cross-examined often experience trauma and a subsequent acquittal may cause 're-victimization' where the victim leaves the courtroom feeling that they were not believed, and that their rights were not given adequate protection.

14 These departments offer logistical, informational and psychological support to witnesses and victims. In addition, there is a national call centre for victims of crimes and misdemeanours which operates 20 hours per day (between 2008 and 2011, 2,917 witnesses have benefitted from some support in the course of war crimes procedures in Croatia).

15 BiH laws have established a general witness protection programme for war crimes cases but also a more specific protection programme to enable vulnerable witnesses to testify through video link or through voice or image distortion.

Session II - Interaction between international and domestic law

The panel observed that the interaction between international and domestic law implies mutual influence. Implementation of international law is a complex process, especially when different rights and protections established under international norms are applicable depending on the circumstances, as with human rights and IHL. In light of this, the ICTY had to be creative and pragmatic in further building ICL. It was argued that although ICTY rules can appear to lack coherence, they can be understood if one focuses on their goal which is to prevent impunity for IHL violations.

It was highlighted by a panellist that the interplay between human rights law and ICL was widely debated in relation to the mandate of the ICTY, particularly with regard to the principle of non-retroactive law.[16] This interplay of different sets of applicable laws was solved differently by the various domestic jurisdictions of the Balkans. When the ICTY decided to transfer cases to domestic courts, it was not planned that ICTY's statute and case law would also be transferred. Nevertheless, SEE countries have implemented or adopted legislation similar to the ICTY's statute and case law[17], even though they are not bound by ICTY case law.

In the discussions, panellists exchanged views on the interaction between the ICTY legal framework and domestic legal systems. Their notable differences were highlighted as well as the fact that domestic courts should not strictly follow international decisions, but should adapt them to their legal systems.

In that regard, the panel noted that domestic systems could benefit from using the various modes of liability set under international law such as the joint criminal enterprise (JCE)[18] and command responsibility. Although a disputed concept and rarely used at national level, JCE is useful in addressing the deficiencies of the concept of co-perpetration, which requires that several persons materially take part in the same criminal act. Application at the domestic level is made more arduous as even international tribunals have departed from one another's findings, as was demonstrated by the ICC and Extraordinary Chambers in the Courts of Cambodia divergent take on the JCE doctrine set by the ICTY Tadić Appeals Chamber Judgement.[19] Indeed, the ICC does not recognize JCE per se but the concept of direct and indirect co-perpetration, a form of common purpose liability, and the Extraordinary Chambers in the Courts of Cambodia found that the third category of JCE has no basis

16 The ICTY, established in 1993, has a mandate to adjudicate war crimes, genocide and crimes against humanity crimes committed on the territory of the former Yugoslavia from 1991 onwards, when some of the international rules relevant to these crimes were not yet formally laid out in treaties or conventions (e.g. the doctrine of command responsibility). It was argued that the ICTY is to primarily rely on rules of international customary law existing at the time of the commission of the acts and that thus the principle of non-retroactivity of the law had not been violated.

17 Of note, in Rwanda there was stronger resistance against adopting international law.

18 JCE is defined as a mode of liability where all persons engaged in the pursuit of a common criminal plan will be held liable for the perpetration of the criminal act even if they have not materially participated in the commission of said act (see Antonio Cassese, International Criminal Law, Second edition, Oxford University Press, 2008).

19 See Prosecutor v. Duško Tadić, Case No. IT-94-1-A, Appeal Judgement, 15 July 1999, paras 185-229.

in international law. Yet, the panel cited BiH as an example of a state in which JCE is used in exceptional circumstances by courts. The application of JCE is strict and requires that intent extends to the acts committed but also the objective, otherwise the offence would be prosecuted under liability for aiding and abetting.

With regard to the second mode of liability discussed, command responsibility, there are differences in the interpretation of this concept between the ICTY and the ICC statutes and case law. Particularly, when the ICTY refers to the commander's criminal responsibility for crimes committed by a subordinate which he/she "knew or had reason to know", the ICC's interpretation is stricter as it engages the criminal responsibility of the commander only if "*owing to the circumstances at the time, [he/she] should have known*" about the crimes perpetrated. The distinct rules on command responsibility for military and non-military commanders were also discussed.

The panel remarked that ICTY sentencing has been very lenient compared to domestic practice in the SEE region. Sentencing for international crimes is another area in which interaction could be explored as ICL could benefit from domestic experience. It was suggested that in order to prevent impunity, ICL could focus on incitement to international crimes and suitable sanctions. Regret was expressed that the ICTR had not been created earlier to be able to judge 'incitement to commit genocide'. A similar crime of 'incitement to commit crimes against humanity' would be created if a convention on crimes against humanity were to be adopted and would help prevent future crimes from being committed.

With regard to reconciliation, the panel emphasized the importance of well-reasoned decisions in facilitating reconciliation. It was recommended that the issuing of a decision be done in a transparent manner. Since 2010, it has been a concern that both ICTY and ICTR decisions have been found to be inaccessible as they are fragmented and do not give a sufficiently cohesive picture of the facts, testimonies and reasoning despite these decisions being over a thousand pages long (e.g. the *ICTY Gotovina and al. trial judgement*). Such unclear and lengthy decisions are likely to raise discontent and criticism in Rwanda and in the Balkans which undermines the very reason for the tribunals' creation.

The interaction between international and domestic law was finally discussed through the angle of the principles of legality and of non-retroactivity of criminal law. In BiH, the penal code from the Social Federalist Republic of Yugoslavia (SFRY) applied during the 1992-1995 war. Although major offenses were sanctioned in the penal code, crimes against humanity were not. Some were of the opinion that it was therefore necessary to make an exception to the principle of legality as spelled out in article 7(2) of the European Convention on Human Rights (ECHR), following the reform of the criminal code in 2003. In that regard, BiH courts apply international law directly to avoid applying domestic law retroactively. Judges have been able to overcome shortcomings of domestic legislation by interpreting it in the light of international case law. However, domestic judges must use international case law with caution, and distinguish between what has to be implemented, and what should not be implemented.

A recent example of the interaction and influence between the different existing layers of human rights law can be found in the 2013 BiH Constitutional Court decisions and the European Court of Human Rights case of Maktouf v. BiH.[20] In this case, the BiH State Court had found two defendants guilty of war crimes committed during the war and imposed imprisonment sentences within the range indicated by the 2003 Criminal Code. The particular circumstances of this case led the European Court for Human Rights (ECtHR) to find a violation of the principle of non-retroactivity for the application of the 2003 law, instead of the 1976 SFRY criminal code which might have led to more lenient sentences. Following the ECtHR judgement, the BiH Constitutional Court issued several decisions regarding similar violations of the principle of non-retroactivity of the law and adopted each time the reasoning put forward by the ECtHR.

20 Maktouf and Damjanović v. Bosnia and Herzegovina, ECtHR Grand Chamber, 18 July 2013.

Session III – Co-operation in war crimes prosecution

Co-operation in the prosecution of war crimes is necessary to avoid impunity. The panel discussion addressed both interstate co-operation and co-operation with international courts and tribunals as well as cases of universal jurisdiction. Although, in general, regional co-operation has been successful, some obstacles remain. For example, states struggle to get hold of a high number of war criminals as many perpetrators are hiding and sometimes extradition is not possible. Another challenge is that parallel prosecution (proceedings against the same individuals or for the same crimes in several countries) still occurs in the region.

Substantial co-operation has developed between the SEE national courts and the ICTY. It was noted during the discussion that although the ICTY, in the context of the completion strategy,[21] decided to transfer cases back to domestic jurisdictions, it never imposed its own rules. This is because states should not be forced to change their legal systems. The cases of BiH and Serbia were discussed as key examples.

BiH is party to Council of Europe (CoE) conventions which concern extradition, mutual legal assistance, and the transfer of cases (between prosecutors).[22] In 2004 the Law on the Transfer of Cases from the ICTY[23] was adopted as a special law establishing a mechanism for cases indicted by the ICTY to be tried in BiH and addressing the use of ICTY information before BiH courts. Article 3 stipulates that evidence from the ICTY can be used in national proceedings, as well as facts established by ICTY decisions,[24] although such evidence cannot constitute the sole basis for conviction. Under Article 5, records of witnesses' and experts' testimonies can be used before national courts if the parties are in agreement, otherwise cross-examination is required. Also, if a witness is granted protective measures by the ICTY, these measures cannot be changed by the national court without the approval of the ICTY.

With regard to the extradition of citizens, a panellist observed that the various agreements on judicial cooperation applicable to war crimes cases[25] did not address this sensitive issue, even though extradition agreements were signed between jurisdictions in the region for organized crimes and corruption cases.[26] According to the European Convention on Extradition, a State can refuse to extradite a national but, upon the requesting State's demand, it

21 The ICTY completion strategy is the ICTY's plan for the completion of all its investigations and first instance trials by July 2014, while its remaining tasks, including the finalization of appeals proceedings, will be handled by the newly established Mechanism for International Criminal Tribunals, a common temporary jurisdiction with a mandate to finalize the work of the ICTY and ICTR.

22 See the European Convention on Extradition, adopted on 13 December 1957, the European Convention on Mutual Assistance in Criminal Matters, adopted on 20 April 1959, and the European Convention on the Transfer of Proceedings in Criminal Matters, adopted on 15 May 1972.

23 Law on the Transfer of Cases from the ICTY to the Prosecutor's Office of BiH and the Use of Evidence Collected by ICTY in Proceedings Before the Courts in BiH.

24 Laws which have been established to ensure co-operation are also valid for entity courts. However, it is uncertain whether entity courts abide by this rule.

25 The latest protocols for exchange of evidence in war crimes cases were signed in January 2013 between BiH and Serbia, and in June 2013 between BiH and Croatia.

26 BiH and Serbia signed an agreement on extradition of individuals charged or convicted of organized crime, corruption, money laundering and other grave crimes in September 2013.

should submit the case to its competent authorities for possible prosecution.[27] Prosecutors of the requesting State can thus decide to transfer cases to the jurisdiction where the suspect lives although victims have a right to oppose it. One panellist suggested considering the possibility of a "Balkans arrest warrant" emulating the example of the European arrest warrant. This would allow for authorities in the region to arrest and transfer a suspect to the state issuing the warrant to face trial.

In Serbia, a significant challenge was the strong influence of the political and societal contexts on the prosecution of IHL violations locally and across the region. For example, according to a public survey, only 19% of the population supported the arrest of Ratko Mladić. Such circumstances, coupled with suspects fleeing abroad, have created a situation of impunity. Serbia has signed co-operation agreements with various countries such as Canada, Spain and Australia. Often the crime scene is in one country, the perpetrator is in a second and the evidence is in a third. To ensure that perpetrators are brought to justice, co-operation is paramount. The co-operation with ICTY was positive as evidence and information was being exchanged through a liaison officer, although certain requests and the transfer of documents could take as long as six months. Another concern is that many of the witness statements requested from the ICTY are from protected witnesses requiring the omission of information for the purpose of protecting the witness' identity. There is a desire to deliver justice but, at times, it is a challenge to obtain the relevant documents due to the many protective measures granted to witnesses.

With regard to regional co-operation, one participant remarked that joint investigations could theoretically already take place as there is a legal basis for the establishment of joint investigative teams.[28] A participant then proposed joint teams of police officers and prosecutors from Serbia and BiH be assembled to achieve progress in war crimes investigations. However, it was noted that the disparities between respective domestic criminal laws poses a challenge. For instance, there is an issue with evidence, as what is regarded as evidence in BiH may not be considered to be evidence in Serbia. Also, Serbia tries war crimes cases according to laws of the Social Federalist Republic of Yugoslavia, whereas, as seen in the previous section, BiH tends to apply its 2003 criminal code.

In Croatia, many individuals are tried in absentia, as many perpetrators have fled the country. To remedy this situation, Croatia has relied on extradition procedures to allow for the prosecution of more individuals and has adopted the Strategy for the Investigation and Prosecution of War Crimes in 2011 and reformed its legal framework to better fight impunity. The co-operation with the ICTY had a great impact resulting in only one case needing to be transferred to Croatia. Yet, the Croatian legislator and judiciary were reluctant to summarily adopt all rules and principles deriving from the ICTY statute and case law, as is demonstrated by the inapplicability of the JCE doctrine which is considered to be a form of collective criminal responsibility. With regard to cases where an extradition had taken place, there is usually not enough evidence and many acquittals. The legitimacy of Croatian courts in the

27 See article 6 of the CoE European Convention on Extradition, adopted on 13 December 1957.

28 See the United Nations Convention against Transnational Organized Crime, adopted on 12 December 2000, and the European Convention on Mutual Assistance in Criminal Matters, adopted on 20 April 1959.

eyes of a defendant extradited back to Croatia is a problem. Some participants underlined that a lasting challenge in the region was the prosecution of individuals with multiple nationalities. On this point, it was noted that Croatia changed its law immediately before joining the European Union to ensure its nationals could be extradited.

The discussion moved to address universal jurisdiction, defined as the power of a state to exercise jurisdiction over certain grave crimes regardless of the nationality of the perpetrator, place where the crime was committed, and the moment of crime. Universal jurisdiction, which was first developed under international law, was established on the premise that certain crimes are so grave that they affect the population in its entirety and should not be left unpunished. Nevertheless, universal jurisdiction is first and foremost recognized as complementary to the work of national courts that bear the primary responsibility to prosecute these grave crimes. Although many states have introduced universal jurisdiction in their legal frameworks, this legislative change was accompanied by a number of procedural limitations. For example, the suspect is required to be present in the territory of the prosecuting state, or the suspect must be a national or a resident of the state. Belgium constitutes an interesting example as it has held three trials on the basis of universal jurisdiction against defendants linked to the Rwandan conflict. Subsequent attempts to launch additional prosecutions on universal jurisdiction have failed, however.

A panellist concluded that universal jurisdiction is a necessary tool to fight impunity for grave crimes but can only work if there is co-operation between states and between states and international organizations (such as EUROJUST, ICC). Political will is the only remedy to existing political and diplomatic hurdles. In addition, capacities of national jurisdictions should also be strengthened to ensure that universal jurisdiction can be used for the repression of grave crimes.

Session IV - Specific challenges of the transitional justice process

The challenges faced by victims in the transitional justice process were initially discussed with a focus on victims of sexual violence crimes and missing persons. ICTY case law has had a positive influence on domestic prosecution of these crimes as domestic jurisdictions have closely followed the case law of the ICTY on this issue.

Victims of international crimes often face trauma which makes testifying before the court a challenge for them. Victims of sexual violence are often reluctant to speak about their experience which makes prosecution difficult. Although victims of sexual violence were mostly women and girls, in certain cases males were victims as well. The panel discussed that instead of 'gender-based violence', the term 'conflict-related sexual violence' could be used so as not to exclude male victims. Although rape is one of the most frequent types of sexual violence crimes, other types of sexual violence occur in times of armed conflict as well, such as sexual slavery, torture or inhumane treatment.

As mentioned earlier, the ICTY jurisprudence has been very useful and formed the basis for prosecution in BiH. Some of the cases before the Court of BiH were given as examples.[29] Prosecutors have a very important task to reach victims in these cases and gather the necessary evidence for prosecution of perpetrators. Since most of the sexual violence crimes are qualified as crimes against humanity, prosecutors' offices first have the task to establish the existence of contextual elements of crimes against humanity, and then to establish special elements of specific criminal offences. For example, the act of rape must be linked to an armed conflict and be a part of a widespread and systematic attack in order to constitute a crime against humanity. The BiH Prosecutors' Office has also faced several challenges regarding sexual violence victims, since some died before trial and others were killed during the war, so it is difficult to gather evidence. Around 20,000 women have faced sexual violence in BiH during the conflict.

In the second part of the session, the panel questioned the results of the Balkans transitional justice efforts over the last 20 years. It was highlighted that 'amnesty' has been considered taboo in the domestic context, although it seems incongruous that at the international level, the most senior perpetrators prosecuted before the ICC could see their case being terminated for political reasons. It was debated whether criminal law is the most effective mechanism to ensure reconciliation when compared to using amnesty deals to obtain the truth from perpetrators. A panellist suggested that amnesty could be used for lower rank perpetrators to create an incentive for them to reveal what they know.

Other tools for reconciliation were discussed including the project of 'Portraits of Reconciliation' showcasing photographs of perpetrators and victims of the Rwandan genocide together, 20 years after the conflict.[30] All perpetrators in this project have asked for forgiveness to their victims. It was proposed that this might be the mechanism that is needed in BiH, to have perpetrators speaking publicly about themselves, about the crimes that took place and

29 See the BiH State Court judgments concerning Samardzić, Lelek, Mejakić, and Janković.

30 For more details on the project, see http://www.nytimes.com/interactive/2014/04/06/magazine/06-pieter-hugo-rwanda-portraits.html?_r=0

to publicly apologize. It was argued that victims need more than a judgement to move on with their lives.

In Croatia, there have been several shortcomings in the transitional justice process. A similar debate over the issue of amnesty exists there. For a long time (between 1996 and 2003) there was no legal basis for compensation claims against Croatian authorities for the killing or death of civilians. After 2003, approximately a thousand claims were initiated by the families of civilians killed. In 80% of the cases, prosecution was initiated, but most were rejected due to the statute of limitations. In the two ECtHR decisions issued in January 2011, Croatia was found responsible under Article 2 of the ECHR for failing to uphold its obligation to investigate the deaths of Croatian citizens and the fate of missing persons during the Croatian Homeland War.[31] Because of the ECtHR decision and the large public debate on this issue, a new law should be adopted, but the necessary budget is a concern, especially as the exact number of victims is unknown (between 100 and 2500). ICTY has not tackled the issue of victim reparation and the right to compensation in courts around the region remains an important issue. Also, property claims have not been tackled successfully in Croatia.

Discussion moved to the matter of missing persons and it was mentioned that the definition of "missing" should include all individuals whose fate is unknown, and not only victims of enforced disappearances, so as to take into account all causes of disappearances. A right exists for the families to know where their missing family members are. When persons go missing, families as well as the wider society suffer. The family suffers both psychologically as well as materially, as usually the missing person is a man, and without his income, the family is left with close to no resources. For society, it is also very problematic because it is difficult to cope with the past and move on when persons are still missing. Moreover, the families of missing persons play an important role during the criminal process: during (i) the investigation stage of criminal proceedings, such as in mass exhumations which are carried out with a double purpose, to be used as evidence in punishing perpetrators as well as finding missing persons for their families, and (ii) in the trial stage when the families come to testify and give evidence. The ICRC model law[32] and its possible implementation were discussed.

Issues related to missing persons should not only be dealt with by courts, but also by specialized bodies supporting efforts to find the whereabouts of missing persons. Both courts and specialized bodies have a specific and complementary role and should work together to find a balance between accountability and the victims and families' right to know. A form of amnesty (or partial amnesty) for perpetrators that assist in finding missing persons can be a tool to ensure that truth is established. The panel concluded that reconciliation can only exist if it is combined with the right of families of missing persons to know the fate of their loved ones.

It was commented that a commission for truth and reconciliation was an interesting suggestion. In that regard, the work of the Regional Commission for establishing the facts about war crimes and other gross violations of human rights committed on the territory of the

31 See case of Jularić v. Croatia, ECtHR, 20 January 2011, and case of Skendžić and Krznarić v. Croatia, ECtHR, 20 January 2011.

32 ICRC Guiding Principles / Model law on missing persons: https://www.icrc.org/en/document/guiding-principles-model-law-missing-model-law#.VI7KsOktD4Z

former Yugoslavia, or RECOM, in the SEE region was mentioned. Plea-bargaining agreements were also mentioned as a possible tool for prompting the revelation of the truth about facts surrounding perpetrated crimes.

ANNEXES

Switzerland. ICRC OSCE Organization for Security and Co-operation in Europe Mission to Bosnia and Herzegovina OSCE ODIHR Sud Bosne i Hercegovine Суд Босне и Херцеговине

THE ROLE OF NATIONAL JURISDICTIONS IN THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW (IHL) – LAW AND PRACTICE

19 – 20 May 2014
Hotel "Sarajevo", Sarajevo

PROGRAMME

Day 1 – Monday, 19 May 2014

9:00 – 9:30 **Arrival and Registration of Participants**

Coffee and tea available

9:30 – 9:40 **Welcome and administrative remarks**

9:40 – 10:00 **Opening Remarks**

Speakers: Meddzida Kreso, President of the BiH Court
André Schaller, Swiss Ambassador to BiH
Boris Kelecevic, Head of the ICRC Delegation in BiH
Fletcher Burton, Head of the OSCE Mission to BIH
Thomas Vennen, Head of Democratization Department, OSCE/ODIHR

10:00 – 11:30 **Panel 1: Prosecuting War Crimes at National Level: Main challenges**

- Investigation and prosecution of international crimes by domestic jurisdictions
- Principle of legality in the investigation and prosecution of violation of IHL
- Victims and Witness protection
- Basis of jurisdiction – Impact of criminal procedure on the prosecution and adjudication of war crimes

Moderator: Cristina Pellandini, Head of the ICRC Advisory Service, ICRC Geneva (10 min introduction)

Panellists: Dzemila Begović, Prosecutor, BiH PO
Jasmina Dolmagić, Deputy Chief State Attorney, Croatia
Jakob Willaredt, Danish PO
Mioljub Vitorović, Deputy War Crimes Prosecutor, War Crimes PO, Serbia

Discussion

11:30 – 12:00 Coffee Break

12:00 – 13:00 Panel 1, Continued

13:00 – 14:30 Lunch

14:30 – 15:30 Panel 2: Interaction between International and Domestic Law and System

- The notion of command responsibility in international and domestic law
- Using international sources of law before national courts: positive and customary law
- Impact of case law from international and regional courts

Moderator: Pietro Sardaro, Acting Head of the Rule of Law, OSCE Mission to BiH (10 min introduction)

Panellists: Wolfgang Schomburg, Judge
Azra Miletić, Judge, BiH Court
Patricia Whalen, Judge

15:30- 16:00 Coffee break

16:00 – 17:00 Panel 2, Discussion

18:30 Dinner

Optional - Social event: Visit to the exhibition of war cartoons "Art in Dark Times" will be offered to those who are interested by the Swiss Embassy in Sarajevo (shuttle from the hotel to the Art Gallery of BiH will be provided.

Day 2 – Tuesday, 20 May 2014

9:00 – 11:00 Panel 3 – Cooperation in war crimes prosecution

- Cooperation with international courts and tribunals (impact on national jurisdiction)
- Interstate cooperation (extradition procedures, mutual assistance in criminal matters)
- Universal jurisdiction

Moderator: Thomas Vennen, Head of OSCE/ODIHR Democratization Department (10 min introduction)

Panellists: Minka Kreho, Judge, BiH Court
Miroslav Kraljević, Deputy County Attorney, Osijek, Croatia
Bruno Vekarić, Deputy War Crimes Prosecutor, War Crimes PO, Serbia
Catherine Denis, Defence Attorney, Belgium

Discussion

11:00 – 11:30 Coffee Break

11:00 – 13:00 Panel 4 – Specific challenges of transitional justice process

- National war crimes prosecution: is there a place for amnesties?
- Role of the national jurisdiction in the context of clarification of the fate of missing persons
- Prosecution of crimes involving sexual violence
- Reparation and reconciliation

Moderator: Nora Refaeil, Consultant/Lecturer (10 min introduction)

Panelists: Ibro Bulić, Prosecutor, BiH Prosecutor's Office
Miodrag Majić, Judge, Belgrade Court of Appeal, Serbia
Milena Čalić-Jelić, Legal Adviser, "Documenta", Croatia
Maria Teresa Dutli, Regional Legal Adviser, ICRC

Discussion

13:00 – 13:15 Closing of the Conference

Thomas Vennen, Head of the OSCE/ODIHR Democratization Department

13:30 – 15:00 Lunch

THE ROLE OF NATIONAL JURISDICTIONS IN THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW (IHL) – LAW AND PRACTICE

19 – 20 May 2014
Hotel "Sarajevo", Sarajevo

LIST OF PARTICIPANTS

Bosnia and Herzegovina

1. Meddzida Kreso, President of the BiH Court
2. Gluhajić Stanisa, Judge, BiH Court
3. Azra Miletić, Judge, BiH Court
4. Minka Kreho, Judge, BiH Court
5. Senadin Begtašević, Judge BiH Court
6. Ljubomir Kitić, Judge BiH Court
7. Gordana Tadić, Deputy Chief Prosecutor, BiH Prosecutor's Office (PO)
8. Irisa Čevra, Assistant to Deputy Chief Prosecutor, BiH Prosecutor's Office
9. Ibro Bulić, Prosecutor, BiH Prosecutor's Office
10. Dzemila Begović, Prosecutor, BiH Prosecutor's Office
11. Amila Mustafić, Brčko District Prosecutor
12. Alma Tirić, Deputy Chief Prosecutor, FBiH Prosecutor's Office
13. Jasmina Begić, Judge Sarajevo Cantonal Court
14. Alma Taso Deljković, BiH Court /Witness Protection Section
15. Radivoje Lazarević, Defence Attorney
16. Senad Kreho, Defence Attorney
17. Melika Alić, Federation of BiH PO Associate
18. Elma Karović, Legal Advisor, BiH Court
19. Jasenka Ferizović, Legal Advisor, BiH Court
20. Sabina Hota Ćatović, Legal Advisor, BiH Court
21. Nevena Aličehajić, Legal Advisor, BiH Court

Belgium

22. Catherine Denis, Defence Attorney

Croatia

23. Jasmina Dolmagić, Deputy Chief State Attorney, State Attorney Office, Zagreb,
24. Miroslav Kraljević, Deputy Chief County Attorney, County Attorney Office, Osijek
25. Milena Čalić-Jelić, Legal Adviser, NGO "Documenta"- Center for Dealing with the Past

Denmark

26. Jakob Willaredt, Senior Prosecutor for International Crimes

Georgia

27. Giorgi Shavliashvili, Judge, Supreme Court of Georgia
28. Saba Phiphia, Legal Advisor Public International Law Department, Ministry of Justice
29. Irakli Khutsurauli, Manager of the Supreme Court and Head of the International Department of the Supreme Court

Kosovo

30. Tonka Berishaj, Judge, Court of Appeals
31. Merita Bina, Prosecutor, Special Prosecutor's Office

Montenegro

32. Milenka Žižić, Judge, High Court of Podgorica, Special Department for Organized Crime, Corruption, Terrorism and War Crimes
33. Lidija Vukčević, Deputy Special Prosecutor for Organized Crime, Corruption, Terrorism and War Crimes
34. Goran Rodić, Defence Attorney

Serbia

35. Miodrag Majić, Judge, Court of Appeal in Belgrade
36. Bruno Vekarić, Deputy War Crimes Prosecutor, War Crimes Prosecutor's Office
37. Mioljub Vitorović, Deputy War Crimes Prosecutor, War Crimes Prosecutor's Office

Sweden

38. Karolina Wieslander, Advisor for Criminal Justice, Ministry of Justice

Germany

39. Wolfgang Schomburg, Lawyer, Mediator and Adviser in ICL as Of Counsel at FPS, Berlin, Chair of the Centre for CL and CJ, Durham Law School, UK

Switzerland

40. Nora Refaeil, Consultant, Facilitator, Lecturer

International organizations in BiH

41. Lejla Mamut, TRIAL
42. Gianluca Rocco, Chief of Mission and Sub-regional Coordinator for the WB, IOM
43. Robert G. Thomson, OPDAT
44. Guenter Schweiger, Acting Head of Mission of the ICTY

ICRC

45. Cristina Pellandini, Head of Advisory Service
46. Boris Kelečević, Head of Delegation
47. Maria Teresa Dutli, Legal Adviser
48. Neda Dojčinović, Legal Adviser
49. Romain Clercq- Roques, Lawyer, Advisory Service

Swiss Embassy

50. André Schaller, Swiss Ambassador to BiH
51. Claudia Buess, Deputy Head of Mission & Human Security Adviser
52. Haris Lokvančić, Assistant to the Peace Building Adviser

OSCE

53. Fletcher Burton, Head of OSCE Mission to BiH
54. Patricia Whalen, Judge
55. Pietro Sardaro, Acting Head of Rule of Law, OSCE Mission to BiH
56. Maja Maričić, National Press Officer, OSCE Mission to BiH
57. Vedran Pribilović, Website assistant, OSCE Mission to BiH
58. Nela Sefić, Legal Officer, OSCE Mission to BiH
59. Nenad Djurić, Legal Officer, OSCE Mission to BiH
60. Irma Balta, RoL Monitor, OSCE Mission to BiH
61. Lejla Becar, RoL Monitor, OSCE Mission to BiH
62. Denis Dobardzić, RoL Monitor, OSCE Mission to BiH
63. Emina Durmo, Legal Assistant, OSCE Mission to BiH
64. Denis Veladzić, Legal Assistant, OSCE Mission to BiH
65. Max Matthews, Legal Officer, OSCE Mission to BiH
66. Angela Maxfield, OSCE Mission in Kosovo

67. Alberto Pasquero, OSCE Mission to Serbia
68. Dusan Jovanović, OSCE Mission to Serbia

OSCE/ ODIHR

69. Thomas Vennen, Head of OSCE/ODIHR Democratization Department
70. Nathalie Tran, Rule of Law Officer

GUESTS

71. Jasmina Pašalić, President of the Association "Sarajevo Heart of Europe"
72. Nicolas Brosinger, Pro Victimis, Geneva
73. Jean-Francois Berger, Pro Victimis, Geneva

INTERPRETERS

74. Spomenka Beus (English)
75. Dijana Jovičić Hadziahmetović (English)
76. Lilia Kaminskaia (Russian)