

Humanitarian Law (Research and Documentation) Center
Belgrade, Serbia and Montenegro

Research and Documentation Center
Sarajevo, Bosnia and Herzegovina

Documenta – Center for Dealing with the Past
Zagreb, Croatia

**Strengthening Regional Cooperation and Capacities
For Dealing with the Past**

Project Proposal

Submitted to: Swiss Ministry of Foreign Affairs

September 2004

THE ACTION

1. Description

1.1 Title

Strengthening Regional Cooperation and Capacities for Dealing with the Past

1.2 Location

Belgrade, Serbia and Montenegro; Sarajevo, Bosnia and Herzegovina; Zagreb, Croatia

1.3 Context & Background

The need for a regional approach to the process of dealing with the past originates from the nature of the conflicts in the 1990s and the post-conflict transitions. Establishing the truth about the conflicts and challenging exclusive narratives about the past is conditioned by efforts across the region involving each of the post-conflict societies. The task of documenting war crimes in any of the affected countries inevitably requires obtaining information and documents from one or more of the other countries. Similarly, war crimes trials take place in a situation in which perpetrator, victims and witnesses are often on different sides of present-day borders. Finally, cross-border dialogue and debate of contested issues is crucial if a minimum of level of trust across communities and borders is to emerge and deter future eruption of violence.

Regional efforts for dealing with the legacy of armed conflicts are complicated by widespread denial and refusal to take responsibility for atrocities, common to all sides and societies. Public attitudes reinforcing this culture of silence are mirrored in the unwillingness of political elites to initiate a process for dealing with the past by committing the political will and resources that are necessary. These attitudes and inaction are constantly challenged by the persistent intervention of ICTY indictments, requests for transfer of indictees, and prosecutions, in the transitional politics of the region. With the announcement of the ICTY completion strategy (completing all investigations by 2004, all trials on the merits by 2008 and all appeals by 2010) and the pending transfer of cases from The Hague Tribunal to domestic jurisdictions, the imperative of establishing justice and accountability becomes even more urgent. Furthermore, domestic war crimes trials in the target countries are debilitated by selectivity of investigation and prosecution, lack of witness protection legislation and programs, and questionable independence and ability for initiative on the part of local judiciaries.

In this context, civil society actors have often abstained for taking upon themselves the difficult and unpopular role of catalysts of the process of dealing with the past. There are

few civil society organizations active in the field of post-conflict truth-telling and transitional justice in the region. The potential of civil society for triggering the process of dealing with the past, however, is significant. It has been demonstrated in recent and pending war crimes trials before Belgrade District Court. In the *Podujevo* case for war crimes (killing of civilians in Kosovo), the Humanitarian Law Center served as Victims Advocate Council representing the victims and in this capacity facilitated witness testimony of Kosovo Albanians (including by providing for the security of witnesses and victims during their stay in Serbia), requested and presented evidence, making sure that procedural and substantive legal standards not compromised in the proceedings. In the current *Ovcara* trial (for the war crime of killing prisoners of war in Vukovar) the three partner organizations submitting this proposal have cooperated to ensure that families of victims from Croatia and civil society monitors from Bosnia and Croatia attend the trial before the Special Chamber of Belgrade District Court.

The need for building the capacity of civil society organizations committed to the acceleration of the process of Dealing with the Past has become evident in the process of networking and cooperation of the Humanitarian Law Center (HLC) from Serbia and Montenegro, the Research and Documentation Center from Bosnia and Herzegovina, and Documenta - Center for Dealing with the Past from Croatia. To date, the partner organizations submitting this project proposal have held numerous formal and informal meetings to discuss the possibilities for regional efforts for Dealing with the Past in the countries of ex-Yugoslavia. The process started at the two-day *Regional Workshop* held in Vukovar in February 2004, which brought together organizations working on dealing with the past from Serbia and Montenegro, Bosnia and Herzegovina, and Croatia. At the Workshop, a platform for regional cooperation was negotiated and future common projects were identified. The cooperation between the organizations was formalized with the signing of a *Protocol for Regional Cooperation in Researching and Documenting War Crimes in the Post-Yugoslavian Countries* on 6 April 2004 in Sarajevo by the three organizations submitting this Proposal. Currently, proposals for joint regional projects for regional monitoring of war crimes trials have been submitted to the Balkan Trust and the European Commission. The organizations are also proceeding with the joint implementation of projects for building War Crimes Databases in Belgrade (funding from US Congress approved), Sarajevo (database existing), and Croatia (at the preparatory stage).

This incipient regional network has identified as its major objective establishing the conditions necessary for triggering the process of dealing with the past in each of the affected countries by transnational networking and cooperation. United around the core principles of dealing with the past in post-conflict societies – the need for truth-telling and establishing justice and accountability for past atrocity, the organizations are committed to preserving and exchanging relevant documentation, triggering public debate for dealing with the legacy of armed conflicts, pressuring governments and judiciaries to act upon the issues of transitional justice, and serving as watchdogs in relevant war crimes trials and inquiries. For this purpose, the network has identified the following key common needs of the three organizations:

- building the war crimes databases in Belgrade, Zagreb and Sarajevo
- developing managerial capacities for implementing activities and projects for dealing with the past
- developing skills and capacities for advocacy and lobbying work on issues of dealing with the past
- networking opportunities for deepening and widening regional cooperation for dealing with the past

1.4 Organizational Background of Regional Partners

The documentation centers that are parties to this project have recognized the need for joint action and have proceeded to identify the areas where assistance is needed to make the regional approach work. The Humanitarian Law Center (HLC), founded in 1992, is currently undergoing a strategic transformation into a Research and Documentation Center and its priorities are building the War Crimes Database and enhancing its management and administrative potential for carrying out programmatic activities for dealing with the legacy of armed conflict. To the extent that the public in Serbia largely fails to recognize the need for facing the past, the HLC has identified as a core local need the education of young people exposing them to the rationale behind and the instruments for Dealing with the past. The HLC is currently employing 42 people in its offices in Belgrade, Serbia and Pristina, Kosovo. The programmatic goal of the organization is to trigger and facilitate the process of dealing with the past in Serbia and Montenegro and the region of ex-Yugoslavia, through documentation, truth-telling and transitional justice activities.

The Research and Documentation Center in Sarajevo, founded in April 2004, is currently expanding its activities beyond the War Crimes Database, which remains a central dimension of its work for dealing with the past in Bosnia and Herzegovina. The post-conflict transition in the country is coming of age and it requires a more complex approach involving regional work for triggering truth-telling and accountability. In this context, regional networking with partner organizations from Croatia and Serbia and Montenegro becomes a central concern both for the Center and for the civil society sector in Bosnia and Herzegovina when it comes to dealing with the past. In order to better implement its activities for documenting war crimes and facilitating transitional justice, the Center needs to undergo trainings in key areas of NGO management and administration. The Center currently employs 6 full-time and 4 volunteer staff in its office in Sarajevo. The programmatic objectives of the organization are building documentation regarding war crimes and crimes against humanity, supporting domestic war crimes trials, facilitating victim reparation, working with institutions and victims associations, and promoting respect for the rule of law, human rights, and reconciliation in Bosnia and Herzegovina and at the regional level.

Documenta - Center for Dealing with the Past in Zagreb, founded in 2004, by the Center for Peace Studies, the Croatian Helsinki Committee, the Center for Peace, Nonviolence and Human Rights in Osijek, and the Citizens Committee for Human Rights. The Center is

employing three people and is making all needed organizational and programmatic preparatory steps in order to start with work in its own premises in Winter 2004/2005. Its mission is to work for deepening the process of dealing with the past in Croatia and ex-Yugoslavia through documenting war crimes, violations of human rights and activities of antiwar movements.

1.5 Objective

The overall objective of the project is:

Strengthening the regional network of the three documentation and research centers in Belgrade, Sarajevo and Zagreb through

- **building capacities,**
- **deepening cooperation, and**
- **developing common standards,**

in order to facilitate the process of dealing with the past in the post-conflict countries of ex-Yugoslavia.

1.6 Activities

The regional partners have identified five key activities for achieving the objectives of the network for dealing with the past. All activities have been devised to strengthen the network and its constituent organizations and to facilitate cooperation among the partners by deepening relationships between team members in priority areas. The activities below are intended to build internal – within each organization at the level of the network – and external capacities and networking. The project activities address three key elements of the network’s functioning and consolidation:

1. Capacity Building: Three workshops/trainings on a) information systems for war crimes database, b) strategy building and management, and c) advocacy
2. Networking: Network meetings
3. Cooperation: Regional School for Dealing with the Past

Activity 1: Information Systems Training of the Staff of Research and Documentation Centres

Principal organizer: *Center for Research and Documentation - Sarajevo*

Establishment and cooperation of three Research and Documentation Centres at the regional level involves both the introduction of a uniform methodology of work and some organizational changes within each of the three Research and Documentation Centres.

One of the phases of the realisation of the information system implementation project is the training of staff of all three centres.

In order to decrease the overall expenses of the training, we suggest that the training for all centres be held at one location, with the duration of five days. There are **three target groups**: 1) **administrative group** – general administrative staff, IT and data processing staff; 2) **group of analysts** – archivist, librarians, lawyers and analysts; and 3) **managers** – database and information systems managers.

1. day (all are present) 09.00-18.00 hrs, break (13-15)
 - Presentation of the entire information system with all processes, developments and types of documentation within the Research and Documentation Centre
 - Presentation of exchange of information with the community and between the Research and Documentation Centres.
 - Forming of working groups for the following day

2. day (three working groups) 09.00-18.00 hrs presentation (Q/A) (break 13-15)
 - **Administrative group**
 1. reception, processing and filing of documentation
 2. forming and bringing into line of the code system
 3. procedure of copying documents
 4. reporting by the administration

 - **Group of analysts**
 1. way of using the archive and library
 2. classification system (depending on the Research and Documentation Centre)
 3. specific projects at the level of Research and Documentation Centres
 4. reporting (standard reports and inquiries)

 - **Managers**
 1. possibility of obtaining information from the system
 2. statistical reports
 3. cooperation between the Research and Documentation Centres at the regional level (VPN, exchange of information, WWW, etc.)

3. day (three working groups) 09.00-18.00 hrs, practical training of process simulation

- **Administrative group**

1. reception, processing and filing of documentation
2. forming and bringing into line of the code system
3. reporting by the administration

- **Group of analysts**

1. way of using the archive and library
2. classification system (depending on the Research and Documentation Centre)
3. specific projects at the level of Research and Documentation Centres
4. reporting (standard reports and inquiries)

- **Managers**

1. possibility of obtaining information from the system
2. statistical reports
3. cooperation between the Research and Documentation Centres at the regional level

4. day (all together)

09.00-18.00 hrs, break (13-14)

- Practical training for all participants regarding the entire information system
- Security aspect (authorities, regular copies of the data base, multiple copies of documents)
- Questions, answers and suggestions

Activity 2: Regional Management Training

Principal organizer: *Documenta -Center for Dealing with the Past - Zagreb*

2.1. Regional project management training (4 days)

- program/project planning (2 days)
- planning and management of resources (1 day)
- monitoring and evaluation (1 days)

2.1.1. Training Purpose and Target Group:

- strengthening management capacities of the network and particular centers

- participants are senior management members and project coordinators of centers (3 staff members of each centre)

2.1.2. Objectives:

- introduction of management concepts to staff of research and documentation centers
- developing common regional approach to planning, resources management and evaluation
- articulating follow up management procedures for particular research and documentation centers and setting the timetable for consultation sessions

2.1.3 Expected outcomes

- understanding concept and elements of project planning
- understanding principles of needs assessment in context of project management
- understanding and increased capacity to use methodology of stake holders analysis
- clarified procedures of planning and resource management
- improved understanding of possibilities and advantages of monitoring in project management
- clarified use of evaluation
- clarified methodology and principles of using monitoring and evaluation results in preparing project reports

2.2. Follow-up regular consultations in prospective centers:

- 3 days devoted to the development of annual plan and detailed plan of activities for first quarter of year with description of responsibilities
- 3 days quarterly planning once in three months

2.2.1. One time consultations – 3 days in each center with 3 x 2 days of preparation for development of annual plan (and development of first quarterly plan)

2.2.2 Quarterly – 1 day with consultant every three months, after previous 2 days of e-mail preparation in each Center in order to make working day with client as efficient as possible

The day with the consultant will be devoted to participatory quarterly planning of work and activities of the particular centers and consultations about the implementation of practices presented during the management and advocacy training. Initial consultation topics will be based on needs assessment of each prospective center. Afterwards topics will be designated in an e-mail preparatory process before the consultation. Each time the starting point will be the analysis of the situation leading to designation of alternative solutions. Consultations focused on mechanisms and tools will be held in particular centers.

2.2.3 Purpose of the Follow-up consultations:

- strengthening management capacities of particular centers

2.2.4 Objectives of the Follow-up consultations:

- present and management concepts to staff of research and documentation centers
- introduce planning, monitoring and evaluation procedures and ensure their smooth implementation after trial period

2.2.5 Outcomes of Follow-up consultations:

- completed revision of existing projects, articulated new measurable goals or redefined existing goals which will make result oriented management possible
- completed stakeholder analysis and developed strategy adapted to results of analysis
- identified monitoring indicators and complete monitoring procedures; defined decisions which will be taken on basis of monitoring
- revised organisational structure and necessary changes made in order to improve efficiency, horizontal and vertical communication and transparency in work
- revised staff work descriptions and agreed models for development of work descriptions in accordance with needs of organisation
- strengthened and developed organisational capacities for management, decision making
- created preconditions and mechanisms for introduction of volunteers
- introduced system of periodical short-term and long-term planning
- developed one year plans adapted to already defined strategic directions

Activity 3: Regional Advocacy Training

Principal organizer: *Documenta - Center for Dealing with the Past - Zagreb*

3.1. Regional advocacy training

- preparation of campaign and planning of campaign (2 days)
- using tools for context analysing, creating message and strengthening organisation`s own position (2 days)

3.2. Purpose and Target Group:

- strengthening advocacy capacities of network and linking advocacy efforts of particular centers

- participants are senior program and fundraising managers and staff directly involved in advocacy work at centers

3.3 Objectives:

- introduction of advocacy to staff to research and documentation centers
- developing basic outlines of advocacy campaigns and identifying of common issues
- developing linked advocacy campaigns
- articulating follow up procedures for particular research and documentation centers

Activity 4: Regional Networking Meetings

Principal organizer: *each Center hosts and organizes one of the three meetings*

4.1. Purpose:

- insure constant and smooth communication, coordination of activities and planning on regional level

4.2. Objectives:

- creating common short- and long-term plans
- co-ordinating activities of research and documentation centers

4.3. Outcomes:

- developed short – and long-term plan of regional activities developed
- monitored ongoing regional activities

4.4. Frequency and participants:

- three times for the duration of the project (in the beginning, mid-point and end of the project)
- two people per partner organization participate in each networking meeting

Activity 5: Regional School for Dealing with the Past

Principal organizer: *Humanitarian Law (Research and Documentation) Center - Belgrade*

Conducting a course on the different aspects and instruments for Dealing with the Past for two groups of participants: **15 university students** and **15 civil society activists** from Serbia and Montenegro, Kosovo, Bosnia and Herzegovina, and Croatia. While the students in both groups will undergo the same course in terms of topics, the lectures and discussions will reflect the needs of the participants by adopting a more academic or more civil society approach, respectively.

The **objective** of the School is to expose a critical mass of young university students and civil society activists from the target countries to the **concepts, mechanisms** and **dilemmas** of post-conflict dealing with the past. First, the course will provide participants with background and understanding of both opportunities and tensions in the field of dealing with the past in general, always attempting to contextualize discussions with relevant case-studies from the conflicts and transitions in ex-Yugoslavia, as well as the work of the ICTY. Second, the School will conclude with an open ending, allowing for spontaneous ideas and creative proposals from the participants that might be incorporated in follow-up activities, whereby participants will be engaging the issues discussed in their academic or professional work.

The **methodology** of the course will involve both lectures and participatory learning approaches such as questions and answers sessions, case-studies, and assignments for creatively applying the information presented and relating it to local contexts.

The **duration** of the course will be one week (Sunday to Sunday) and **Certificates** will be awarded upon completion to each participant. The **lecturers** will be selected from regional and international experts on each of the topics covered and each Documentation Center will contribute to the course with relevant lecturers and moderators. A Steering Group with members from each of the three organizations will be set up to make final decisions concerning learning process, scope and substance of course materials, selection of participants and lecturers, and other organizational issues.

Below is a tentative schedule of the course:

Sunday

Arrival and registration

Monday

Morning Session: General introduction to the field of post-conflict Dealing with the Past, introducing concepts of retributive and restorative justice

Afternoon Session: General introduction to Truth-telling; Denial and Amnesia; Formal Truth-telling mechanisms (Truth and Reconciliation Commissions)

Tuesday

Morning Session: The role of civil society in the process of Truth-telling (*Nunca Mas* projects in Latin America and regional activities in ex-Yugoslavia)

Afternoon Session: General introduction to judicial options for dealing with the legacy of armed conflict: International tribunals (ICTY, ICTR, East Timor, ICC); Mixed courts (Sierra Leone); Internationalized courts (Kosovo); Domestic courts

Wednesday

Morning Session: International Criminal Law I: Substantive crimes (genocide; war crimes; crimes against humanity)

Case-studies from ICTY jurisprudence

Afternoon Session: International Criminal Law II: Modes of liability, defences and immunities (command responsibility; superior orders; sovereign immunity)

Case-studies from ICTY jurisprudence (e.g. Srebrenica, Foca, etc.)

Thursday

Morning Session: Domestic war crimes trials

Case-studies from ex-Yugoslavia

- Bosnia
- Croatia
- Serbia and Montenegro
- Kosovo

Afternoon Session: Engaging local context in Dealing with the Past: civil society or informal mechanisms (2000 civil society trial for ‘comfort women’ in Tokyo); vetting and lustration; documentation and historical memory; local approaches (*gacaca* community trials in Rwanda)

Friday

Morning Session: Restorative justice, concept and practices: addressing victims’ needs while holding perpetrators accountable; involving victims, perpetrators and communities in process of dealing with the past; participatory dealing with the past processes (Healing through remembering process in Northern Ireland), reparations, memorials, commemorations, veterans’ dialogue (Center for Nonviolent Action work)

Afternoon Session: Discussion of prospective follow-up activities to be undertaken by the two groups of participants

Saturday

Morning: Movie screening and open debate

Afternoon: Field trip

Evening: Reception and Certificates Award Ceremony

Sunday

Departure

1.6 Deliverables

- **Compendium of Course Materials** for Regional School for Dealing with the Past.
- A comprehensive **Programmatic and Financial Report** for the donor(s): each organization drafts the reports for the activities it has organized, including for respective network meetings.

IMPLEMENTATION TEAM AND PARTNER ORGANIZATIONS

2.1 Implementation Team

2.1.1 Team Leader for Regional School for Dealing with the Past

- Person Specification
 1. Education and expertise in international criminal law and international human rights law
 2. Knowledge of domestic legal systems and legislation in the countries of ex-Yugoslavia
 3. Background in transitional justice, particularly in the Balkans
 4. Excellent research and drafting skills
 5. Fluent English; working knowledge of Serbian
- Job Description
 1. Manages all aspects of the implementation of the Project
 2. Selects participants and lecturers
 3. Drafts Compendium of Course Materials
 4. Monitors timeline and budgeting issues
 5. Manages donor relations and produces reports

2.1.2 Project Assistant for Regional School for Dealing with the Past

- Person Specification
 1. Higher education in the social sciences
 2. Good understanding of issues of post-conflict dealing with the past on the Balkans
 3. Experience in logistics and administrative support
 4. Fluent Serbian; working knowledge of English
- Job Description
 1. Provides administrative support to the Team Leader
 2. Liaises with participants and lecturers
 3. Facilitates logistical issues

2.2 Partner Organizations

The Project will be implemented jointly by the following partner organizations:

- 1.2.1 Humanitarian Law (Research and Documentation) Center, Belgrade, S&M
- 1.2.2 Research and Documentation Center, Sarajevo, B&H
- 1.2.3 Documenta - Center for Dealing with the Past, Zagreb, Croatia

DURATION AND ACTION PLAN

3. Total Duration: 15 months starting 1 November 2004 (5 quarters)

4. Action Plan

Quarter	1	2	3	4	5
Information System Training	XXX				
Management Training & Follow-up		XXX	XXX	XXX	XXX
Advocacy Training					XXX
Network Meetings	XXX		XXX		XXX
Summer School		XXX	XXX	XXX	