

# States and International Criminal Justice: COST CA18228 Scoping Survey (version 2)

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Compiled on behalf of authors and members of COST Action 18228 by Andy Aydın-Aitchison.

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## **Introductory comments**

This document accompanies the survey instrument and data spreadsheets available on the COST Action 18228 (Global Atrocity Justice Constellations) website <https://justice-360.com/scoping-survey>.

The document extends on a first round of data collection published in April 2023, and covering 12 countries (Albania, Bangladesh, Bosnia and Herzegovina, Democratic Republic of Congo, Georgia, Hungary, Ireland, Italy, Lithuania, Serbia, United Kingdom, and United States of America). New data is included for the following countries, meaning that the dataset now covers 23 countries: Argentina, Colombia, Croatia, Denmark, Guatemala, India, Nigeria, Norway, Philippines, Uganda, and Ukraine.

The text is adapted with minimal changes from answers submitted by lead authors (\*), who were assisted by other named authors. In the accompanying spreadsheets, figures for the state party contributions to the International Criminal Court have been standardised using Schedule 1 of the annexes appended to the Court's own annual financial statements.

The survey instrument was developed by Andy Aydın-Aitchison, Mikkel Jarle Christensen, Barbora Holá, Kjersti Lohne, Fatima Rodrigues, Sunčana Roksandić, and Sergey Vasiliev.

The material is published on the COST Action website through the work of Alexandros Kyriakidis.

## **Albania**

*Alba Gerdeci\* and Islam Jusufi, November 2020*

### **Domestic laws criminalising international crimes**

Criminal Code of the Republic of Albania, Law No. 7895, 27 January 1995, amended by law no. 36/2017 and law no.89/2017

- Article 73 Genocide
- Article 74 Crimes against Humanity
- Article 75 War Crimes

English: <https://euralius.eu/index.php/en/library/albanian-legislation/send/10-criminal-code/11-criminal-code-en>

Albanian: <https://qbz.gov.al/preview/a2b117e6-69b2-4355-aa49-78967c31bf4d>

### **Specific laws and regulations concerning perpetrators of international crimes**

Law on the Measures against Terrorism Financing, Law No. 157/2013, amended by law no. 43/2017.

English: <https://euralius.eu/index.php/en/library/albanian-legislation/send/107-measures-against-terrorism-financing/220-law-on-measures-against-terrorism-financing-en>

Law on the Prevention of Money Laundering and Financing of Terrorism, Law No. 9917 (19 May 2008), amended by law no 10391, 66/2012, and 44/2017.

[https://www.legislationline.org/download/id/7875/file/Albania\\_Law\\_prevention\\_money\\_laundering\\_financing\\_terrorism\\_2008\\_am2012\\_en.pdf](https://www.legislationline.org/download/id/7875/file/Albania_Law_prevention_money_laundering_financing_terrorism_2008_am2012_en.pdf)

### **Specific laws concerning assistance to, or status of, victims of international crimes**

Criminal Procedure Code of the Republic of Albania, Law no. 7905 (21 March 1995), last recorded amendment, law no. 35/2017.

- Chapter VI: Victim, Accusing Victim, Civil Plaintiff and Civil Respondent (Amended by law no. 35/2017)

English: <https://euralius.eu/index.php/en/library/albanian-legislation/send/11-criminal-procedure-code/172-criminal-procedure-code-en>

The Criminal Code of the Republic of Albania is perpetrator oriented, meanwhile the Criminal Procedure Code determines the position of the victim. However no there is no definition of the position of victims specific to international crimes.

### **Specific laws regulating speech with regards to international crimes**

Criminal Code of the Republic of Albania (see above)

- Article 74/a Computer dissemination of materials favouring genocide or crimes against humanity
- Article 119/a Dissemination of racist or xenophobic materials through the computer system (added by law no. 10 023, article 13)
- Article 265 Incitement of hatred or disputes
- Article 266 Calls for national hatred (added by law no.144, Article 42)
- Article 267 Dissemination of false information to cause panic

## **Laws relating to the implementation of the Rome Statute**

Through Law 8733 (24 January 2001), the *Criminal Code of Albania* incorporated genocide, crimes against humanity and war crimes contained in the Rome Statute. Other crimes under the Rome Statute are deemed as self-executing (*Constitution*, Articles 116, 122 and 123) if precise penalties are indicated by the national legislator in connection with articles 6, 7 and 8 of the Rome Statute. No legislation including such penalties has been drafted or adopted. Some rules on cooperation with the Court are provided for in Title X of the *Criminal Procedure Code* and Law No. 10193 (3 March 2009). See Albania's response in 2010 to the ICC ASP Plan of Action: [https://asp.icc-cpi.int/sites/asp/files/asp\\_docs/ASP9/PoA/icc-rc-poa2010-alb-eng.pdf](https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP9/PoA/icc-rc-poa2010-alb-eng.pdf)

## **Regulations concerning cooperation with international courts or tribunals**

Rules of cooperation are provided in Title X of the Criminal Procedure Code, law no. 10193 (3 March 2009)

Agreement on enforcement of sentences with the ICTY, allowing for persons convicted before the Tribunal to serve their sentences in its prisons. See: <https://www.icty.org/en/press/albania-signs-enforcement-sentences-agreement>

## **Special domestic courts dealing with international crimes**

Serious Crimes Court (First Instance Court), see Law no. 9110 (24 July 2003)

Albanian: [http://www.drejtesia.gov.al/wp-content/uploads/2017/11/ligji\\_per\\_Gjykatën\\_e\\_Krimeve\\_te\\_renda-1.pdf](http://www.drejtesia.gov.al/wp-content/uploads/2017/11/ligji_per_Gjykatën_e_Krimeve_te_renda-1.pdf)

## **NGOs working in relation to victims or perpetrators of international crimes**

- Different & Equal: <http://differentandequal.org>
- Tjeter Vizion [Other Vision], Elbasan: <https://tjetervizion.org>
- Vatra shelter, Vlora: <http://www.qendravatra.org.al>

All of the above work in the field of trafficking in human beings.

## **Museums related to international crimes**

### **Bunk'Art 1**

Bunk'Art 1 is five levels & 3000m<sup>2</sup> of underground protective bunker, built as a shelter for the dictator Enver Hoxha and his government in case of a nuclear attack. In 2014, the bunker was transformed into a historical museum and art gallery, now known as Bunk'Art. The bunker takes the visitor into a journey through Enver Hoxha's mindset during his reign, which ultimately answers to the country's unsolved enigmas of its 45-year long communist period. <http://bunkart.al/1/home>.

### **Bunk'Art 2**

Bunk'Art 2, at approximately 1000 m<sup>2</sup> in size, is the second of two nuclear bunkers in Tirana that has recently transformed into an interactive artistic space. Located on the main block of ministerial buildings in the city's centre, this underground shelter was hidden from the public eye until its recent unveiling in 2015. It was secretly built from 1981-86, beneath the Ministry of Internal Affairs along the city's main boulevard. The journey through this tunnel unmask the pathological isolation and paranoia of the long 45-year communist period. Each of its 24 rooms recount stories of the political persecutions of approximately 100,000 Albanians from 1945-1991, the creation of Sigurimi (the state security) during Communism, and exhibitions showing the state's means of persecution during this dark period of history. <http://bunkart.al/2/home>.

## The House of Leaves Museum

The infamous monitoring techniques of the Communist Era and its severity are perhaps best captured in this museum opened in 2017. The House of Leaves museum is located in the building of the same name in the centre of Tirana. The house was carefully hidden from the public by a dense layer of trees and leaves, a proven camouflage technique normally seen in warfare. Located in the centre of Tirana, the house has a total of 31 interconnected rooms which hold more history than you could possibly imagine or process in just one visit. The house became the headquarters of the infamous Sigurimi, the Albanian secret service. In the early days of Communism, the house carried out the sinister tasks of torture and death penalties but in later years was solely used for communications monitoring. The museum is separated into nine sections and for the first time publicly reveals the intricate and advanced ways of the state's control over Albanian life under Communism. Exhibitions in the museum vary, some are dedicated to various microphones and technology. In other sections of the museum the statements, work, and dossiers prepared by informants of the state are displayed. The sheer volume of tools, monitoring equipment, and tapping devices reveals the quite astounding amount of investment by the state, which is unbelievable considering the economic state of Albania at the time! The exhibitions portray a communist perception of the enemy, both external and internal, on which a great deal of state vigilance was concentrated. <http://muzeugjethi.gov.al>.

## National Museum of History in Tirana

The National Museum of History in Tirana is the largest in Albania, exhibiting collections from prehistoric times to the collapse of the communist regime. A sub-exhibition, completed in 1991, focuses exclusively on the 40 years of Communist dictatorship and was the first exhibition to address communist crimes in the national museum of a post-communist state. The Pavilion of the Communist Terror displays documents, photographs and objects, which belong to the period of communist persecution from 1944 to 1991, as well as focusing on the system of labour and detention camps. <http://www.mhk.gov.al>

## Memorials for international crimes

### Chameria memorial, Konispol

Memorial to the Chams in the village of Konispol dedicated to the Albanian victims during Second World War in Greece.

### Holocaust memorial, Tirana

Albania unveiled a Holocaust memorial in the capital in July 2020 to honour the dead and the Albanians who protected Jews from the Nazis. The inscription is written in three languages: English, Hebrew and Albanian. It says that "Albanians, Christians and Muslims endangered their lives to protect and save the Jews." Albanians protected their few hundred Jewish friends, and helped other Jews who fled from Germany and Austria by either smuggling them abroad or hiding them at home.

### Spaç Memorial

A political prison at the village of Spaç, whose inmates were enslaved and forced to work in the nearby copper and pyrite mines. Spaç was one of the cruellest prisons in Communist Albania.

### The Site of Witness and Memory

It is the only memorial which commemorates the victims of the communist regime in Shkodra. Being one of the main centres of Communist repression in Albania, the city where an Atheist Museum with anti-religious propaganda was built after the Cultural Revolution of 1967, this museum tells the story of people who suffered for their beliefs and moral integrity.

## Memorials for specific victims of international crimes

Ademi Jashari monument in Tirana

Adem Jashari was a Kosovo Albanian leader during the Kosovo war of 1990s. On 7 March 1998, he was killed in Prekaz, Kosovo, together with his whole family by Serbian forces.

Isa Boletini monument in Shkoder

Isa Boletini was a heroic Albanian leader during the First World War who was killed in 1916 in Podgorica, Montenegro.

## Other mnemonic activities (e.g. memorial days and events)

- International Day of Commemoration in memory of the victims of the Holocaust (27 January)
- Martyrs' Day honours the memory of those who gave their lives for the country's liberation during the Second World War (May 5)
- The Day of Greek Chauvinist Genocide against the Albanians of Chameria (27 June)

## Related cultural activities

Albania is often host to cultural activities that relate to international crimes committed in Kosovo. It also hosts cultural activities such as film festivals and exhibitions on trafficking in human beings, for example, the annual The International Human Rights Film Festival in Albania (IHRFFA) which often screens films with relating to international crimes (<https://ihrffa.net/>). There is a growing literature on international crimes related to trafficking of drugs.

## Recommended media sources

Online portals:

- <https://balkaninsight.com>
- <https://www.albaniandailynews.com>
- <https://www.euronews.com/tag/albania>
- <https://europeanwesternbalkans.com>
- <https://www.tiranatimes.com>

Podcasts

- <https://exit.al/en>

Television

- <https://www.oranews.tv/category/english-news/>

## **Argentina**

*Valeria Vegh Weis\* and Elizabeth Gómez Alcorta, September 2023*

### **Domestic laws criminalising international crimes**

The National Constitution reformed in 1994 recognized universal jurisdiction to persecute international crimes. Act 26.200 (05.01.2007) implements the Rome Statute with the goal of improve the enforcement of international criminal law, the cooperation mechanisms with the ICC and the promotion of the Statute of Rome. The law codifies the crime of genocide, crimes against humanity and war crimes (but not crime of aggression).

<https://www.argentina.gob.ar/normativa/nacional/ley-26200-123921/texto>

### **Specific laws concerning assistance to, or status of, victims of international crimes**

- Ley 24043 (reparations for people in exile)
- Ley 24321 (declaration as disappeared)
- Ley 25914 (reparations for children of the disappeared)
- Ley 24411 (reparations for the disappeared and murdered)
- Ley 26564 (no taxes for victims payments)
- Ley 26913 (pensions for victims)

<https://www.argentina.gob.ar/derechoshumanos/proteccion/leyesreparatorias>

(These are legislation at the federal level. Many provinces have also their own legislation.)

### **Significant parliamentary discussions on international criminal justice**

Overturing of impunity laws, Act 25.779/2003.

Parliamentary debate:

<https://www4.hcdn.gob.ar/dependencias/dip/DEBATES%202023/Ley%2025779%20%20Nulidad%20Punto%20Final%20y%20Obediencia%20Debida/Tr%C3%A1mite%20de%20la%20ley.pdf>

### **Laws relating to the implementation of the Rome Statute**

Argentina was the first country worldwide in signing the four agreements of cooperation with the ICC: <https://www.pgaction.org/es/news/argentina-first-country-to-sign-all-four-cooperation-agreements-icc.html>

- Ratification of the Kampala Amendment (28.04.2017)
- Privileges and Immunities of the ICC (01.04.2007)
- Sentence Implementation (18.04.2017)
- Provisional Freedom (28.02.2018).

<https://www.pgaction.org/es/ilhr/rome-statute/argentina.html>;

[https://www.icc-cpi.int/sites/default/files/itemsDocuments/180228-agreement-release-of-persons-Argentina\\_SPA.pdf](https://www.icc-cpi.int/sites/default/files/itemsDocuments/180228-agreement-release-of-persons-Argentina_SPA.pdf)

Further collaboration: submission of material on the Junta Trial to the ICC:

<https://www.argentina.gob.ar/noticias/garavano-entrego-material-historico-del-juicio-las-juntas-la-corte-penal-internacional>

Doctrine: <http://www.derecho.uba.ar/publicaciones/lye/revistas/88/lecciones-y-ensayos-88-paginas-43-81.pdf>



## **Nature of support for international courts**

Argentina has provided financial support to the ICC, but at December 2020 €4,555,140 of its commitment remained outstanding. It has an agreement on sentence enforcement in place with the ICC.

Argentina supported the arrest of Milan Lukić, indicted by the ICTY on its territory, and

## **Foreign policy to promote international criminal justice**

See above regarding agreements with ICC.

## **National prosecutorial policies concerning international crimes**

There is a special unit within the prosecutor's office: Procuraduría de Crímenes contra la Humanidad de la Procuración.

<https://www.fiscales.gob.ar/lesa-humanidad/>

## **National policies concerning victims of international crimes**

Center for victims of international crimes:

<https://www.argentina.gob.ar/derechoshumanos/proteccion/centroulloa>

Protocol for victims of gender-based violence:

<https://www.cij.gov.ar/nota-10713-Lesa-humanidad--dictan-un-protocolo-sobre-la-declaracion-de-victimas-de-delitos-sexuales.html>

## **Situations covered by prosecutions for crimes outside territory of state**

- Spain (Franco regime)
- Myanmar
- Nicaragua
- Venezuela

(Limited progress in each)

## **State institutions supporting victims of international crimes**

Centro Ulloa (see above)

Jurisprudence on victim rights: <https://www.mpf.gob.ar/dgdh/files/2018/05/DGDH-cuadernillo-9.pdf>

## **NGOs working in relation to victims or perpetrators of international crimes**

- Asociación Madres de Plaza de Mayo  
<https://madres.org/>
- Madres de Plaza de Mayo Línea Fundadora  
<http://madresfundadoras.blogspot.com>
- Abuelas de Plaza de Mayo  
<https://www.abuelas.org.ar/>
- HIJOS (Hijos e Hijas por la Identidad y la Justicia contra el Olvido y el Silencio)  
<https://hijos-capital.org.ar/>
- AEDD (Asociación de Ex Detenidos Desaparecidos)  
<https://exdetenidosdesaparecidos.org/quienes-somos/>

- CELS (Centro de Estudios Legales y Sociales)  
<https://www.cels.org.ar/>
- SERPAJ (Servicio Paz y Justicia)  
<https://serpaj.org.ar/>
- APDH (Asamblea Permanente por los Derechos Humanos)  
<https://www.apdh-argentina.org.ar/>
- Asociación Civil de Víctimas del Terrorismo de Argentina
- CELTYV (Centro de Estudios Legales sobre el Terrorismo y Sus Víctimas)  
<https://celtyv.org/>
- Puentes de Libertad

### **Museums related to international crimes**

Ex ESMA (UNESCO site), Museo Nacional de la Memoria and many of the former detention centers. For lists, see <https://www.argentina.gob.ar/derechoshumanos/sitiosdememoria> and [https://www.argentina.gob.ar/sites/default/files/2017/10/rvute2022\\_anm\\_nomina\\_ccd\\_con\\_mapas\\_de\\_zonas\\_mayo\\_2022.pdf](https://www.argentina.gob.ar/sites/default/files/2017/10/rvute2022_anm_nomina_ccd_con_mapas_de_zonas_mayo_2022.pdf)

For legislation: <https://www.argentina.gob.ar/derechoshumanos/sitiosdememoria/normativa>

### **Memorials for international crimes**

Museo de la Memoria, <https://www.museodelamemoria.gob.ar/>

### **Memorials for specific victims of international crimes**

- Monument for the victims of state terror:  
<https://buenosaires.gob.ar/derechoshumanos/monumento-las-victimas-del-terrorismo-de-estado>
- Dispersed memorials where the person was detained:  
<https://www.espaciomemoria.ar/proyectos/baldosas-por-la-memoria/>

### **Other mnemonic activities (e.g. memorial days and events)**

- 24 March: national holiday in remembrance of the coup with massive demonstrations
- 10 December: international day of human rights
- Weekly marches of Madres de Plaza de Mayo every Thursday
- Madres de Plaza de Mayo Marcha de la resistencia once a year

### **Related cultural activities**

Films such as *Argentina 1985* and *La Historia Oficial* as cultural successes;

Radio por la identidad, Teatro por la identidad, and Twitter por la identidad

### **Recommended media sources**

Newspaper

- Página/12, <https://www.pagina12.com.ar/>

Broadcast

- Canal 7, <https://www.tvpublica.com.ar/>
- Radio Madres de Plaza de Mayo, <https://am530somosradio.com/>
- Radio Futurock, <https://futurock.fm/>

Online portals

- El Destape, <https://www.eldestapeweb.com/>

- Cohete a la Luna, <https://www.elcohetealaluna.com/>

#### Websites

- Secretaría de Derechos Humanos, <https://www.argentina.gob.ar/derechoshumanos>
- Juicios de Lesa. <http://www.juiciosdelesahumanidad.ar>
- Abuelas de Plaza de Mayo Difusión, <https://www.abuelas.org.ar/categoria-difusion/mensuario-1>

## **Bangladesh**

*Mohammad Pizuar Hossain\*, November 2022*

### **Domestic laws criminalising international crimes**

Constitution of the People's Republic of Bangladesh 1972 (Articles 47(3) and 47A)  
Regarding liability for genocide, crimes against humanity or war crimes and other crimes under international law

English: <http://bdlaws.minlaw.gov.bd/act-details-367.html>

Bangladesh Collaborators (Special Tribunals) Order 1972 (repealed in 1975)  
Also known as 'Collaborators Act 1972'.

English: <http://bdlaws.minlaw.gov.bd/act-1310.html>

Collaborators (Special Tribunals) (Repeal) Ordinance 1975  
International Crimes (Tribunals) Act 1973 (as amended in August 2009)  
English: <http://bdlaws.minlaw.gov.bd/act-435.html>

International Crimes Tribunal Rules of Procedure 2010  
English: [http://ictbdinvestigation.gov.bd/site/view/legislative\\_information/](http://ictbdinvestigation.gov.bd/site/view/legislative_information/)

### **Specific laws regulating speech with regards to international crimes**

Digital Security Act 2018, section 21(1)

"If any person by means of digital medium runs any propaganda or campaign or assists in running a propaganda or campaign against the liberation war of Bangladesh, Cognition of liberation war, Father of the Nation, National Anthem or national Flag then, that act of that person will be an offense under the Act."

English: <https://basis.org.bd/public/files/policy/5e1653db166e8Digital-Security-Act-2018-English-version.pdf>

### **Significant parliamentary discussions on international criminal justice**

On 29 December 1991, a report was published in a local newspaper that Jamaat-e-Islami, which was the largest Islamist political party in Bangladesh until the Bangladesh Supreme Court cancelled its registration on 1 August 2013, elected Ghulam Azam, who was the chief collaborator of the Pakistani occupation army during the 1971 Liberation War, as its 'Amir' (leader). Ghulam Azam's citizenship was revoked under the Collaborators Act 1972, but he had been leading the Jamaat-e-Islami party since 11 July 1978, when he entered Bangladesh with a Pakistani passport. As a result, different political parties and student organisations began protesting against the decision of Jamaat-e-Islami and condemning the move of this party. At that time, there was also heated debate in the parliament on the issue of citizenship of Ghulam Azam, who was later found guilty of international crimes during the 1971 Liberation War of Bangladesh. No official information related to the parliamentary debate is available online at the moment. This newspaper article can be helpful: <https://www.thedailystar.net/in-focus/gano-adalot-205765>

### **Laws relating to the implementation of the Rome Statute**

Bangladesh expressed its commitment to promote the universalization of the Rome Statute by ratifying this international instrument. Its primary law concerning domestic trials of international

crimes is the *International Crimes (Tribunals) Act (1973)*, which was enacted before the Rome Statute came into force.

### **Regulations concerning cooperation with international courts or tribunals**

Bangladesh does not have any specific agreement on cooperation or assistance with any international criminal court or tribunal. However, in September 2020, two Australian human rights lawyers, acting on behalf of hundreds of Rohingya refugees who are now living in Bangladesh, submitted a pre-trial motion requesting to have the International Criminal Court (ICC) sit in Asia. Local news agencies hope that Bangladesh would host an ICC trial chamber on the Rohingya issue.

### **National policies concerning victims of international crimes**

The Bangladesh (Freedom Fighters) Welfare Trust Order, 1972 (President's Order)

This order was made for the welfare of the disabled freedom fighters and dependents of the persons who suffered death while engaged in the war of liberation. However, this Order has been refurbished and remodelled in 2018 to continue the work of the 'Bangladesh Freedom Fighters Welfare Trust'.

#### **Certification of Freedom Fighters**

Certified freedom fighters - men and women - who participated in the 1971 liberation war of Bangladesh against Pakistan receive an honorarium, rations, medical services and other facilities from the Bangladesh government. Their children and grandchildren also enjoy reserve quotas in public recruitment and enrolment in educational institutions.

#### **Victims of Rape**

Various estimates suggest that the number of Bengali women who were raped by Pakistani Army personnel and their local collaborators between 25 March and 16 December during the 1971 Liberation War of Bangladesh against Pakistan range from 200,000 to 400,000 (Swiss and Giller, 1993; Debnath, 2009). Six days after Bangladesh achieved its victory on 16 December 1971, the newly formed government publicly designated all women who experienced sexual violence during the war as 'Birangonas' ('war heroines') - meaning brave or courageous women - as an attempt to lessen their social ostracism (Mookherjee, 2021). Also, the Ministry of Liberation War Affairs of Bangladesh issues gazette notifications in different times to officially recognise 'Birangonas' as freedom fighters, as previously only the people who took part in the liberation war were recognised as freedom fighters. As of today, the Ministry of Liberation War Affairs certified 448 Birangonas as freedom fighters. Therefore, they now receive all benefits as freedom fighters.

#### **References**

- Swiss, Shana and Giller, Joan E. (1993), 'Rape as a Crime of War: A Medical Perspective', 270 *Journal of the American Medical Association* 612.
- Debnath, Angela, 'The Bangladesh Genocide: The Plight of Women' in S Totten (ed), *Plight and Fate of Women During and Following Genocide* (New Brunswick: Transaction Publishers, 2009).
- Mookherjee, Nayanika, 'History and the Birangon', 21 Jun 2021 (*The Daily Star*), <https://www.thedailystar.net/in-focus/news/history-and-the-birangona-2114681>

### **Special domestic courts dealing with international crimes**

- International Crimes Tribunal-1 (25 March 2010), Dhaka (currently operational)
- International Crimes Tribunal-2 (22 March 2012), Dhaka (not operational since 15 September 2012)

## **NGOs working in relation to victims or perpetrators of international crimes**

Ekattorer Ghatak Dalal Nirmul Committee (Committee for Resisting Killers and Collaborators of Bangladesh Liberation War)

In 1992, 'Ekattorer Ghatak Dalal Nirmul Committee' was established to demand the prosecution of war criminals who committed international crimes against the Bangladeshi people during the 1971 Liberation War of Bangladesh, and for banning communal and fundamentalist politics in the country. UK branch archives: <https://archiveshub.jisc.ac.uk/search/archives/1c0177dd-98c4-3811-8d54-176618bca574>; Facebook page: <https://www.facebook.com/groups/nirmulcommittee/>

International Crimes Strategy Forum (ICSF)

ICSF is committed to end impunity for international crimes, ensure justice for the victims of international crimes, and uphold rule of law and human rights. Its activities focus on justice for international crimes - namely, genocide, crimes against humanity, war crimes, and terrorism. The activities of ICSF include: documentation, campaign, advocacy, research and education. <http://icsforum.org/about-icsf>

Amnesty International

Amnesty International is an INGO that focuses on human rights, with its headquarters in the UK. It has published some statements on its website on the trials of war criminals by the International Crimes Tribunal of Bangladesh. <https://www.amnesty.org/en/>

Human Rights Watch

Human Rights Watch is an INGO that carries out research and advocacy on human rights. It has also published some statements on its website on criticising the trials of war criminals by the International Crimes Tribunal of Bangladesh. <https://www.hrw.org/>

Liberation War Museum, Dhaka, Bangladesh

In 1996, the Liberation War Museum (LWM) was established in Dhaka, Bangladesh and it is registered as a Society with the Registrar of Joint Stock Companies and Firms, Bangladesh and also with the NGO Bureau of the Government of the People's Republic of Bangladesh. The LWM is now recognized, nationally and internationally, as a credible organisation on Bangladesh's history of independence. It primarily attempts to connect the history of the Liberation War with current pressing social and human rights issues. The LWM established the 'Centre for the Study of Genocide and Justice' (CSGJ) in 2014, which works to strengthen the national and international efforts to promote justice for mass atrocities and for recognition, restitution, reparation and healing of the victims.

## **Museums related to international crimes**

Liberation War Museum, Dhaka, Bangladesh

(See above)

1971: Genocide-Torture Archive and Museum

The first Genocide Museum of Bangladesh, established in Khulna in May 2014. The main objective of this museum includes, among others, identifying the places where torture and mass killing happened during the 1971 war, building archives (online and offline) of Bangladesh genocide and torture, publishing genocide index on the basis of testimonies of the people who experienced mass killing sites, and advocating for international recognition of genocide that happened in Bangladesh in 1971.

## **Memorials for international crimes**

National Martyrs' Memorial, Savar, Dhaka

The National Martyrs' Memorial, dedicated to all the martyrs who lost their lives in the Liberation War of Bangladesh, is a national symbol of Bangladesh.

Martyred Intellectuals Memorial, Rayerbazar, Dhaka

To commemorate the intellectuals (i.e. litterateurs, philosophers, scientists, artists, teachers, researchers, journalists, lawyers, physicians, engineers, architects, sculptors, government and non-government employees, politicians, social workers, cultural activists, musicians, and people involved in filmmaking, theatre and arts), who were tortured and assassinated during the Bangladesh Liberation War in 1971. <https://www.cipdh.gov.bd/memorias-situadas/en/lugar-de-memoria/monumento-a-los-intelectuales-martirizados/>

Swadhinata Stambha (Independence Monument), Dhaka

The Independence Monument is a national monument, which has been made to commemorate the historical events that occurred in the Suhrawardy Udyan (formerly known as 'Ramna Race Course Ground') during the 1971 Liberation War of Bangladesh.

Jalladkhana Killing Field Memorial, Mirpur, Dhaka

During the 1971 Liberation War of Bangladesh, Pakistani military and their local collaborators detained Bengali people, and then brought them to Jalladkhana (an abandoned water pump house), Mirpur, Dhaka. After that, victims were beheaded and thrown into a water well and several pits dug out for mass graves. The Jalladkhana Killing Field Memorial thus bears the marks of massacre carried out by the Pakistani military and their local collaborators in the 1971 war. (See article: <https://www.thedailystar.net/country/mirpur-jalladkhana-memorial-photos-1329775>)

## **Memorials for specific victims of international crimes**

Jagroto Chowrangi Monument, Joydebpur, Gazipur

The Jagroto Chowrangi Monument was founded to commemorate the rural freedom fighters, who played a significant role at the beginning of the 1971 Liberation War of Bangladesh.

Shonarjito Shadhinota, University of Dhaka, Teacher-Student Centre (TSC) Street

This sculpture represents different aspects of the 1971 Liberation War of Bangladesh, such as the mass killing of intellectuals, protests and movements, farmers, freedom fighters, and the moment when Bangladesh achieved its victory.

Aparajeyo Bangla, Faculty of Arts in Dhaka University, Dhaka

Aparajeyo Bangla is a sculpture that symbolises how a diverse group of people from all walks of life took part in the 1971 Liberation War of Bangladesh.

## **Other mnemonic activities (e.g. memorial days and events)**

25 March: Genocide Day

This day commemorates 'Operation Searchlight', the Pakistani military's strategy to destroy Bengali nationals, resulting in the genocide against the Bengali people in Bangladesh.

26 March: Independence Day

Bangladeshi people celebrate the declaration of the independence of Bangladesh on this day.

#### 14 December: Martyred Intellectuals Day

This day is observed to commemorate those intellectuals who were killed by Pakistani military and their local collaborators during the 1971 war.

#### 16 December: Victory Day (Bangladesh)

Bangladeshi people celebrate this day to commemorate the defeat of the Pakistan military in the 1971 Liberation War of Bangladesh and the independence of Bangladesh.

### Related cultural activities

There are several films, plays, and literature which have been made on the 1971 Liberation War of Bangladesh.

#### Films

- *Stop Genocide*, documentary by Zahir Raihan (1971)
- *Let There be Light*, Zahir Raihan (1971)
- *Nine Months to Freedom: The Story of Bangladesh*, documentary by S. Sukhdev (1972)
- *Ora Egaro Jon (11 Warriors)*, Chashi Nazrul Islam (1972)
- *Raktakto Bangla (The Blood-stained Bengal)*, Mamtaj Ali (1972)
- *Quiet Flows the River Meghna*, Alamgir Kabir (1973)
- *Amar Jonmovumi (My Homeland)*, by Alamgir Kumkum (1973)
- *Ami Sadhinota Enechhi (I've brought freedom)*, Sagar Lohani (2003)
- *Shangram (Struggle)*, Chashi Nazrul Islam (1974)
- *Abar Tora Manush Ho (Be Human Once Again)*, Khan Ataur Rahman (1974)
- *Alor Michhil (Procession of Light)*, Narayan Ghosh Mita (1974)
- *Arunodoyer Agnishakkhi (Witness of the Sun Rise)*, Subhash Dutta (1974)
- *Megher Onek Rang (Clouds have Many Shades)*, Harunur Rashid Mathin (1976)
- *Chitkar' (Scream)*, Motin Rahman (1982)
- *Agami' (Time Ahead)*, Morshedul Islam (1984)
- *Suchona' (The Beginning)* - by Morshedul Islam (1988)
- *Nodir Naam Modhumoti' (The Name of the River is Madhumati)* - by Tanvir Mokammel (1990)
- *Dushor Jatra (Gray Journey)*, Abu Sayeed (1992)
- *Ekattorer Jishu (Jesus'71)*, Nasir Uddin Yusuf (1993)
- *Desh Premik (Patriot)*, Kazi Hayat (1994)
- *Muktir Gaan (Song of Freedom)*, Tareque Masud and Catherine Masud (1995)
- *Story of Freedom*, Tareque Masud and Catherine Masud (1999)
- *Narir Katha (Women and War)*, Tareque Masud and Catherine Masud (2000)
- *Aguner Poroshmoni (Fire Divine)*, Humayun Ahmed (1995)
- *Ekhono Onek Raat (It's still a long night)*, Khan Ataur Rahman (1997)
- *Hangor Nodi Grenade (Shark River Grenade)*, Chashi Nazrul Islam (1997)
- *Shei Rater Kotha Bolte Eshechi (I Have Come to Speak of That Night)*, Kawsar Chowdhury (2001)
- *Matir Moina (The Clay Bird)*, Tareque Masud (2002)
- *Spartacus '71*, Mostofa Sarwar Farooki (2005)
- *Joyjatra (Journey to Victory)*, Tauquir Ahmed (2004)
- *Megher Pore Megh (Cloud after Cloud)*, Chashi Nazrul Islam (2004)
- *Shyamol Chhaya (The Green Shade)*, Humayun Ahmed (2006)



- *Guerrilla*, Nasiruddin Yousuff (2011)
- *Amar Bondhu Rashed (My Friend Rashed)*, Morshedul Islam (2011)

### Plays

- *Payer Awaj Pawa Jay (Footsteps Can Be Heard)*, Syed Shamsul Haque (1976)
- *Juddho Ebong Juddho (War and War)*, Syed Shamsul Haque (1986)
- *Joyjoyonti (Victory-jubilee)*, Mamunur Rashid (1995)
- *Ekattorer Pala (The turn of seventy one)*, Nasiruddin Yousuff Bacchu (1993)

### Literature

- *Ami Birangana Bolchi (The Voices of War Heroines)*, first-person narratives collected by Nilima Ibrahim (two volumes: 1994, 1995)
- *Ekatture Uttar Ronangaon ('71 Northern Front)*, factual war accounts (in Bengali), Muhammad Hamidullah Khan
- *Amar Bondhu Rashed (My Friend Rashed)*, juvenile novel, Muhammed Zafar Iqbal
- *Ghum Nei (Sleepless Nights)*, memoir, Nasiruddin Yusuf
- *Ami Bijoy Dekhechi (I have witnessed the Victory)*, memoir, M. R. Akhtar Mukul
- *A Tale of Millions*, memoir, Major Rafik Ul Islam
- *Ekattorer Dinguli (Days of 71)*, memoir, Jahanara Imam
- *Maa (The Mother)*, novel, Anisul Hoque
- *Jochhna o Janani'r Galpo (The Tale of Moonlight and the Motherland)*, novel, Humayun Ahmed
- *Of Blood and Fire: The Untold Story of Bangladesh's War of Independence*, Jahanara Imam
- *September on Jessore Road*, poem, Allen Ginsberg
- *A Golden Age*, novel, Tahmima Anam
- *Aguner Poroshmoni (Fire Divine)*, novel, Humayun Ahmed
- *1971*, novel, Humayun Ahmed
- *Of Martyrs and Marigolds*, novel, Aquila Ismail (a stranded Pakistani woman).

### Recommended media sources

#### Leading English language newspapers

- The Daily Star <https://www.thedailystar.net/>
- The Daily Sun <https://www.daily-sun.com>
- The New Age <https://www.newagebd.net/>
- The Financial Express <https://thefinancialexpress.com.bd/>
- The Business Standard <https://www.tbsnews.net/>
- BBC News - Bangladesh <https://www.bbc.com/news/topics/c77jz3md7grt>

## **Bosnia and Herzegovina**

*Mirza Buljubašić\* and Almir Maljević, June 2022*

*Additional support provided by Edvin Kanka Ćudić*

Note on spreadsheet data, the figures for cases and prosecutions are to be read as approximations in the accompanying .sav file for SPSS, the Google spreadsheet, and .csv file.

### **Domestic laws criminalising international crimes**

Criminal Code of Bosnia and Herzegovina

(enacted by High Representative's Decision Enacting the Criminal Code of Bosnia and Herzegovina, No. 101/03, 24 January 2003, published in the Official Gazette of Bosnia and Herzegovina 3/03, entered into force on 1 March 2003)

English: <http://www.ohr.int/laws-of-bih/criminal-legislation/>

Law on Amendments to the Criminal Code of Bosnia and Herzegovina

(published in the Official Gazette of Bosnia and Herzegovina 30/05)

- Article 1
  - (41) The Holocaust is a crime of genocide and crimes against humanity committed by the German Nazi regime during World War II which were recognized as such in the final and binding decisions or judgments of the International Military Tribunal established by the London Agreement of 8 August 1945.
  - (42) A mass grave is an unmarked place where two or more bodies or remains of human bodies are located or a place to which such bodies or remains of human bodies were subsequently moved, and was created by committing criminal offenses prescribed by Articles 171 to 180 of this Law.

The Criminal Code of Bosnia and Herzegovina

(published in the Official Gazette of Bosnia and Herzegovina 3/03, Revised 37/03)

Jurisdiction and statute of limitations: Applicability of criminal legislation of Bosnia and Herzegovina to those perpetrating a criminal offence within and outside the territory of Bosnia and Herzegovina

- Article 9
  - The criminal legislation of Bosnia and Herzegovina shall apply to anyone who, outside of its territory, perpetrates...
  - c) A criminal offence which Bosnia and Herzegovina is bound to punish according to the provisions of international law and international treaties or intergovernmental agreements;
- Article 19
  - Criminal prosecution and execution of a sentence are not subject to the statute of limitations for criminal offences of genocide, crimes against humanity and war crimes, or for other criminal offences that, pursuant to international law, are not subject to the statute of limitations.
- Article 171: Genocide
- Article 172: Crimes against Humanity
- Article 173: War Crimes against Civilians
- Article 174: War Crimes against the Wounded and Sick
- Article 175: War Crimes against Prisoners of War

- Article 176: Organising a Group of People and Instigating the Perpetration of Genocide, Crimes against Humanity and War Crimes
- Article 177: Unlawful Killing or Wounding of the Enemy
- Article 178: Marauding the Killed and Wounded at the Battlefield
- Article 179: Violating the Laws and Practices of Warfare
- Article 181: Violating the Protection Granted to Bearers of Flags of Truce
- Article 182: Justified Delay of the Repatriation of Prisoners of War
- Article 183: Destruction of Cultural, Historical and Religious Monuments
- Article 184: Misuse of International Emblems

#### The Criminal Code of Bosnia and Herzegovina

(published in the Official Gazette of Bosnia and Herzegovina 54/04)

- Article 193a: Forbidden Arms and Other Means of Combat
- Article 193.b: Illicit Trade in Chemicals
- Article 193.c: Activities Contrary to the Regimes Prescribed by the Law on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction
- Article 203: Failure to Enforce Orders and Sentences of the International Criminal Tribunal
- Article 231: Failure to Inform of a Person Indicted by the International Criminal Tribunal
- Article 231a: Failure to Inform of the Location of a Mass Grave
- Article 233: Accessory to a Person Indicted by the International Criminal Tribunal

#### **Specific laws in relation to victims of international crimes**

The Dayton Peace Agreement has provisions and annexes (particularly Annexes 6 and 7) that act as a framework, including commitments on Human Rights, Refugees and Displaced Persons.

High Representative Decision Enacting the Law on Protection of Witnesses under Threat and Vulnerable Witnesses No. 102/03; Law on Changes and Amendments to the Law on Protection of Witnesses Under Threat and Vulnerable Witnesses

Law on protection of victims of torture of Bosnia and Herzegovina

Law on basics of social protection, protection of civilian victims of war and protection of families with children of FBiH

Law on implementation of control of the legality of the exercise of rights in the field of veterans and disability protection

Law on the Protection of Civilian Victims of War

Law on supplementary rights of veterans - veterans of Bosnia and Herzegovina

Law on the rights of veterans, military disabled people and families of dead veterans of the defence-patriotic war of the Republic of Srpska

Decree on housing of families of killed veterans and war disabled persons of the defence-patriotic war of the Republic of Srpska

Military invalids RS provisions

Instructions on the procedure for recognition of the status of a civil victim of war: Entities (Republika Srpska and Federation of Bosnia and Herzegovina) have rulebooks, for example, Rulebook on the

work of the commission for giving expert opinion to determine the status of a special category of civilian victims of war

Municipalities in Republika Srpska and Federation of Bosnia and Herzegovina have extended scope of the rights of the families of killed soldiers and war veterans and invalids, for example, decision on the extended scope of the rights of the families of killed soldiers and war invalids from the area municipality of Shamac; decision on the extended scope of the rights of the families of killed soldiers and war invalids from the area municipality of Stanari; Programme resolving issues in the field of veteran-disability protection in the municipality of Prnjavor 2017, 2018, 2019; Rulebook on resolving housing issues of families of dead and missing fighters, families of dead military disabled people, war military disabled people and veterans Banja Luka; Law on displaced-expelled persons and refugees-repatriates in the Sarajevo Canton; rulebook on the manner of exercising the right to professional retraining of demobilized soldiers, war invalids and members of the families of martyrs and fallen soldiers (Sarajevo). Law on supplementary rights of defenders and members of their families. Law on protection of victims of torture in Republika Srpska

### **Specific laws regulating speech with regards to international crimes**

High Representative Decision Enacting the Law on Amendment to the Criminal Code of Bosnia and Herzegovina (Atrocity Denial provisions enforced by the High Representative)  
Criminal Code of the Federation Bosnia and Herzegovina (amended by Law Amending the Criminal Code of the Federation Bosnia and Herzegovina )

Article 163: Inciting National, Racial or Religious Hatred, Discord or Hostility

### **Significant parliamentary discussions on international criminal justice**

- House of Representatives, Parliament of Bosnia and Herzegovina, regarding Special Court for Sierra Leone, proposal to draft Agreement on execution of criminal sentences (2009-2017)
- House of Peoples, Parliament of Bosnia and Herzegovina, on the rejection to ratify amendments to the Rome Statute, 28 May 2020.

Additional explanatory note: Parliaments (state, entities and district) suffer from lack of electronic data. The data is unsystematically stored in the archives. Only the state-level parliament, council of ministers (government) and presidency can discuss on foreign policies, including international criminal justice. Also, most important policies related to the international criminal justice were enforced by the Office of High Representative. Thus, discussions about international criminal justice can be followed via Office of High Representative or through public statements of politicians.

### **Laws relating to the implementation of the Rome Statute**

Law on Implementation of the Rome Statute of the International Criminal Court and Cooperation with the International Criminal Court

### **Regulations concerning cooperation with international courts or tribunals**

International Criminal Tribunal for former Yugoslavia

- UNSC Resolutions 1503 (2003), 1534 (2004)
- Law on Transfer of Cases from the ICTY to the Prosecutor's Office of Bosnia and Herzegovina and the Use of Evidence Collected by ICTY in Proceedings before the Courts in Bosnia and Herzegovina
- High Representative Decision Enacting the Law on Amendment to the Law on Transfer of Cases from the ICTY to the Prosecutor's Office of Bosnia and Herzegovina and the Use of

Evidence Collected by ICTY in Proceedings before the Courts in Bosnia and Herzegovina No. 16/06

- Law on Amendments to the Law on Transfer of Cases from the ICTY to the Prosecutor's Office of Bosnia and Herzegovina and the Use of Evidence Collected by ICTY in Proceedings before the Courts in Bosnia and Herzegovina
- Memorandum of Understanding Between of the Prosecutor's office of Bosnia and Herzegovina and the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia
- Decree with the legal force on extradition at the request of the tribunal

### **National prosecutorial policies concerning international crimes**

- National war crimes strategy and Revised national war crimes strategy

### **National policies concerning victims of international crimes**

There are policies that implicitly deal with victims:

- Strategy for transitional justice (not implemented)
- Adopted action plan for implementation of the UN Resolution 1325 2018-2022
- Bosnia and Herzegovina Mine Action Strategy 2018 -2025
- Mine victim's assistance strategy in Bosnia and Herzegovina
- Social inclusion strategy of Bosnia and Herzegovina

At the sub-national (Entity) level:

- Strategy for improving the social position of persons with disabilities in the Republic of Srpska 2017-2026
- Strategy for Improving the Rights and Position of Persons with Disabilities in the Federation of Bosnia and Herzegovina (2016-2021)
- Mental health development strategy in the Republic of Srpska
- Mental health development strategy in the Federation of Bosnia and Herzegovina

### **Special domestic courts dealing with international crimes**

- The Division for War Crimes, Court of Bosnia and Herzegovina (established: 06 January 2005, operational 9 March 2005; first and second instance)

First-instance courts in the Federation of Bosnia and Herzegovina, Republika Srpska and District Brčko of Bosnia and Herzegovina can, according to the decision of the Court President, form a special division for war crimes, as in the Cantonal Court of Sarajevo Division for War Crimes.

In addition during the war 1992-1995 Courts Marital prosecuted war crime cases.

### **State institutions supporting victims of international crimes**

- Diverse institutions provide support and assistance:
- Ministry of Human Rights and Refugees
- Ministry of Displaced Persons and Refugees
- Republic Secretariat for Displaced Persons and Migration
- Ministry of Labour and Veterans' and Disabled Protection
- Federal Ministry for Veterans and Veterans of the Defence and Liberation/Homeland War
- Federal Ministry of Labour and Social Policy
- Ministry of Civil Affairs of Bosnia and Herzegovina

- Cantonal Ministries of Labor, Social Policy, Social Welfare, Social Protection, Health, Displaced Persons, Refugees and Return (Canton Sarajevo, Canton Tuzla, Zeničko-Dobojski Canton, Canton 10 Bosnian-Podrinje Canton, West Herzegovina Canton, Hercegovačko-Neretvanski Canton, Una-Sana Canton, Central Bosnia Canton)
- Cantonal Ministries, Directorates and Administrations of Veterans Affairs and War Invalids (Sarajevo Canton, Tuzla Canton, Zeničko-Dobojski Canton, Hercegovačko-Neretvanski Canton, Central Bosnia Canton, Canton 10, Una-Sana Canton, Bosnian-Podrinje Canton, West Herzegovina Canton, Posavina Canton)
- Ministry of Physical Planning, Construction, Environmental Protection, Return and Housing (Central Bosnia Canton)
- Republic Centre for Research of War, War Crimes and Search for Missing Persons
- Federal Commission on Missing Persons
- Institute for Missing Persons of Bosnia and Herzegovina
- Ministry of Justice Bosnia and Herzegovina
- Institute for Research of Crimes against Humanities and Genocide
- Government of the Brčko District of BiH Department for Displaced Persons Refugees and Housing
- Government of the Brčko District of BiH Department of Health and Other Services
- Government of the Brčko District of BiH Office of the Mayor of the Brčko District of BiH

### **NGOs working in relation to international crimes in general**

- OSCE  
The Mission supports the development of an independent justice system that upholds human rights and possesses the capacity and commitment to effectively investigate, prosecute and adjudicate serious crimes, including war crimes, hate crimes, trafficking in human beings, terrorism-related offenses, corruption, organized crime, and domestic violence.
- The Balkan Investigative Reporting Network  
The Balkan Investigative Reporting Network Bosnia and Herzegovina (BIRN BiH) is a media non-governmental organisation based in Sarajevo
- TRIAL International  
TRIAL International has been working on Bosnia and Herzegovina since 2008. Its support first consisted of free legal assistance to victims of the war.
- Forum Civil Peace Service/forumZFD  
Conflict transformation
- Institute for reporting on war and peace  
Reporting war crimes
- Helsinški odbor za ljudska prava-Helsinki Committee for Human Rights  
Human rights and various transitional justice issues
- Transitional Justice, Accountability and Remembrance  
Researching and documenting camps and detention facilities in Bosnia and Herzegovina  
Centre for Democracy and Transitional Justice  
Researching and documenting camps and detention facilities in Bosnia and Herzegovina, Social research and communication, memorials and war crimes
- Post-conflict research centre  
Memory, reconciliation and peacebuilding

- Friedrich Ebert Stiftung  
Peacebuilding and reconciliation
- Konrad Adenauer Stiftung  
Peacebuilding and reconciliation
- Heinrich Böll Stiftung  
Peacebuilding and reconciliation
- Berghof Foundation  
Peacebuilding and conflict transformation
- Regional Commission for Truth-Seeking and Truth-Telling about War Crimes  
Initiative to establish a truth commission
- Interreligious Dialogue and Cooperation in Bosnia  
Reconciliation
- Nansen Dialogue Centre Sarajevo  
Peacebuilding and reconciliation
- Youth Initiative for Human Rights in Bosnia and Herzegovina  
Peacebuilding and reconciliation
- The Centre for Peacebuilding  
Peacebuilding
- Centre for Nonviolent Action  
Peacebuilding
- Association for Social Research and Communications  
Non-governmental organization that gather facts, documents, and data on genocide, war crimes, and human rights violations in Bosnia and Herzegovina and the former Yugoslavia
- The Atlantic Initiative  
The Atlantic Initiative is a non-partisan, non-profit and independent research and policy organization that deals with countering and preventing political violence
- The "KVART"  
The "KVART" youth center is a peace, human rights, non-partisan, non-governmental and non-profit association of citizens based on uncompromising respect for universal human values such as peace, non-violence, democracy, freedom, equality, respect for human rights, anti-fascism and justice
- Research-documentation centre (documented the victims by one-by-one approach)

Additional note: the most notable are mentioned here, but the list continues.

### **NGOs working in relation to victims of international crimes**

- "Bošnjačko udruženje preživjelih logoraša"
- "Centar za razvoj i podršku povratničkih mjesta" Grapska
- "Ekumena" Bileća
- "Gradska organizacija porodica zarobljenih i poginulih boraca i nestalih civila Zvornik"
- "Hrvatska udruga logoraša Domovinskog rata" Bugojno
- "Međuopštinsko udruženje civilnih invalida- žrtava rata"
- "Opštinska organizacija porodica zarobljenih i poginulih boraca i nestalih civila"
- "Opštinsko udruženje izbjeglih i raseljenih lica Zvornik"
- "Regionalno udruženje civilnih invalida-žrtava rata"
- "Udruženje građana povratnika Grada Zvornik"
- "Udruženje izbjeglica i raseljenih lica opštine Lopare"

- "Udruženje logoraša" Stolac
- "Udruženje povratnika sela Foča" Foča
- "Udruženje žena žrtava rata regije Bijeljina"
- "Vrata Bosne" udruženje za povratak prognanih, izbjeglih i raseljenih građana općine Bosanski Brod
- Agencija za pružanje pomoći izbjeglicama
- Asocijacija žrtava genocida u Srebrenici
- CARE International u BiH – Sarajevo
- Caritas Switzerland
- Catholic Relief Services
- Centar za edukaciju, terapiju i demokratski razvoj Kuća "SEKA" Goražde
- Centar za demokratiju i tranzicionu pravdu (CDTP) Banja Luka
- Centar za informisanje i podršku povratnicima Trnovo
- Forgotten children of the war
- Hrvatska udruga logoraša domovinskog rata u BiH podružnica u hercegovačko-neretvanskoj županiji/kantonu
- Hrvatska udruga logoraša domovinskog rata u BiH podružnica u ZE-DO županiji, ogranak Vareš
- Hrvatska udruga logoraša domovinskog rata u Bosni i Hercegovini
- Hrvatska udruga logoraša Domovinskog rata u Busovači
- Hrvatska udruga logoraša Domovinskog rata u Kantonu Središnja Bosna, podružnica u Fojnici
- Hrvatska udruga logoraša/zatočenika Domovinskog rata u Travniku
- International Commission on Missing Persons
- International Committee of the Red Cross
- Karuna Center for Peacebuilding
- Lotos - Zaštita mentalnog zdravlja
- Medica Zenica
- Međuopštinska orgnaizacija udruženja civilnih žrtava rata
- Međuopštinsko udruženje civilnih invalida rata Banja Luka
- Međuopštinsko udruženje civilnih invalida žrtava rata Bileća
- Mreža za izgradnju mira
- Multietničko udruženje za povratak, zajednički suživot i ekonomski preporod "Mir" Bratunac Udruženje građana "Novi krov"
- Muslim Aid
- Muzej ratnog djetinjstva
- Nansen dijalog centar
- Nezavisni izbjeglički pokret Višegrad
- Općinsko udruženje logoraša
- Općinsko udruženje logoraša Doboj, Teslić, Tešanj
- Općinsko udruženje logoraša iz Visokog
- Općinsko udruženje logoraša Kakanj
- Općinsko udruženje logoraša Velika Kladuša
- Opštinska organizacija porodica zarobljenih i poginulih boraca i nestalih civila Rogatica
- Opštinska organizacija porodica zarobljenih i poginulih boraca i nestalih civila Višegrad
- Opštinska organizacija porodica zarobljenih i poginulih boraca i nestalih civila opštine Trnovo



- Opštinska organizacija porodica zarobljenih i poginulih boraca i nestalih civila Srpske opštine Ilidža
- Opštinska organizacija porodica zarobljenih i poginulih boraca i nestalih civila Pale
- Opštinska organizacija porodica zarobljenih i poginulih boraca i nestalih civila opštine "Modriča" Modriča
- Opštinska organizacija porodica zarobljenih i poginulih boraca i nestalih civila Republike Srpske – Vlasenica
- Opštinska organizacija porodica zarobljenih i poginulih boraca i nestalih civila Prnjavor
- Opštinska organizacija porodica zarobljenih i poginulih boraca i nestalih civila Šekovići
- Opštinska organizacija porodica zarobljenih i poginulih boraca i nestalih civila Han Pijesak
- Opštinsko udruženje izbjeglih i raseljenih lica "Nikola Tesla"
- Opštinsko udruženje izbjeglih i raseljenih lica regije Tuzla, Zenica i Sarajevo
- Opštinsko udruženje izbjeglih i raseljenih sarajevskih Srba i ostalih u Trebinju
- Opštinsko udruženje izbjeglih i raseljenih sarajevskih Srba i ostalih u Trebinju
- Opštinsko udruženje logoraša Kotor Varoš
- Opštinsko udruženje logoraša opštine Drvar
- Opštinsko udruženje logoraša Teslić
- Organizacija Glas žene
- Organizacija porodica šehida i poginulih boraca iz Gacka – Mostar Hrvatska udruga logoraša domovinskog rata u BiH podružnica u hercegovačko-neretvanskoj županiji/kantonu
- Organizacija porodica zarobljenih i poginulih boraca i nestalih civila opštine Stanari
- Organizacija porodica zarobljenih i poginulih boraca i nestalih civila Milići
- Regionalni odbor civilnih invalida žrtava rata Višegrad
- Regionalni savez udruženja logoraša regije Banja Luka
- Regionalno udruženje civilnih invalida - žrtava rata Doboj
- Regionalno udruženje civilnih invalida - žrtava rata Doboj
- Regionalno udruženje civilnih invalida - žrtava rata Doboj
- Regionalno udruženje izbjeglih i raseljenih lica Doboj
- Regionalno udruženje izbjeglih i raseljenih lica Prijedor
- Regionalno udruženje izbjeglih i raseljenih lica Prijedor
- Regionalno udruženje izbjeglih, raseljenih i povratnika Banja Luka
- Regionalno udruženje logoraša Višegrad
- Republička organizacija boraca i civila sa posttraumatskim stresnim poremećajem "Jedinstvo"
- Republička organizacija porodica zarobljenih i poginulih boraca i nestalih civila RS Savez logoraša, žrtava rata "Podrinje"
- Sara-Srebrenica
- Savez civilnih žrtava rata u Bosni i Hercegovini
- Savez Hrvata povratnika u Bosansku Posavinu "Feniks" Derventa
- Savez logoraša grada Banja Luka
- Savez logoraša, žrtava rata "Podrinje"
- Savez opštinskih udruženja izbjeglica i raseljenih lica Republike Srpske
- Savez ratnih vojnih invalida Federacije Bosne i Hercegovine
- Savez ratnih vojnih invalida Srednjobosanskog kantona, Travnik
- Savez invalida Tuzlanskog kantona
- Savez ratnih-vojnih invalida Unsko-Sanskog kantona

- Savez udruženja civilnih invalida - žrtava rata Republike Srpske
- Savez udruženja građana logoraša Zeničko-dobojskog kantona
- Hrvatska udruga logoraša Domovinskog rata u kantonu Središnja Bosna
- Savez udruženja logoraša Tuzlanskog kantona
- Savez udruženja logoraša Unsko-sanskog kantona "dr. Irfan Ljubijankić"
- Savez udruženja paraplegičara i oboljelih od dječje paralize Unsko-Sanskog kantona
- Savez za povratak izbjeglih i raseljenih Bosanske Posavine
- Udruga branitelja i invalida domovinskog rata liječenih od posttraumatskog stresnog poremećaja, kantona srednja Bosna Vitez
- Udruga branitelja i invalida domovinskog rata liječenih od posttraumatskog stresnog poremećaja, općina Dobretići
- Udruga hrvatskih političkih zatvorenika- Kiseljak
- Udruga povratnika "Čvor" Foča
- Udruga povratnika "Korak po korak" Doboj
- Udruga povratnika "Opstanak" Komarica
- Udruga povratnika i dijaspore Hrvata opštine Šamac "Nostalgija"
- Udruga povratnika Posavina-Derventa
- Udruga povratnika, izbjeglih i raseljenih Hrvata općine Teslić "Naša ognjišta"
- Udruga " Savez za povratak izbjeglih i raseljenih osoba Bosanske Krajine"
- Udruženja građana "C.E.Z.A.R."
- Udruženja Saveza ratnih vojnih invalida Hercegovačko-neretvanskog kantona
- Udruženje - udruga logoraša općine Fojnica
- Udruženje - udruga logoraša općine Travnik
- Udruženje "Hrvatska zajednica zatočenika domovinskog rata" Žepče
- Udruženje "Obrazovanje gradi Bosnu i Hercegovinu"
- Udruženje "Orhideja" Stolac
- Udruženje "Povratnici Kužnjača"
- Udruženje "Prijatelji Srebrenice"
- Udruženje građana - logoraša Kalesija
- Udruženje građana - povratnika "Odmut-bara" Grebnice, Šamac
- Udruženje građana "Međupštinsko udruženje civilnih žrtava rata Mrkonjić Grad"
- Udruženje građana "Mramorje" Konjević Polje
- Udruženje građana "Odbor za održiv povratak u Srebrenicu" Srebrenica
- Udruženje građana "Održivi povratak" Bratunac
- Udruženje građana "Opštinskog udruženja izbjeglih i raseljenih lica regije Tuzla, Zenica i Sarajevo" Bijeljina
- Udruženje građana "Povratak i održivi opstanak"
- Udruženje građana "Povratak Pale" Podgrab
- Udruženje građana "Povratak" Stanić Rijeka – Hodžići
- Udruženje građana "Povratnik"
- Udruženje građana "Zajednica Hrvata povratnika Ivanjska"
- Udruženje građana Cerske za pomoć povratnicima „Toprak“
- Udruženje građana civilnih invalida-žrtava rata u bosni i hercegovini
- Udruženje građana i povratnika Kostajnica
- Udruženje građana i povratnika u Žepu
- Udruženje građana invalida rada općine Vitez

- Udruženje građana izbeglih, prognanih i raseljenih "Budućnost"
- Udruženje građana izbjeglih i prognanih iz Hrvatske "Povratak"
- Udruženje građana kotorskog "Odbor za povratak" Kotorsko
- Udruženje građana logoraša općine Zavidovići
- Udruženje građana logoraša, zatvorenika i ratnih zarobljenika u Srednjobosanskom Kantonu
- Udruženje građana Mjesna organizacija ratnih vojnih invalida Brigovi- Bužim
- Udruženje građana Općinska organizacija ratnih vojnih invalida "Travnik 94"
- Udruženje građana- Organizacija ratnih vojnih invalida Općine Bosanski Petrovac
- Udruženje građana pogođenih ratnom štetom 1991 do 1996 u BiH
- Udruženje građana povratnika "Potočari" iz Srebrenice
- Udruženje građana povratnika Novo Selo
- Udruženje građana povratnika u Banjaluku
- Udruženje građana povratnika u Čajniče
- Udruženje građana raseljenih i izbeglih lica Bratunca i Srebrenice "Ta-Orfana"
- Udruženje građana za brigu, pomoć i zaštitu prava socijalno ugroženih kategorija, bolesnih, iznemoglih i osoba sa invaliditetom u Bosni i Hercegovini
- Udruženje građana za pomoć osobama sa duševnim poteškoćama "Zajedno smo jači"
- Udruženje građana, izbjeglih lica i povratnika "Naš dom Bardaci" Teslić
- Udruženje građana, raseljenih, prognanih i izbjeglih lica i povratnika "Bona Fide" Teslić
- Udruženje građana za povratak izbjeglih i raseljenih lica "Presjenica" Trnovo
- Udruženje Hrvata povratnika u Bosansku Posavinu – FENIKS
- Udruženje IPAK – Mladost gradi budućnost
- Udruženje iseljenih Srba iz Srednje Bosne Višegrad
- Udruženje iseljenih Srba Srednje Bosne
- Udruženje izbeglica i raseljenih lica Bosanske Krajine i Republike Srpske Krajine "Krajina" Skelani
- Udruženje izbeglica "Srbobran u Podrinju"
- Udruženje izbeglica i raseljenih lica "Pale" Pale
- Udruženje izbeglica i raseljenih lica opštine Modriča
- Udruženje izbeglica i raseljenih lica opštine Ugljevik
- Udruženje izbeglica i raseljenih lica sarajevsko-romanijske regije "Saros" Srebrenica
- Udruženje izbeglica i raseljenih lica Vlasenica
- Udruženje izbeglica iz Krupe na Uni
- Udruženje izbeglica, raseljenih lica i povratnika opštine Bijeljina
- Udruženje izbeglica, raseljenih lica, povratnika i socijalnih slučajeva " Održivi ostanak-povratak"
- Udruženje izbjeglih građana srpske opštine Konjic-kolektivni centar "Okolišta" Višegrad
- Udruženje izbjeglih i raseljenih građana Kozarske/Bosanske Dubice
- Udruženje izbjeglih i raseljenih lica "DIJALOG" Novi Grad
- Udruženje izbjeglih i raseljenih lica "Složno-Aleksandrija" Doboj
- Udruženje izbjeglih i raseljenih lica "Složno-Aleksandrija" Doboj
- Udruženje izbjeglih i raseljenih lica "Zdravlje" Vlasenica
- Udruženje izbjeglih i raseljenih lica opštine Teslić
- Udruženje izbjeglih i raseljenih lica Srpskog Sarajeva "Gavrilo Princip" Srpsko Goražde
- Udruženje izbjeglih i raseljenih lica u opštini Rogatica
- Udruženje izbjeglih i raseljenih lica u opštini Sokolac

- Udruženje izbjeglih i raseljenih lica Zeničke regije Bijeljina
- Udruženje izbjeglih i raseljenih radnika osnovnih škola "Doboj" Doboj
- Udruženje izbjeglih i raseljenih radnika osnovnih škola "Doboj" Doboj
- Udruženje izbjeglih i raseljenih Srba iz Sarajeva – Bileća
- Udruženje izbjeglih i raseljenih Srba za ostanak i izgradnju – Višegrad
- Udruženje izbjeglih i raseljenih Srba za ostanak i izgradnju – Višegrad
- Udruženje izbjeglih i raseljenih žena Bosanske Krajine i Republike Srpske Krajine "Una"
- Udruženje izbjeglih i raseljenih žena Bosanske Krajine i Republike Srpske Krajine "Una"
- Udruženje izbjeglih lica iz (RS) Krajine, za ostanak u Republici Srpskoj
- Udruženje izbjeglih, raseljenih lica na području opštine Prnjavor
- Udruženje Kulturno-Informativni Centar povratnika u Bosnu i Hercegovinu
- Udruženje logoraša "11.juli Potočari- Srebrenica"
- Udruženje logoraša "21. juli"
- Udruženje logoraša "Odžak 92"
- Udruženje logoraša Bosanski Novi- Novi Grad
- Udruženje logoraša Bosanski Šamac
- Udruženje logoraša Doboj istok
- Udruženje logoraša iz doline Neretve
- Udruženje logoraša Jablanica
- Udruženje logoraša Jajce Udruženje logoraša Teslić
- Udruženje logoraša Kozarac
- Udruženje logoraša Novi Grad Sarajevo 92-96
- Udruženje logoraša općine Donji Vakuf
- Udruženje logoraša općine Jajce
- Udruženje logoraša općine Konjic
- Udruženje logoraša opštine Banjaluka
- Udruženje logoraša opštine Čapljina
- Udruženje logoraša opštine Čelinac
- Udruženje logoraša Opštine Kotor Varoš
- Udruženje logoraša Prozor-Rama
- Udruženje logoraša regije "Birač"
- Udruženje logoraša Rogatica
- Udruženje logoraša Rogatica
- Udruženje logoraša sjeveroistočne Bosne
- Udruženje logoraša Žepče iz Žepča
- Udruženje logoraša žrtava rata 1991.-1995.god. iz bivših Jugoslovenskih Republika
- Udruženje osoba sa tjelesnim nedostatkom - Amputirci Bužim
- Udruženje pokret majke enklave srebrenice i žepe
- Udruženje porodica nestalih lica Doboj
- Udruženje porodica nestalih lica Višegrad
- Udruženje porodica nestalih Srpsko Sarajevo
- Udruženje porodica zarobljenih i nestalih Bošnjaka "Prozor 92. - 95.", Prozor-Rama
- Udruženje porodica zarobljenih i nestalih lica općine Zvornik
- Udruženje porodica žrtava rata Vlasenica 1992-95
- Udruženje povratnika "OSTANAK"
- Udruženje povratnika opštine Doboj

- Udruženje povratnika RUŽA
- Udruženje povratnika sela Johovac
- Udruženje povratnika Sela Pokrivenik
- Udruženje povratnika sela regije kalinovik – vrhovina, hreljići i čestaljevo
- Udruženje povratnika Trebinje
- Udruženje povratnika, raseljenih lica i izbjeglih "Svinjašnica" Dobož
- Udruženje povratnika, raseljenih osoba i izbjeglica „Moja kuća“
- Udruženje povratnika, raseljenih osoba i izbjeglica „Mostovi nade“
- Udruženje Prijedorčanki Izvor
- Udruženje privrednika-povratnika opštine Bratunac "Vizija"
- Udruženje prognanih građana Goražda "Sveti Djordje" Srpsko Goražde
- Udruženje prognanih i raseljenih "Opstanak" Dušanovo
- Udruženje prognanih, izbjeglih i raseljenih Srba "Sveti Sava" Rudo
- Udruženje protjeranih građana opštine Drvar
- Udruženje raseljenih i izbjeglih građana Srpskog Sarajeva
- Udruženje raseljenih i izbjeglih lica grada Banja Luka Savez udruženja porodica zarobljenih i nestalih lica Republike Srpske u BiH
- Udruženje raseljenih lica "Jaseničani" iz Trnjaka- opština Bijeljina
- Udruženje raseljenih lica iz opštine Velika Kladuša
- Udruženje raseljenih srba iz Srpskog Sarajeva u Višegradu
- Udruženje ratnih zarobljenika - logoraša opštine Modriča
- Udruženje ratnih zarobljenika-logoraša Opština Novi Grad, Kostajnica, Dubica i Krupa na Uni
- Udruženje teških ratnih vojnih invalida i porodica palih boraca Republike Srpske- Prijedor
- Udruženje udružilaca sredstava, izbjeglih i raseljenih lica, ratnih vojnih invalida, porodica palih boraca i drugih lica "Složno Aleksandrija 2011" Dobož
- Udruženje udružilaca sredstava, izbjeglih i raseljenih lica, ratnih vojnih invalida, porodica palih boraca i drugih lica "Složno Aleksandrija 2011" Dobož
- Udruženje veterana rata 92-92 oboljelih i liječenih od PTSP-a i teškog depresivnog poremećaja
- Udruženje za održivost povratnika opštine Teslić
- Udruženje za podršku raseljenih i socijalno ugroženih osoba „Manarat“
- Udruženje za podršku ratnim veteranima, porodicama i žrtvama rata u Bosni i Hercegovini "Pravipožar"
- Udruženje za pomoć i podršku izbjeglih, prognanih i raseljenih lica "Boro-Ta Orfana"
- Udruženje za pomoć žrtvama seksualnog nasilja u ratu "SUZE"
- Udruženje za rehabilitaciju žrtava torture-centar za žrtve torture
- Udruženje za traženje nestalih "92" Srpski Brod
- Udruženje za traženje zarobljenih boraca i nestalih civila Srpski Brod
- Udruženje žrtava rata Foča 92-95
- Udruženje-udruga logoraša općine Vitez
- UG Oštra Nula
- Unija za održivi povratak i integracije u Bosni i Hercegovini
- Vaša prava
- Viktorija 99
- Vive žene
- Zajednica povratnika Bosanske Posavine

- Zajednica povratnika Bosanske posavine Višnjik- Derventa
- Zajednica povratnika, izbjeglih i raseljenih Hrvata – Doboј
- Udruženje građana "Povratnik"
- Žene za žene International Sarajevo
- Организација породица заробљених и несталих бораца и цивила Источно Сарајево / Organizacija porodica zapobljenih i nestalih boraca i civilna Istočno Sarajevo

## **Museums related to international crimes**

### **Galerija 11/07/95**

A memorial gallery, which aims to preserve the memory of the Srebrenica tragedy and the 8372 people who were killed after the forces of the Republika Srpska Army captured the eastern Bosnian town on July 11, 1995.

### **Historijski muzej BiH**

The History Museum of Bosnia and Herzegovina was founded just after the end of the Second World War, on November 13, 1945, as the Museum of National Liberation. At first it was in the City Hall, and in 1963 it was moved to a purpose-built building at Marijin Dvor.

### **Muzej Dom oslobodilaca**

The permanent exhibition entitled "Memorial Home of the Liberators of Žuč Hill" contains authentic exhibits from the last war - flags, uniforms, weapons, parts of shell casings and grenades. Žuč was the final frontier in the Siege of Sarajevo.

### **Muzej ratnog djetinjstva**

The collection of the Museum of War Childhood consists of exhibits that tell interesting and moving stories about what it was like for children to grow up during the war that raged in Bosnia and Herzegovina from 1992 to 1996. The Museum of War Childhood has won one of the most prestigious awards in the museum industry - the Council of Europe Museum Award 2018.

### **Tunel spasa**

The Sarajevo War Tunnel was the only connection between besieged Sarajevo and the rest of the world from July 1993 until the end of the siege of Sarajevo in late February 1996.

### **The Museum of Crimes against Humanity and Genocide 1992-1995**

The first museum that present evidences from atrocity sites.

### **Memorijalni museum "Kapija"**

The Tuzla Cultural Center is preparing a permanent exhibition that will be available to museum visitors. The goal is to complete all the work as planned, i.e. no later than May 25 and the anniversary of the crime at Kapija. It is a space of museum content, in which there will be a display of visual and audio effects, pictures of the killed, data and all documents that speak about this crime.

### **Muzej logoraša Bosne i Hercegovine**

The mission of the Museum is to tear from oblivion all the terrible events in the camps and to present them professionally and impartially. The space of the Museum is open to all interested enthusiasts with clear goals who want to promote peace and tolerance and restore dignity to detainees. The exhibition of the Museum consists of authentic photographs from all camps in BiH from the period 1992-1995. The exhibits were provided with funds from the Association of Detainees in BiH.

Museum to the defense-homeland war (in process)

Museum of the role of Republika Srpska

Museum of third regiment of Military Forces of Bosnia and Herzegovina

De facto Museum of the Army of the Republika Srpska.

Museum of Army of the Republic of Bosnia and Herzegovina

Museum of the 5th Corps of the Army of the Bosnia and Herzegovina

Museum of 505 Knight brigade of Army of the Republic of Bosnia and Herzegovina

Museum of the First Dobrinja Brigade

Museum of the defense of Northeast Bosnia – “The gate of Bosnia” in Gradačac

Museum of 1 first regiment of Military Forces of Bosnia and Herzegovina

De facto Museum of the Croatian Defense Council

Museum of the 105 motorized brigades of the Army of Republic of Bosnia and Herzegovina

Museum of the Croatian Republic of Herzeg-Bosnia

Virtual Museum of Sarajevo Siege

A virtual museum dedicated to the 44-month siege of the Bosnian capital Sarajevo during the 1992-1995 war.

Note: private (individual not corporate) “museums” exist; also ad hoc exhibits tend to be present from time to time.

## **Memorials for specific victims of international crimes**

Brčko Distrikt of Bosnia and Herzegovina: 51 Monuments

- 5 for civilians
- 43 military victims
- 3 military and civilian victims
- 25 monuments to Serbs
- 13 to Bosniaks
- 3 monuments to suffering of two or more ethnic or religious groups
- No monuments to all victims, regardless of identity

Federation of Bosnia and Herzegovina: 1428 Monuments

*Each municipality or city has monuments to civilian and/or military victims*

- Una-Sana Canton: 228 monuments
- Posavina Canton: 29
- Tuzla Canton: 288 (data missing for municipality Kladanj)
- Zenica-Doboj Canton: 238
- Bosnian-Podrinje Canton: 46
- Central Bosnia Canton: 166 (data missing for municipalities Jajce, Kiseljak and Kreševo)
- Herzegovina-Neretva Canton: 111 (data missing for municipalities Čapljina, Neum and Ravno)
- West Herzegovina Canton: 28 (data missing for municipality Ljubuški)
- Canton Sarajevo: 270
- Canton 10: 24 monuments (data missing for municipality Drvar, Kupres i Livno)]

Republika Srpska: 664 monuments

Note: this list is created based on information gathered by the Association for Social Research and Communications in their publication *Memories: Bosnia 1992-1995*. Additional research supplements the list, such as Centre for Nonviolence publication *The War on Memories*. The list is not a complete account of all memorials.

## **Memorials for International Criminal Justice**

The ICAR Canned Beef Monument

Ironic monument to the international community from grateful citizens of Sarajevo to the foreign politicians, representing the embargo on weapons and foreign aid in food.

Monuments to Paddy Ashdown, Alois Mock and Tadeusz Mazowiecki, Kemal Monteno Park, Sarajevo

Respectively, former diplomat and High representative of Bosnia and Herzegovina; former Austrian Minister of foreign affairs; human rights during the war in Bosnia. Variously advocating for a peaceful, independent Bosnia and Herzegovina.

Monument to Vitaliji Ivanović Čurkin, East Sarajevo

Russian diplomat who enacted the Russian veto of the proposed UN Security Council recognising the Srebrenica genocide in 2015.

## **Memorials for perpetrators of international crimes**

Ratko Mladić, East Sarajevo

A plaque, regularly destroyed and then repaired or replaced by local authorities, marks the review of local military formations by Mladić in 1992.

Radovan Karadžić, East Sarajevo

Ratko Mladić, Kalinovik

Note: numerous buildings, streets, and squares are named after war criminals exist (See:

<https://balkaninsight.com/2020/05/19/bosnian-streets-and-squares-named-after-war-criminals/>).

Monuments to the Military Republika Srpska in places where atrocities were committed by the Army of the Republika Srpska (e.g. Višegrad, Trnopolj) can also be taken into consideration due to the ICTY and ICJ decision that labels military formations as participants in atrocity.

## **Other mnemonic activities (e.g. memorial days and events)**

Almost every day in a year is commemoration in some part of the country. Each memorial dedicated to victims is commemorated at least once a year. Besides, numerous unmarked sites (sites without memorials) exist and victims and their families commemorate the atrocities committed there.

January

- 24 January, Atrocities in Here, Civilians killed in Prozor

February

- 5 February, Anniversary Markale Massacre, killing of civilians on Markale market Sarajevo

March

- 2 March, Anniversary of closing the camp Muzej in Jablanica
- 7 March, Peace march, Srebrenica genocide
- 13 March, closing of the camps in Bugojno
- 26 March, Killings of civilians in Sijekovac, Bosanski Brod



## April

- 10 April, Rememberence of victims in Kupres, missing and killed victims in Kupres valley
- 13-23 April, Rememberence of civilian and military victims in Livno
- 15 April, Killings of civilians in Zenica
- 16 April, Trusina Massacre, Massacre on civilians and soldiers in Konjic, Killings in Kobile Gornje i Donje, Killings of civilians in Bosanski Brod, Ahmići Massacre, Massacre on civilians in village Ahmići
- 17 April, Atrocities in villages Sovići and Dobljani, Atrocity against civilians in Jablanica
- 18 April, killings of civilians in village Šušanj, Killings of civilians in Zenica, killings in village Rotilj, civilians killed in village Rotilj, Kiseljak, Cistern atrocity, Atrocity against civilians with cistern filled with explosive
- 19 April, Zenica killings, Civilians killed by grenades, Crimes in Prozor villages Toščanica and Grević, Atrocities against civilians in villages Toščanica and Grević
- 24 April, killings of civilians in village Miletići, Killings of civilians in Travnik
- 25 April, village Gorica atrocities, Civilians killed in village Gorica near Konjic
- 27 April, killings in village Kazagići, civilians killed in village Kazagići near Kiseljak

## May

- 1 May, Atrocities during the operation “Storm” Begining of May, Atrocities in Grapska, Doboj
- 2 May, Defence of Sarajevo, The day Serb military entered into the city and came closely to the Presidency building; Killed and wounded soldiers in Travnik
- 3 May, Dobrovoljačka street killings in Sarajevo, Rememberence held in Sarajevo and East Sarajevo
- 4 May, Day of Municipality Centre Sarajevo, Defence of Sarajevo
- 5 May, Rememberence day of killed children in Sieged Sarajevo
- 15 May, Killed soldiers in Ovčarevo, Vlašić, Killed soldiers in Travnik, Tuzla column, Killings of soldiers
- 22 May, Remembering atrocities in Hambarine, Prijedor
- 24 May, 3.000 Roses from the bridge Mehmed-pasa Sokolovic into the river Drina, Killings of civilians in Višegrad
- 25 May, Kapija (the gate), Killing of civilians in Tuzla, Remembrance Days in Posavska Mahala, Sarajevo
- 26 May, Remembering the camp Trnopolj, Prijedor
- 27 May, Killings of civilians in Bradina, Konjic
- 31 May, White ribbon Day, Rememberence on Prijedor genocidal-scale atrocities where non-Serb civilians were made to wear white ribbons as an identifying marker)

## June

- 1 June, Killings in civilians in Bijeli Potok, Zvornik
- 8 June, Killings of Croat from Travnik
- 12-14 June, Kiseljak victims, victims of village Tulica, Radanović and Grahovci
- 13 June, Persecution and killings in Kakanj, Killings of civilians in Sjeverni Logor, Killings of civilians in Mostar
- 15 June, Killings of civilians in Busovačka staja, Civilians killed in Busovača, Killings of civilians in Musala, Konjic

- 18 June, killings in village Gojakovac, killings of civilians in Kiseljak, killings in village Jurići, killings of civilians in Prozor
- 22 June, Civilians in Crkvice neighborhood, Civilians killed by grenade in Zenica
- 25 June, Day of Remembrance to killed children in Homeland war
- 26 June, Killings of children in Bakarević street, Sarajevo
- 28 June, Killings of civilians in Loznica

## July

- 7 July, Killings of civilians in Bratunac
- 9 July, Killings of soldiers in Zabrđe, Vitez
- 11 July, Srebrenica Memorial Day, Srebrenica genocide, Day of Sorrow, Srebrenica genocide (only in Federation of Bosnia and Herzegovina)
- 12 July, Killings of soldiers and civilians in Zalazje, Biljača, Sase, Zagoni
- 13 July, killing of a child, Sanela Kaplan, by soldier
- 16 July, civilians from Bivolje Brdo, Killed civilians from Bivolje Brdo in Čapljina, Killings of civilians and soldiers in Fojnica
- 17 July, Vrbanja atrocities, Atrocities against civilians in Bugojno
- 19 July, Killings in village Jabuka, Foča
- 23 July, Prosecution of civilians in Bosanski Novi
- 24 July, Remembering the Camp Keraterm, Prijedor
- 25 July, Atrocities in Rudo, Atrocities against civilians in Rudo, Killed civilians in Briševce, Atrocities against civilians in Prijedor
- 28 July, Killings and prosecution in Bugojno, Killings of civilians and soldiers in Doljani, Jablanica
- 31 July, Crni Vrh atrocities, Atrocities against civilians in Prozor

## August

- 2 August, 3.000 Roses from the (Karlov) brigade near the prison-camp thrown into the river Drina, Killings of civilians in Foča
- 4 August, Atrocities in Stolac July-August, Atrocities against civilians in Stolac, Atrocities in Koštana bolnica, Torture of civilians in Hospital in Stolac
- 5 August, Killings of civilians in Hrastova glavica, Prijedor, Day of Remembrance – bombing Mostar and Široki Brijeg
- 6 August, Closure of Camp Omarska, Prijedor, Exodus during the operation “Storm”
- 8 August, Begić-Begović Brigade Jablanica, First victims of aggression of Croat military
- 10 August, Atrocities in Mokronoge, Atrocities against civilians in Tomislavgrad
- 15 August, Heliodrom Camp, Civilians detained in Heliodrom camp Mostar
- 16 August, Killings in Vranica, Soldiers killed in Mostar
- 23 August, Killings in Baščaršija, Halači street, Sarajevo
- 24 August, Killings in Raštani, Civilians killed in Mostar
- 28 August, Anniversary of Second Markale Massacre, second killing of civilians on Markale market Sarajevo
- 30 August, Day of missing persons

## September

- 4 September, Killings of civilians in Grahovište, Sarajevo
- 5 September, Killings of soldiers in Zabilje and Brdo Vitez

- 8 September, Killings of civilians in Semir Frašto street, Sarajevo
- 9 September, Killings of civilians in village Grabovica
- 10 September, Killings of civilians in Zvornik – Šekovići
- 12 September, Killings of children in Hamdija Kreševljaković street, Sarajevo
- 14 September, Killings of civilians and soldiers in Uzdol, Prozor
- 18 September, Killings of soldiers and civilians on Hum, Mostar

#### October

- 6 October, Day of victims of Homeland war in Bosnian Posavina, Victims of Posavina area
- 21 October, Killings of civilians and soldiers in Vareš
- 23 October, Killings in Stupni Do, Civilians killed in Vareš
- 25 October, Killings of civilians on hill Kazani, Sarajevo

#### November

- 9 November, Killings of Primary school Teacher Fatima Gunić and pupils, Sarajevo
- 21 November Dayton Peace Accords, Destruction of the Old Bridge, Mostar

#### December

- 2 December, Exodus from Vareš, village Kopijari
- 5-7 December, Killings of soldiers and civilians in Vareš, in neighbourhood Borovica
- 8 December, Day of women victims of the war remembrance, Women victims and gender-based violence
- 12 December, Killing of two priests in Fojnica
- 16 December, Closure of Camp Manjača
- 18 December, persecution of civilians in Turbe and Podkraj, Persecution of civilians in Travnik
- 19 December, Killings in village Jošanica, Foča
- 22 December, Killings of civilians and soldiers in Križaničevo village

### **Related cultural activities**

#### Film festivals

- Sarajevo film Festival, Dealing with the past section
- WARM film festival

#### Movies

- 11'09"01
- A Cry from the Grave
- A Problem from Hell: America and the Age of Genocide
- A Town Betrayed
- Ahmići 48 sati pepela
- Armin
- As If I Am Not There
- Beautiful People
- Before the rain
- Behind Enemy Lines
- Belvedere
- Body Complete
- Buick Riviera

- Cirkus Columbia
- Crimes before the ICTY: Central Bosnia
- Crimes before the ICTY: Prijedor
- Crimes before the ICTY: Višegrad
- Čudo u Bosni
- Demony wojny wedlug Goi
- For those who can tell no tales
- Forever Bosnia
- Glasovi Srebrenice
- Go West
- Goražde – više od hiljadu trista dana pod opsadom
- Gori vatra
- Grbavica
- Halimin put
- Halimin put
- In the land of Blood and Honey
- Izvan razumne sumnje
- Kapija – The Wound of Tuzla
- Kinder von Sarajevo
- Kod Amidže Idriza
- Lepa sela lepo gore
- Ljudi nisu rode
- Majka
- Majka i sin
- Man don't cry
- Memorial Center Srebrenica “Životi iza polja smrti” 100 testimonies of genocide survivors
- Milkyway
- Miss Sarajevo
- Mort à Sarajevo
- Može li se bivšim borcima ISIL-a u BiH suditi i za ratne zločine?
- My War Gone By, I Miss It So
- Na Drini krvavi Višegrad
- Nafaka
- Nečujni krik
- Nedodirljivi
- Nedostaješ mi
- Nevoljni svjedoci
- Ničija zemlja
- Pandemija produžava predugo čekanje porodica na pronalazak nestalih u ratu
- Pod zemljom
- Preživjeli
- Prijedorska Polja smrti
- Quo vadis, Aida?
- Remake
- Romeo i Julija u Sarajevu
- Savior

- Savršeni krug
- Sexual Violence and the Triumph of Justice
- Shot Through the Heart
- Snijeg
- Srebrenica 25: Zajedno protiv virusa poricanja
- Srebrenica Genocide: No Room For Denial
- Srebrenica Memorial Film
- Srebrenica: jedna sedmica u julu
- Srebrenica: Kako dokazati genocide
- Storm
- Suđenja za ratne zločine s velikim brojem optuženih neće se moći voditi do kraja pandemije
- Syhmpathy for the devil
- Territorio Comanche
- The Enclave
- The Fog of Sarajevo
- The fog of Srebrenica
- The Hunting party
- The Peacemaker
- The Seasoning House
- The trial of Ratko Mladic
- The Unforgiven: A War Criminal's Remorse
- The Whistleblower
- Through Their Eyes: Witnesses to Justice
- Trijumf zla
- Tunel
- Turneja
- Twice Born
- Ulysses' Gaze
- Wag the Dog
- Warchild
- Welcome to Sarajevo
- Where Eskimos live
- Zatvorske ćelije ozidane ratnim sjećanjima
- Živi i mrtvi
- Život je čudo
- Zločin u Vozući bez kazne

#### Fine arts and exhibitions

- Devedesete.net, project on history textbooks
- Sarajevo 1425 days exhibition
- Srebrenica exhibition
- Iza sedam logora: Od zločina kulture do kulture zločina (photo monography about the seven camps)
- Forgotten children of the war, Breaking free
- SCCA exhibitions
- Pro.ba shows

- Exhibition Srebrenica Inferno
- Srebrenica: Genocide in eight steps
- Srebrenica genocide: Against virus of denial
- Srebrenica genocide and war childhood exhibition
- When times stops, exhibition of watches of Prijedor victims
- Installation Prijedor '92
- Tuzlanska kapija, exhibition
- Izložba Iskorjenjivanje Srba u Bosni i Hercegovini 1992-1995, exhibition to Serb victims
- Peace with women face, exhibition to females victims of the war
- I exist, exhibition to children born out of war
- Exhibition of portraits of victims of the war – heroes of the peace
- 60 white roses in Brčko, exhibition
- War of Memories exhibition
- Like Sarajevo – 20 years later
- This Was Real War Photo Exhibition
- My Body, a War Zone
- Wartime Sarajevo in a Different Way
- The end of Yugoslavia
- The Exhibition "Sarajevo Under The Siege"
- Scar
- Liberty
- Freedom
- Bursts of War – Yugoslavia 1991 – 1999
- Deeds of war, Bosnia section
- Christopher Morris Srebrenica exhibition genocide
- Srebrenica, autopsie d'un crime de masse
- Bosnia 1992-1995
- Mosul, Photo Exhibit by Laurent Van der Stockt
- Syria's War A Journal of Pain Exhibition
- We, Refugees
- Remembering Srebrenica: Bruxelles, Belgrade, Strassbourg, Washington, Berlin, Athens, New York and Sarajevo
- Females of besieged Sarajevo
- Theater under siege
- Srebrenički put pakla
- Hadžera

#### Performing arts

- In the name of the Father
- Children from CNN
- The secrets of raspberry jam
- Yellow boots
- It was a beautiful and sunny day
- Trg ratnika
- Samo da ne pucaju
- Ajmo na fuka

- Srebrena kafa
- Nana Fata Orlović
- Krv i so
- Krokodil Lacoste
- Prst
- Srebrenica
- Fairytail of Sarajevo
- War theatre
- Zapisi o ratu
- Ruho
- U Zvorniku ja sam ostavio svoje srce
- International Festival Mess: Module of Memory (specific transitional justice-oriented programme)

Note: The list is not complete.

#### Literature

- 2.MAJ 1992. Bio je lijep i sunčan dan
- Alfabet mrtvih ljudi
- Alija Izetbegović jahač apokalipse ili anđeo mira
- Amanet kratka mreža
- Apartman 203
- Arhipelag atlantida
- Atentat
- Balkan u vrtlogu politika
- Balkanska priča
- Banjalučki ciklus
- Beara - Dokumentarni roman o genocidu u Srebrenici
- Bijaše to generacija
- Bijeg iz pakla
- Bijeg na visoravan
- Bijeli Bor
- Bilo jednom na Grbavici
- Black soul
- Boja kućne građe
- Bolan Sejo, prifati se harmonike, nije puška za tebe - Kulturni život u Travniku tokom rata 1992. – 1995.
- Bore oko očiju - Dnevnik bosanskog vojnika
- Bosanska lista: sjećanja na rat, progonstvo i povratak
- Bosanski boomerang
- Bosanski palimpsest
- Bosna u ogledalu
- Bosna, živo sjećanje
- Bosnia 1992-1995
- Buick Rivera
- Butchers trail
- Čavkarica - vrata pakla

- Četiri i po drame
- Četiri zlatne pahulje
- Četverolisna djetelina
- Cijena jedne zablude - Ratni zapisi, sjećanja i komentari
- Circus Columbia
- Connecting theatre
- Čovjek i fotografija - Fikret Alić - Čovjek iza žice logora Trnopolje
- Čovjek iz podruma
- Crna duša
- Crna marica Sarajevo za početnike
- Čuvaj se
- Čuvarkuća
- Dah vila
- Das Geheimnis die Frau
- Đavo u Sarajevu
- Deblokada
- Deset šljiva za fašiste
- Deseta vrata pakla: Pola godine u logorima smrti Omarska i Manjača
- Dijagnoza – patriotizam
- Djetinjstvo u ratu, Sarajevo 1992-1995
- Dnevni zapisi o životu u Sarajevu pod četničkom opsadom 1992. i 1993. god. - knjiga 1 i 2
- Dnevnik selidbe
- Dogovori u Karađorđevu o podijeli Bosne i Hercegovine
- Doviđenja Sarajevo
- Drina ih odnijela
- Državna tajna
- Državna tajna 2
- Dvije grafike, dvije pjesme, poetsko – likovna mapa
- Enciklopedijski rječnik odbrane Bosne i Hercegovine
- Eseji od Bosne
- Etnička vremena
- Etnički konflikti
- Evakuacija
- Fantazmagorije vremena
- Foča - Genocid u kontinuitetu: Dokumenti, svjedočenja
- Garibi
- Girl at War
- Good night city
- Gospodin Mo
- Govori, pisma, intervjui 95
- Grad od snova
- Greška Gospodina S
- Hana Pale - im Herzen des Finsternis
- Heartland
- How the Soldier Repairs the Gramophone
- I ja sam iz Srebrenice



- Ich bin ein Mädchen aus Sarajevo
- Igre voskom
- Imotski kadija
- Insel bin ich in Herzen der Welt
- Into Hell's Fire
- Istorija bolesti
- Istorija za poznatog kupca
- Iza zatvorenih vrata – Srebrenica 1992-1995
- Izjava – roman – ispovjed
- Ja, tata i dva rata
- Jakeš
- Još jedna pjesma o ljubavi i ratu
- Kad magle stanu
- Kad sam bio Hodža
- Kad umrem da se smijem
- Kako opisati Srebrenicu
- Kako paraobavještajci kosovci, mosovci i sisovci mafijaškim metodama pljačkaju i fašiziraju građane BiH
- Kako smo opstali i preživjeli u Sarajevu pod opsadom 1992-1995. God
- Kao da jedeš kamen
- Karivani
- Kazamat 202
- Kein Meer
- Kesten
- Kisele kiše i druge drame
- Knjiga Adema Kahrimana napisana Nedžadom Ibrišimovićem Bosancem
- Knjiga mojih života
- Knjiga mrtvog pjesnika
- Knjiga o uni
- Konačari
- Košmar
- Kralj i olupina
- Krug smrti: Moje viđenje rata 1992.-1995. godine na području Okruga Bihać
- Krv realpolitike: afera Srebrenica
- Krvava Srebrenica
- Liber memorabilium
- Life before and after Srebrenica
- Ljiljan i pepeo - Dnevnik jednog pisca u doba rata u Bosni
- Love and Obstacles
- Mađarsko more
- Majka Hatidža
- Mali i veliki ljudi – Srebrenica Bosna i duša
- Mama Leone
- Mama, pokrij mi oči - U spomen žrtvama tomašice
- Manjača
- Manje od ništa

- Meho
- Milenij u Beogradu
- Mir i kazna
- Moj osmijeh je moja osveta
- Moj prijatelj, američki vojnik - My friend GI
- Moja zona odgovornosti
- Mojih 20 godina u raljama UDBE
- Most
- Mulat albino komarac
- My Parents: An Introduction - This Does Not Belong to You
- Na kraju svega
- Na putu u nepoznato Istorija za nepoznatog kupca
- Na ratnoj stazi: pobjednici i (ili) poraženi
- Najsramniji trenutak
- Narandža s Trebevića - Svjedočenja i sjećanja iz Sarajeva u vremenu opsade 1992-1996.
- Naser Orić - od Gazimestana do Haga i nazad
- Nasljednici rata
- Natasha's Story
- Nešto slično, NE
- Ništa se nije desilo
- Noćas slavim bogumile
- Nowhere Man
- Obiteljski obrt
- Očevidad - Moj put u Hag
- Odbrana slobode
- Odrastanje domovine
- Opsada Sarajeva 1992-1996
- Oranje mora
- Oružje Bosanskog otpora
- Osmjehni se u plaču
- Osuđeni na pobjedu
- Otkup sirove kože
- Peti korpus (1992. - 1995.)
- Pisma nebeskom narodu
- Pjesme iz pouzdanih izvora
- Plači voljena zemljo
- Plastenici
- Plave kacige i crno tržište - poslovanje i preživljavanje u opkoljenom Sarajevu
- Plavi leptir
- Pod pritiskom
- Pohodi
- Politika i rat - Zapisi, sjećanja i članci
- Poljska konjica
- Posljednji taksi za Pale
- Potkovani golubovi
- Povratak iz mrtvih

- Pozdrav domovini - Put u (ne)izvjesnost
- Pravda i istina za Bosnu i Hercegovinu
- Prazninu staviti iza nas – istorija žena Srebrenice
- Premeditated crime - 197 days in the Omarska and Manjača concentration camps
- Preživjeti genocid: analiza postratnih etničkih identiteta Bošnjaka
- Preživjeti u Sarajevu
- Priče od kiše
- Priviđenja iz srebrenog vijeka
- Prognane elegije
- Prognani grad
- Quiet Flows the Una
- Rambo, drumski i onaj treći
- Rastakanje duše
- Rat u Srednjoj Bosni - Ratna sjećanja Mehmeda Alagića
- Rat za brčanski koridor
- Ratna trilogija
- Razglednica iz groba
- Razgovori i svjedočenja 1990.-1994. Bosanska otrovna jabuka
- Return
- Roman o Srebrenici
- Ručak na Blekinom Potoku (priče iz opsjednutog grada)
- Rustica Veritas
- S ove strane života
- Sabur - priče o ljubavi i masakru
- Šahrijarov prsten
- San o zemljici Bosni
- Sandro Kalesić
- Sarajevo Assassination
- Sarajevo blues
- Sarajevo centro del mondo
- Sarajevo Exodus of a City
- Sarajevo Post Bellum 1991-2004
- Sarajevo War theatre was a response of citizens and artists to Sarajevo Siege
- Sarajevo za početnike
- Sarajevo, Exodus of a City
- Sarajevo: Survival Guide
- Sarajevo's rulet
- Sarajevski čelist
- Sarajevski dani sarajevske noći
- Sarajevski eseji
- Sarajevski gastronomi
- Sarajevski Marlboro, Karivani i druge priče 1992-1996
- Sarajevski nekrologij
- Sarajevski tabut
- Sarajlije
- Šator za jednu osobu

- Šehid
- Sfor - Siesta Fiesta Orgasmo Riposo
- Sigurnosne determinante Evrope 80-ih godina XX stoljeća
- Sikamora
- Skandinavizacija Balkana – Helvetizacija BiH
- Školokrečina (how war created segregation in schools, how children speak same language but learn different, ideologically)
- Škorpioni - dizajn zločina
- Sličan čovjek
- Smrt je majstor iz Srbije
- Smrt u muzeju moderne umjetnosti
- Srbokomunistički zločin nad Bosnom
- Srce tame
- Srebrenica – Chronology of genocide or what happened with Mirnes Osmanović
- Srebrenica – najtanja nit na svijetu
- Srebrenica - Svjedoči i optužuje
- Srebrenica city
- Srebrenica MCMXCV
- Srebrenica, fotomonografija
- Srebrenički inferno
- Stakleno oko
- Stenogrami o podjeli Bosne
- Sto dana tavana
- Što na podu spavaš
- Strašan je zid bez sjene
- Suđenja za ratne zločine
- Svojta
- Tagebuch der Aussiedlung
- Tajni rat za Bosnu između Službe državne bezbjednosti RBiH i KOS-a JNA
- Taksi price
- Te sjajne godine opsade
- Tears of mothers of Srebrenica
- Teatar pod opsadom
- Tehničko pitanje
- Terorista
- Thank you for Asking How I Fell
- The Fixer and other stories
- The Girl in the Film
- The Schindler's elevator
- The secrets of raspberry jam
- The Siege of Sarajevo
- The Tuzla Run
- The war is dead, long live the war
- Through Bosnian Eyes
- Tmina svjetlosti
- Trag crne žuči

- Traganje za istinom
- Treće lice jednine
- Trganje
- U njedrima Udrča
- U sjeni Srebrenice - dnevnik zarobljena uma
- U Zvorniku ja sam ostavio svoje srce
- Umiruće tijelo politike
- Umorstvo Jugoslavije
- Uzaludan trud
- Višegrad - Mržnja, smrt, zaborav
- Vitezovi Žuča - Džehennem i Džennet
- Vjetar koji se pretvorio u mačku
- Vojni sanovnik
- Vuk samotnjak
- Woland u Sarajevu
- Zapisi o bivšim ljudima
- Žargon otpatka
- Žargon otpatka
- Zaštićena zona Goražde - rat u istočnoj Bosni 1992-95.
- Završiti rat
- Zdravo Bosno, stižem iz Sarajeva
- Žepa 1992 – 1995
- Živiničke ose Bosanska otrovna jabuka Bosnom slava pronijeta
- Živjeti i umirati za Srebrenicu
- Život protiv smrti – Srebrenica Sarajevo za početnike
- Zvjerčica unlimited
- Zvornik – od izbora do Dejtona

### Recommended media sources

Investigative journalism, reports and analysis related to international crimes:

- BalkanInsight: <https://balkaninsight.com/>
- Balkan Investigative Reporting Network: <https://birn.eu.com/>
- Center for Investigative Journalism: <https://cin.ba/>
- Žurnal: <https://zurnal.info/>
- Sense Agency: <https://www.sensecenter.org/index.php/>

Informative news media:

- Al Jazeera Balkans: <https://balkans.aljazeera.net/>
- Radio Slobodna Evropa: <https://www.slobodnaevropa.org/>
- DW: <https://www.dw.com/bs/bosna-i-hercegovina/s-63714665>
- N1: <https://n1info.ba/>
- Radio Sarajevo: <https://radiosarajevo.ba/>

## **Colombia**

*Camilo Tamayo Gomez\*, October 2023*

### **Domestic laws criminalising international crimes**

#### **Law 589 of 2000**

This law incorporates the Rome Statute of the International Criminal Court (ICC) into Colombian law, allowing for the prosecution of individuals for crimes within the ICC's jurisdiction, such as genocide, crimes against humanity, war crimes, and aggression.

#### **Law 906 of 2004 (Code of Criminal Procedure)**

This law establishes procedures for investigating and prosecuting various crimes, including those that may be considered international crimes, such as extrajudicial killings and enforced disappearances.

#### **Law 975 of 2005 (Justice and Peace Law)**

This law provides a legal framework for the demobilisation and reintegration of members of illegal armed groups, including those involved in international crimes. It includes provisions for the prosecution and punishment of serious crimes.

#### **Law 599 of 2000 (Penal Code)**

Colombia's Penal Code includes provisions related to crimes such as torture, forced displacement, and sexual violence, which can be considered international crimes under certain circumstances.

#### **Law 1448 of 2011 (Victims and Land Restitution Law)**

This law addresses the rights of victims of armed conflict in Colombia and includes provisions related to reparations for victims of international crimes.

#### **Law 1820 of 2016**

This law establishes mechanisms for the search, location, identification, and dignified return of persons who disappeared during the armed conflict, addressing enforced disappearances, which is considered an international crime.

#### **Law 600 of 2000 (Code of Criminal Procedure for the Military Jurisdiction)**

While primarily focused on military justice, this law includes provisions related to crimes committed by members of the military, which may overlap with international crimes in certain cases.

#### **Law 1447 of 2011**

This law establishes measures to prevent and sanction child recruitment by illegal armed groups, addressing a violation of international law.

#### **Extradition Laws**

Colombia has extradition treaties with various countries and has domestic laws that govern the extradition process, allowing for the extradition of individuals accused of international crimes to face justice in other countries or international tribunals.

### **Specific laws relating to perpetrators of international crimes**

#### **Law 589 of 2000 (Incorporation of the Rome Statute)**

See above

#### Law 975 of 2005 (Justice and Peace Law)

See above. Further, this law outlines procedures for individuals to confess their crimes, cooperate with justice, and receive reduced sentences in exchange for truth-telling and reparations to victims.

#### Law 1424 of 2010

This law establishes measures to investigate and punish those responsible for crimes against humanity, war crimes, and other serious human rights violations. It includes provisions for the prosecution and sentencing of individuals involved in such crimes.

#### Law 1448 of 2011 (Victims and Land Restitution Law)

See above. Further, the law establishes measures to hold perpetrators accountable for their actions.

#### Extradition Laws

See above.

#### Penal Code

(As above, Law 599) Colombia's Penal Code contains provisions related to specific international crimes, such as torture, forced displacement, sexual violence, and other serious human rights violations. Perpetrators of these crimes can be prosecuted and sentenced under these provisions.

### **Specific laws relating to victims of international crimes**

#### Law 1448 of 2011 (Victims and Land Restitution Law)

- This law is a comprehensive legal framework aimed at recognising and addressing the rights of victims of armed conflict in Colombia. It includes provisions related to the following aspects:
- **Reparation:** The law establishes mechanisms for providing reparations to victims, including compensation, restitution of property, and various forms of assistance.
- **Protection:** It outlines measures to protect the rights and safety of victims, including measures to prevent retaliation against them.
- **Psychosocial Support:** The law recognises the importance of psychosocial support and assistance for victims and provides access to such support services.
- **Land Restitution:** One of the key components of the law is the restitution of land to victims who were forcibly displaced due to armed conflict or violence.
- **Access to Justice:** It includes provisions to facilitate victims' access to justice, including legal representation and access to information about their cases.

#### Law 1447 of 2011

(As above) This law establishes measures to prevent and sanction child recruitment by illegal armed groups and sets out measures for the protection and reintegration of child victims of armed conflict.

#### Law 1752 of 2015

This law establishes measures for the protection of human rights defenders, social leaders, and community leaders who may be at risk due to their work in promoting human rights and peace. Victims of threats and attacks fall under the purview of this law.

#### Other initiatives

**National Commission for the Search of Disappeared Persons:** Colombia established a National Commission to search for and locate persons who disappeared during the armed conflict, addressing enforced disappearances. This initiative is aimed at providing answers to victims and their families.

The Victim and Witness Protection Program: Colombia has a program that provides protection and support to victims and witnesses who may be at risk due to their involvement in legal proceedings against perpetrators of international crimes.

These laws and mechanisms reflect Colombia's commitment to addressing the rights and needs of victims of international crimes, including those who have suffered during the country's long-running armed conflict. They aim to provide reparations, protection, and support to help victims rebuild their lives and seek justice. However, the implementation of these measures and the support provided to victims can vary, and challenges may exist in ensuring full access to these rights and services for all victims.

### **Specific laws regulating speech with regards to international crimes**

Colombia has laws that regulate speech and expression, including those related to issues such as international crimes. These regulations primarily fall under the broader framework of freedom of speech, which is protected by Colombia's Constitution and international human rights agreements to which Colombia is a party.

Colombia's Constitution, specifically in Article 20, protects the right to freedom of expression. It includes provisions that generally safeguard freedom of speech, the press, and other forms of communication. However, this right is not absolute, and certain limitations and restrictions can be placed on speech in accordance with the law. These limitations are generally based on principles of necessity, proportionality, and respect for other human rights and public interests.

When it comes to speech related to international crimes, there may be legal limitations imposed if such speech incites violence, hatred, discrimination, or poses a threat to public order or national security. These limitations are not specific to international crimes but rather apply to any speech that may be considered harmful or dangerous.

It is important to note that Colombia has laws against hate speech, defamation, and incitement to violence, which can be applied to speech related to international crimes if it falls within the scope of these provisions. Additionally, Colombia is a party to international human rights agreements that protect freedom of speech while also allowing for restrictions under certain circumstances.

### **Significant parliamentary discussions on international criminal justice**

#### **The Justice and Peace Law (2005)**

This law aimed to provide a legal framework for the demobilisation and reintegration of paramilitary groups in Colombia. It led to discussions in the parliament about the balance between justice and peace, as it offered reduced sentences and alternative punishments to those who confessed their crimes. Critics argued that it could undermine international criminal justice standards.

#### **Ratification of the Rome Statute (2002)**

The Rome Statute established the International Criminal Court (ICC), and Colombia ratified it in 2002. This decision sparked discussions in the parliament about the country's commitment to international criminal justice and its willingness to hold accountable those responsible for war crimes, crimes against humanity, and genocide.

#### **Extradition of Paramilitary Leaders (2007-2008)**

The extradition of several paramilitary leaders to the United States raised discussions in the parliament regarding the potential impact on domestic justice processes. Some argued that extraditing these leaders could hinder investigations into their crimes and delay justice for victims.



## Peace Agreement with the FARC (2016)

The peace negotiations between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) led to discussions about the inclusion of transitional justice mechanisms. The parliament debated the creation of the Special Jurisdiction for Peace (JEP), a hybrid tribunal aimed at investigating and prosecuting those responsible for serious crimes committed during the armed conflict.

## Laws relating to the implementation of the Rome Statute

**Incorporation of the Rome Statute into Domestic Law:** Colombia incorporated the Rome Statute into its domestic legal framework through Law 589 of 2000. This law allows Colombian authorities to prosecute individuals for crimes falling under the ICC's jurisdiction, such as genocide, crimes against humanity, war crimes, and aggression as if they were domestic crimes.

**Amendments to the Penal Code:** Colombia made amendments to its Penal Code (Law 599 of 2000) to include provisions related to crimes under the jurisdiction of the ICC. This includes definitions and penalties for these crimes, aligning Colombian law with the Rome Statute.

**Extradition Laws:** Colombia's legal framework includes provisions related to extradition, allowing for the extradition of individuals accused of international crimes to face justice in other countries or international tribunals, as required by the Rome Statute.

**Cooperation with the ICC:** Colombia has cooperated with the ICC in various ways, including providing information and evidence related to ICC investigations and facilitating the travel of ICC officials and witnesses within Colombia.

**National Jurisdiction:** While the ICC has jurisdiction over Rome Statute crimes, Colombia retains its own national jurisdiction to investigate and prosecute these crimes. Colombian authorities can prosecute individuals domestically for these crimes, and the ICC can step in if Colombia is unable or unwilling to do so.

**Reparations and Victim Support:** Colombia has implemented measures to provide reparations and support to victims of international crimes, in line with both the Rome Statute and Colombia's domestic laws, such as Law 1448 of 2011 (Victims and Land Restitution Law).

## Foreign policy to promote international criminal justice

- Colombia has shown a commitment to promoting criminal justice for international crimes through its foreign policy, particularly in the context of regional and international forums. This commitment is often expressed through various diplomatic efforts and collaborations with international organisations. Here are some examples of Colombia's foreign policy promoting criminal justice for international crimes:
- **Support for International Criminal Court (ICC):** Colombia is a state party to the Rome Statute of the ICC, indicating its commitment to the ICC's mission of prosecuting individuals for genocide, crimes against humanity, war crimes, and aggression. By being a member, Colombia supports the ICC's work in promoting accountability for these crimes on a global scale.
- **Participation in International and Regional Organisations:** Colombia actively participates in international and regional organisations and initiatives that promote criminal justice for international crimes. This includes its involvement in forums like the United Nations and the Organization of American States (OAS), where discussions related to human rights and international justice take place.

- Support for Truth and Reconciliation Processes: Colombia has engaged in efforts to address its history of conflict and human rights violations through truth and reconciliation processes. These processes aim to provide justice, accountability, and reparations for victims of international crimes and human rights abuses.
- Promotion of Transitional Justice: Colombia has promoted transitional justice mechanisms, such as the Special Jurisdiction for Peace (JEP), to address crimes committed during the armed conflict. While not focused solely on international crimes, these mechanisms are part of Colombia's broader efforts to promote justice and accountability.

### **National prosecutorial policies concerning international crimes**

Colombia has taken steps to address international crimes and ensure accountability for such offences through its national prosecutorial policies. These policies are designed to align the country's legal framework with international standards and promote the prosecution of individuals responsible for international crimes. Some key elements of Colombia's national prosecutorial policies related to international crimes include:

**Specialised Units:** Colombia has established specialised units within its prosecution service to investigate and prosecute international crimes. For example, the Unit for Crimes against International Humanitarian Law and Crimes against Humanity (Dirección de Política de Justicia Transicional y de Paz) is responsible for handling cases related to war crimes, crimes against humanity, and other serious violations of international law.

**Transitional Justice Mechanisms:** Colombia has created transitional justice mechanisms, such as the Special Jurisdiction for Peace (JEP), which is responsible for investigating and prosecuting crimes committed during the armed conflict. The JEP focuses on achieving truth, justice, and reparations while ensuring accountability for international crimes.

**Legal Reforms:** Colombia has made legal reforms to align its domestic laws with international standards. These reforms include amendments to the Penal Code and the Criminal Procedure Code to incorporate definitions and provisions related to international crimes, including genocide, crimes against humanity, and war crimes.

**Victim-centred Approach:** Prosecution policies in Colombia often emphasise a victim-centred approach, which prioritizes the rights and needs of victims of international crimes. This includes providing support to victims and ensuring their participation in legal proceedings.

**Extradition and Cooperation:** Colombia has established procedures for extradition and cooperation with other countries and international tribunals, allowing for the transfer of individuals accused of international crimes to face justice elsewhere.

### **National policies concerning victims of international crimes**

Colombia has implemented national policies aimed at providing treatment and assistance to victims of international crimes, particularly in the context of its efforts to address the legacy of the long-running armed conflict. These policies are designed to recognise the rights and needs of victims and promote their well-being and rehabilitation. Some key aspects of Colombia's national policies related to treatment and assistance to victims of international crimes include:

- Victims and Land Restitution Law (Law 1448 of 2011): This law is a cornerstone of Colombia's victim-centred approach to addressing the consequences of the armed conflict. It includes provisions related to the rights of victims and provides mechanisms for their assistance and support. Key components of the law include:

- Reparation: The law establishes mechanisms for providing reparations to victims, including compensation, restitution of property, and various forms of assistance.
- Psychosocial Support: Recognising the importance of psychosocial support, the law provides for access to psychosocial services for victims to address trauma and mental health issues.
- Land Restitution: The law addresses the rights of victims to the restitution of land and property that they were forcibly displaced from due to armed conflict or violence.
- Access to Justice: It includes provisions to facilitate victims' access to justice, including legal representation and access to information about their cases.
- National Commission for the Search of Disappeared Persons: Colombia established a National Commission (Unidad de Búsqueda de Personas dadas por Desaparecidas) to search for and locate persons who disappeared during the armed conflict, addressing enforced disappearances. This initiative is aimed at providing answers to victims and their families.
- Reconciliation and Memory Initiatives: Colombia has also initiated reconciliation and memory programs to promote healing and understanding among victims and the broader society. These initiatives acknowledge the suffering and experiences of victims.
- Victims' Participation: Colombia has taken steps to ensure the active participation of victims in various processes, including legal proceedings, truth commissions, and peace dialogues, allowing them to share their experiences and perspectives.
- Extrajudicial Execution Victims: Colombia has implemented specific measures to address victims of extrajudicial executions and unlawful killings, acknowledging their suffering and providing support.

### **Special domestic courts dealing with international crimes**

The Special Jurisdiction for Peace (JEP) - 01/03/2017

### **State institutions supporting victims of international crimes**

- Colombia has established several specialist institutions and mechanisms to assist victims of international crimes and other serious human rights violations, particularly in the context of its efforts to address the legacy of the long-running armed conflict. These institutions and mechanisms are part of Colombia's broader transitional justice framework and initiatives aimed at providing support, reparations, and justice to victims. Some of these specialised institutions include:
  - Special Jurisdiction for Peace (JEP): As mentioned earlier, the JEP is a specialised judicial institution created to investigate, prosecute, and judge serious human rights violations and international crimes committed during the armed conflict. While the JEP primarily focuses on accountability and justice, it also has mechanisms to ensure that victims' rights are recognised and respected. The JEP provides opportunities for victims to participate in legal proceedings, share their testimonies, and seek reparations.
  - Comprehensive System of Truth, Justice, Reparation, and Non-Repetition (SIVJRNR): The SIVJRNR is a comprehensive framework that includes various institutions and mechanisms to address the rights of victims. It operates alongside the JEP and consists of:
    - Colombia's Truth and Reconciliation Commission: This body is responsible for uncovering the truth about human rights violations and abuses committed during the conflict, including international crimes. It collects testimonies, conducts investigations, and produces reports.

- The Unit for the Search of Disappeared Persons: This unit focuses on locating and identifying individuals who disappeared during the armed conflict, including victims of enforced disappearances, a serious international crime. The SIVJNR also plays a critical role in providing support to victims and facilitating reparations through various programs and initiatives.
- National Commission for the Search of Disappeared Persons: This specialised institution focuses exclusively on addressing the issue of enforced disappearances, which is considered an international crime. It conducts searches, investigations, and efforts to locate and identify individuals who disappeared during the conflict.
- Victims and Land Restitution Law (Law 1448 of 2011): This law established the legal framework for recognising the rights of victims and providing reparations to them. It includes mechanisms for compensation, restitution of property, and various forms of assistance to victims.
- National Center for Historical Memory (Centro Nacional de Memoria Histórica): This institution conducts research and documentation related to the armed conflict's impact on society and victims. It plays a role in preserving memory and ensuring that the experiences of victims are documented and acknowledged.

### **NGOs working in relation to international crimes in general**

- Center for Justice and International Law (CEJIL): CEJIL is an international NGO that works throughout the Americas, including Colombia, to promote and protect human rights and access to justice. They advocate for accountability for human rights violations and support legal actions related to international crimes.
- Human Rights Watch (HRW): HRW is an international NGO with a presence in Colombia. They conduct research, advocacy, and reporting on human rights issues, including those related to international crimes, and work to hold perpetrators accountable.
- International Center for Transitional Justice (ICTJ): ICTJ is an international organisation that provides expertise and assistance in the field of transitional justice. They have worked in Colombia to support efforts related to truth, justice, reparations, and institutional reform.
- FIDH - International Federation for Human Rights: FIDH is an international human rights organisation that collaborates with Colombian NGOs and human rights defenders to address issues related to international crimes and advocate for justice.
- Colombian Commission of Jurists (CCJ): CCJ is a Colombian NGO that focuses on human rights and the promotion of the rule of law. They work on issues related to accountability for international crimes and provide legal support to victims.
- Corporación Excelencia en la Justicia (CEJ): CEJ is a Colombian NGO that works on issues related to justice reform, access to justice, and human rights. They engage in activities related to international crimes within the broader context of justice and accountability.

### **NGOs working in relation to victims of international crimes**

- The Colombian Commission of Jurists (CCJ): CCJ is a Colombian NGO that works on human rights issues, including those related to international crimes. They provide legal assistance and support to victims and advocate for justice and accountability.
- The Center for Historical Memory (Centro Nacional de Memoria Histórica): This Colombian institution conducts research and documentation related to the impact of the armed conflict on society and victims. They focus on preserving memory and acknowledging the experiences of victims of international crimes.

- The Foundation for Due Process (Fundación para el Debido Proceso): This Colombian NGO focuses on human rights, due process, and justice. They provide legal support to victims and advocate for the rights of individuals affected by international crimes.
- The International Center for Transitional Justice (ICTJ): ICTJ is an international organisation that provides expertise and assistance in the field of transitional justice. They have worked in Colombia to support efforts related to truth, justice, reparations, and institutional reform, with a focus on victims' rights.
- The Colombian Institute of International Humanitarian Law (Instituto Colombiano de Derecho Internacional Humanitario): This Colombian institution focuses on issues related to international humanitarian law, including the protection of victims in armed conflicts and situations of violence.
- The Colombian Red Cross (Cruz Roja Colombiana): The Colombian Red Cross is involved in providing humanitarian assistance and support to victims of armed conflicts and disasters, including those affected by international crimes.

### **Museums related to international crimes**

- Museo Casa de la Memoria (House of Memory Museum) in Medellín: This museum focuses on the memory of armed conflict and human rights violations in Colombia. It includes exhibitions, testimonials, and educational programs related to the conflict's impact on Colombian society.
- Centro de Memoria, Paz y Reconciliación (Memory, Peace, and Reconciliation Centre) in Bogotá: This centre is dedicated to preserving the memory of the armed conflict and promoting peace and reconciliation in Colombia. It hosts exhibitions, events, and discussions related to conflict and transitional justice.

### **Memorials for international crimes**

- Memorial for the Victims of Violence (Memorial por la Vida) in Bogotá: This memorial, located in the Colombian capital, is dedicated to the memory of victims of violence and conflict in Colombia. It includes sculptures and artwork that represent the diverse experiences of victims and the country's efforts to build peace and reconciliation.
- Monument to the Victims of the Violence in Medellín (Monumento a las Víctimas de la Violencia en Medellín): Located in Medellín, this monument pays tribute to the victims of violence in the region. It includes sculptures and plaques with the names of victims to honour their memory.
- Memorial to the Victims of Bojayá (Monumento a las Víctimas de Bojayá): Bojayá, a town in the Chocó Department, was the site of a tragic incident during the armed conflict. A memorial was erected to commemorate the victims of the Bojayá massacre in 2002.

### **Mnemonic activities (e.g. memorial days and events)**

April 9, National Day of Memory and Solidarity with Victims (Día Nacional de la Memoria y la Solidaridad con las Víctimas): This day is dedicated to remembering the victims of the armed conflict and promoting solidarity with survivors and affected communities. Various events, commemorations, and educational activities take place across the country.

### **Recommended media sources**

- La Silla Vacía: La Silla Vacía is an independent online news outlet that focuses on investigative journalism and analysis of Colombian politics and current events.

- El Tiempo: One of Colombia's largest and most widely read newspapers, El Tiempo covers national and international news, politics, business, culture, and more.
- El Espectador: El Espectador is one of Colombia's oldest newspapers, known for its independent journalism. It covers national and international news, culture, and opinion pieces.
- W Radio Colombia: W Radio offers news, talk shows, and analysis on various topics. It is known for its political and current affairs programs.
- Semana: Semana is a leading news magazine in Colombia known for its in-depth reporting and analysis on a wide range of topics, including politics, economics, and social issues.
- Cambio: Another leading news magazine in Colombia known for its in-depth reporting and analysis on a wide range of topics, including politics, economics, and social issues.
- Cien Días vistos por CINEP: an NGO magazine providing a more critical perspective on Colombia

## **Croatia**

*Sunčana Roksandić\*, Maja Munivrana\* and Katarina Šestan, August 2023*

### **Domestic laws criminalising international crimes**

Criminal Code of the Republic of Croatia (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/2021, 114/2022), entered into force on 1st January 2013, available, with amendments in Croatian at <https://www.zakon.hr/z/98/Kazneni-zakon>; without amendments [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=111330&p\\_count=8&p\\_classification=01](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=111330&p_count=8&p_classification=01)

### **Specific laws relating to perpetrators of international crimes**

Law on Implementation of the Statute of the International Criminal Court and on the Prosecution of Crimes against International War and Humanitarian Law (OG 175/03, 29/04, 55/11, 125/11) , entered into force on 12th November 2003 (latest amendments entered into force on 15th November 2011), available in Croatian at <https://www.zakon.hr/z/466/Zakon-o-primjeni-statuta-me%C4%91unarodnog-kaznenog-suda-i-progonu-za-kaznena-djela--protiv-me%C4%91unarodnog-ratnog-i-humanitarnog-prava>

Law on General Amnesty (OG 80/96), entered into force on 5th October 1996, available in Croatian at: <https://www.zakon.hr/z/273/Zakon-o-op%C4%87em-oprostu>

Constitutional Act on Cooperation of the Republic of Croatia with the ICTY (OG 32/1996) <https://www.zakon.hr/z/1075/Ustavni-zakon-o-suradnji-Republike-Hrvatske-s-Me%C4%91unarodnim-kaznenim-sudom>

### **Specific laws relating to victims of international crimes**

Law on rights of victims of sexual violence during armed aggression on the Republic of Croatia in Homeland war, OG 64/15, 98/19, <https://www.zakon.hr/z/794/Zakon-o-pravima-%C5%BErtava-seksualnog-nasilja-za-vrijeme-oru%C5%BEane-agresije-na-Republiku-Hrvatsku-u-Domovinskom-ratu>

Law on civil victims from Homeland war, OG 84/21, <https://www.zakon.hr/z/2851/Zakon-o-civilnim-stradalnicima-iz-Domovinskog-rata>

Law on Croatian Homeland War Veterans and Their Family Members (OG 121/17) , entered into force on 1st January 2019, available in Croatian at: <https://www.zakon.hr/z/973/Zakon-o-hrvatskim-braniteljima-iz-Domovinskog-rata-i-%C4%8Dlanovima-njihovih-obitelji->

Law on Marking the Place of Mass Graves of Victims of the Homeland War (OG 100/96, 174/04) , entered into force on 1st January 2005, available in Croatian at: <https://www.zakon.hr/z/1501/Zakon-o-obilje%C5%BEavanju-mjesta-masovnih-grobnica-%C5%BErtava-iz-Domovinskog-rata>

Law on Protection of the Military and Civilian War Victims (OG 33/1992, 57/1992, 77/1992, 27/1993, 58/1993, 2/1994, 76/1994, 108/1995, 108/1996, 82/2001, 94/2001, 103/2003, 148/2013, 98/2019) , entered into force on 1st July 1992 (latest amendments entered into force on 1st January 2020), available in Croatian at: <https://www.zakon.hr/z/864/Zakon-o-za%C5%A1titi-vojnih-i-civilnih-invalida-rata>

There are general national laws concerning assistance to or status of victims of all, including international crimes.

## **Specific laws regulating speech with regards to international crimes**

Art. 325 of the Criminal Code of the Republic of Croatia (hereinafter: CC). Article 325 regulates the crime of public incitement to violence and hatred, which in its Section 4 prescribes a 3 year prison sentence for approval, denial or significant diminishment of international crimes when expressed publicly and when directed at a group of people or a member of a group because of their racial, religious, national or ethnic origin, origin or skin colour, in a manner appropriate to incite violence or hatred against such group or members of that group.

Article 325 of the Criminal Code of the Republic of Croatia differentiates between two main crimes, the first one being regulated in Section 1 and the second one in Section 4. In Article 325 Section 1 of the Criminal Code a 3 year prison sentence is prescribed for whomever, through the press, radio, television, computer system or network, in a public gathering or otherwise, publicly encourages or makes publicly available leaflets, images or other materials calling for violence or hatred directed against a group of people or a member of a group because of their racial, religious, national or ethnic origin, language, origin, skin colour, gender, sexual orientation, gender identity, disability or any other characteristics. A 6 months to 5 years prison sentence is further prescribed for the organiser or a leader of a group of at least three persons aimed at committing the crime prescribed in Article 325 Section 1 described above, while a prison sentence with duration up to 1 year is prescribed for members of such group, as stipulated in Article 325 Section 2 and Article 325 Section 3 of the Criminal Code of the Republic of Croatia, respectively. For this survey, however, the most relevant provision of Article 325 is the above-quoted Section 4. It is also important to emphasize that attempted crimes prescribed by Section 1 and Section 4 of Article 325 are to be punished as well, according to Section 5 of Article 325.

## **Significant parliamentary discussions on international criminal justice**

Since Croatia experienced Homeland War and peaceful reintegration of the Croatian Danubian Area, many parliamentary discussions took place regarding the international criminal justice in relation to Croatia's situation, especially with the aftermath of the war and Croatia's cooperation with ICTY (with special regard to the matter of extradition of Croatian generals to the ICTY and to the question of commanding responsibility as (sufficient) grounds for conviction before the ICTY). Apart from that, debates were held regarding Croatia's role in NATO, regarding Croatia's standpoint on Kosovo, Ukraine, Middle East/Northern Africa refugees as well as World War II, and some such debates were held not only in the Parliament, but also by the Government. Due to the scope and requirements of this survey, only a few of those debates are selected and elaborated below, in chronological order and based entirely on parliamentary records and Croatian News Agency's reports.

Written records of Croatian Parliament's sessions are available in Croatian at:

<https://www.sabor.hr/hr/sjednice/zapisnici/arhiva-zapisnika> and at:  
<https://www.sabor.hr/hr/sjednice/zapisnici>

For the purposes of this survey, access to Croatian News Agency's reports was granted based on a written request followed by a written approval issued by the Editor in Chief, Serđo Obratov.

### **September and October 1996 – LAW ON GENERAL AMNESTY**

The Croatian government held a session to discuss the peaceful reintegration of the still occupied areas of Eastern Slavonia, Baranja and Western Srijem into Croatia's constitutional and legal system and the session was also attended by the UN Transitional Administrator in the occupied areas, US General Jacques Klein. As an additional contribution to the peaceful reintegration, the Croatian government sent for urgent consideration a bill on amnesty, which is aimed at strengthening



confidence so that all persons who once lived in the area can live there again, Premier Zlatko Mateša said.

The bill provides for amnesty for all those who committed criminal acts during military conflicts and against the Republic of Croatia and who have permanent or temporary abode in the still occupied Croatian areas, Justice Minister Miroslav Šeparović said. The amnesty would refer to the criminal acts committed in the period between 17th August 1990 and the date of the beginning of demilitarisation process. Perpetrators of crimes, whom Croatia is legally bound to prosecute (by international law regulations) and perpetrators of most severe crimes against the Republic of Croatia are excluded from the amnesty bill. With its bill on amnesty the government intends to speed up the process of peaceful reintegration and the process of confidence-restoration, Mateša said.

On 8th May 1996 the House of Counties passed the Areas of Special Government Care Act and the Amnesty for Crimes Committed in Eastern Slavonia, Baranja and Western Srijem Act, while on 17th May The Croatian Parliament's House of Representatives passed an Amnesty Act For Perpetrators of Criminal Offences in the Temporarily Occupied Regions of the Vukovar and Osijek Counties (eastern Croatia). However, The Serb National Party (SNS) then filed a lawsuit to Croatia's Constitutional Court against an amnesty law for perpetrators of criminal acts from the temporary occupied areas in Vukovar and Osijek Counties. The SNS holds that the act discriminates against Serb refugees who took part in the armed rebellion against Croatia but fled the country before the Croatian military action 'Storm'. 'The act does not cover all areas which took part in the rebellion, and it is partial because it applies to the territory which is to be peacefully reintegrated but not to the areas which have already been reintegrated militarily', SNS President Milan Đukić said. He added that the law violated the principle of all people being equal before the law.

At a regular weekly meeting with the press, Croatian Vice Premier Ivica Kostović and Justice Minister Miroslav Šeparović spoke about implementation of that Amnesty Law, which took effect on 31 May 1996. It was necessary to clarify provisions of the law for the sake of those it related to, as well as because of some contradictory articles about the law, published in foreign press, the two officials said. But apart from the afore-mentioned Amnesty Bills, a General Amnesty bill was also to be adopted. "The General Amnesty bill is very clear - there is no amnesty for war crimes," said Justice Minister Miroslav Šeparović, presenting the Bill in the House of Representatives. Under the Bill, war crimes such as attacks on the civilian population are excluded from the amnesty. So is terrorism and "ordinary" crimes such as theft, murder, rape, drug-smuggling etc. The Justice Ministry has released a list of 811 people who are not entitled to amnesty under the Bill, Šeparović reminded the House. Croatia has resisted pressure from The Hague Tribunal to supervise war-crime trials in Croatia, Šeparović said. Consequently, war criminals will be tried independently by Croatian courts.

While most members expressed a favourable opinion of the Bill, Marko Miljević (Croatian Peasants' Party) and Ivan Gabelica (Croatian Pure Party of Rights) warned the House against being "precipitate" and advising waiting for some "signs of goodwill from the other side" before passing the Bill. According to Ante Đapić (Croatian Party of Rights), Šeparović's assertion that all war criminals would be punished was "an attempt to delude the public." "The Bill is very explicit and quite clear about who is to be prosecuted and who isn't," Vladimir Šeks (Croatian Democratic Union) repeatedly insisted in response to these criticisms. "The Bill will speed up the restoration of Croatian authority in the Danube River area," he added. Seconding Šeks, Veselin Pejnović (Serbian National Party) said the bill was very clearly worded and advised the House to trust the Croatian judiciary to consistently apply the law.

The General Amnesty Law was adopted on 20th September 1996 by the majority vote. It grants amnesty to the perpetrators of criminal acts committed during the aggression and armed conflicts in Croatia. Pardon from legal prosecution and procedure, except in the case of war crimes, will be granted for criminal acts committed in the period between 17th August 1990 to 23rd August 1996. The UN Security Council welcomed the amnesty law passed by Croatia's parliament and the improving humanitarian and human rights situation in the country, but regretted the government's failure to make additional efforts in this area. "Numerous incidents threatening the population in the formerly Serb-controlled areas are a continuing source of concern and could jeopardize the prospects for peaceful and substantial reintegration of refugees and displaced persons in Croatia," said a presidential statement adopted. "The Security Council recognizes steps taken by the Government of Croatia to reintegrate refugees and displaced persons into Croatia but urges the Government to expand its programme to accelerate the return of all such persons without preconditions or delay."

In short, the General Amnesty Law is also being applied to all other persons against whom criminal proceedings have been initiated for acts of armed rebellion and aggression against Croatia committed between the beginning of the war on 17th August 1990 and the signing of the Agreement on Normalization of Relations between Croatia and the Federal Republic of Yugoslavia on 23rd August 1996. The Law does not apply to persons indicted for rape and murder committed during the war against Croatia.

URL of the written record of the session: [https://www.sabor.hr/sites/default/files/uploads/inline-files/HS\\_1995-1999\\_ZD\\_11\\_ocr.pdf](https://www.sabor.hr/sites/default/files/uploads/inline-files/HS_1995-1999_ZD_11_ocr.pdf)

14th April 2000 - LOWER HOUSE MPS DISCUSS ICTY'S JURISDICTION OVER "FLASH", "STORM" (Hina)

Croatian National Parliament benches of the six ruling party coalition at the House of Representatives, as well as the national minority bench at discussion endorsed the Government's draft declaration on Croatia's cooperation with the Hague-based International Criminal Tribunal for the former Yugoslavia (ICTY), while the opposition questioned the Tribunal's jurisdiction over Croatian military and police operations "Flash" and "Storm". We are for the punishment of crimes, but let Croatian courts do so, Vladimir Šeks said on behalf of the Croatian Democratic Union (HDZ) party bench. The Hague-based Tribunal cannot have authority over these actions because documents on "Flash" and "Storm" are being sought to get insight into the plans, actions and issued commands to establish the line of objective responsibility of the most senior military and political representatives for possible crimes during the operations, Šeks said. He also requested that the Government's draft declaration be amended in that Croatia does not accept responsibility for any aggression on Bosnia-Herzegovina and that this had not been an international conflict.

Anto Đapić of the Croatian Party of Rights (HSP) agreed with Šeks. This was not an aggression, it was a struggle for sheer existence and Croatia needed to react, he said. We must cooperate with The Hague, but the cooperation must be reviewed, Đapić concluded. The Croatian Social Liberal Party (HSL) bench fully supports the elaboration by First deputy Prime Minister Goran Granić, Dražen Budiša said. He held the former government's political stance that only they had created the state and maintained the dignity of the Homeland War, while all others were working against that, as very damaging. The Tribunal has no jurisdiction over the "Flash" and "Storm" operations, but over crimes committed, he asserted. He advocated that the section on collective responsibility of an entire people should be omitted from the declaration's preamble, as he held such a responsibility cannot exist. Let us do everything to find common ground and jointly adopt the declaration, Budiša said.

The Social Democratic Party (SDP) bench opposes the right of anyone accusing Croatia as a state or the Croatian people for possible crimes, Mato Arlović said. Also, he added, the party bench dismisses the right of any perpetrator of such acts to say he had done so on behalf of the Republic of Croatia, the Croatian people and all citizens. Arlović expressed support for the idea that representatives of party benches and the Government meet to ameliorate parts of the text of the declaration and adopt it by consensus. URL of the written records of the session:

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#### 15th July 2001: PARLIAMENT HOLDS SESSION ON VOTE OF CONFIDENCE IN GOVERNMENT AND THE MAIN ISSUE IS CROATIA'S COOPERATION WITH ICTY

The Croatian parliament at the 15th extraordinary session discussed the issue of a vote of confidence in the government, at government's request and after a decision on extraditing two Croatian indicted generals to the (ICTY). The session was interrupted on several occasions due to various procedures and political issues. The opposition at the time Croatian Democratic Union (HDZ) demanded that the first item on the agenda be a discussion on cooperation with the ICTY, after which the vote of confidence in the government should be discussed. After the motion was overruled, HDZ representatives left the session, but joined the discussion later harshly criticising the government for accepting the ICTY "dictatorship" and the decision on the extradition of the indicted generals.

Prime Minister Ivica Račan and ruling coalition MPs stressed that by passing the decision, the government was implementing a constitutional law on cooperation with the ICTY, adding that any other solution would bring Croatia to international isolation and sanctions would be imposed against the country. Namely, the Democratic Centre (DC), the Croatian Party of Rights (HSP) and the Croatian Christian Democratic Union (HKDU) were not willing to support the government and its unclear strategy towards the Hague tribunal. The DC advocated cooperation with the ICTY, but, according to their member Vesna Škare Ožbolt, the government did not have a clear strategy towards the ICTY. On behalf of her party, she said the crisis in the country was deepened adding the Croatian people became polarised. The government could have taken certain steps in cooperation with the Hague tribunal, she said pointing to the government's failure in conducting relations with the ICTY, which altogether is why DC would not support the government.

Croatian first Deputy Prime Minister at the time Goran Granić assessed Škare- Ožbolt's statement as hypocritical, adding Škare Ožbolt was a member of the party which ruled for ten years during which Croatia was brought in this state because it failed to cooperate with the ICTY. The then authorities failed to forward wanted documents to the Hague, people were prevented from testifying, thus from removing doubts about their responsibility, Granić said. Parliament speaker protested against Granić's expression "hypocritical", and addressed a stern warning to Granić for his attitude toward another MP.

Anto Đapić said the HSP and the HKDU back in 1996 warned about an unacceptable model of cooperation with The Hague, because no difference had been made between Croatia and Serbia. The issue remains - what can be expected from The Hague given that the tribunal has such a poor picture of Croatia, which is why Prime Minister Ivica Račan sent a letter of complaints to the ICTY, Đapić said. He criticised the government for lacking a democratic spirit because it did not allow the holding of a referendum, adding the only way to solve the situation was a referendum. Đapić stressed HSP and HKDU representatives would not support the government. The Croatian Social Liberal Party (HSL) was willing to support the government, Ivan Čehok said on behalf of the HSL.

He called upon the parliamentary parties to give the government the confidence vote, adding it would give a greater support to the government in the protection of fundamental national interests. Čehok stressed the HSLs opposed the rewriting of Croatia's recent history and unacceptable political qualifications, which were allegedly included in the Hague indictments. He added it cannot be allowed that the Homeland Defence War be compared in any segment with the greater Serbian aggression, conducted by Milošević.

The Croatian Peasants' Party (HSS) was also willing to support the government. On behalf of the party, Luka Trconić pointed to high tensions in the society about the issue of cooperation with the ICTY and the extradition of Croatian citizens to the Tribunal. According to Trconić, in order to overcome the high tensions all political forces must voice their opinion on the issue of cooperation with the Hague tribunal. He stressed the HSS will not allow any political force to be the chief arbitrator in the issues of national interest, adding the offered alternative would mean "Croatia's banishment from the western democratic family," and that it was "absolutely certain that in this case Croatia will not have any future." He said the only way Croatia could dismiss unacceptable political assessments on the nature of the Homeland Defence War was within cooperation with the Hague tribunal, using all legal means and demanding the protection of the Security Council as a United Nation member.

Damir Kajin of the Istrian Democratic Assembly stressed that by cooperating with The Hague tribunal the government was fulfilling previously assumed obligations. He said at this moment Croatia cannot go below the standard of Yugoslavia, which extradited Milošević to the ICTY, but agreed that Milošević's policy cannot be compared to the Homeland Defence War and Croatian Army operations in any segment. He disagreed with the assessments, in line with which the military- police operation of "Storm" aimed at ethnic cleansing and the expelling of Serbs. He stressed that nothing could have been done after the operation which would prevent the destroying of several houses, adding, however, the destroying of 20,000 houses and killing of civilians could have been prevented. In Kajin's opinion, Croatia was at the time in an unenviable position because in the past 18 months the government did not have the courage to face dark sides of the Homeland Defence War and bring persons who committed war crimes to justice.

The Croatian People's Party (HNS)/Liberal Party (LS) parliamentary bench were willing to support the government which had assumed responsibility to take the country on the path of modern, European and stable democracy, HNS president Vesna Pusić said. We are facing an absurd situation and an absurd decision -- should the government respect Croatian laws, Pusić said, stressing that all the government did so far was respect the Constitutional law on cooperation with ICTY, adopted in 1996. Crimes were committed and perpetrators must be discovered, and suspects should defend themselves and prove that they are not guilty, Pusić said. The HNS and LS believe that suspects should be tried in Croatia and we will have to take vigorous measures in order to realise that, Pusić stressed. She believes a final list of crimes should be established, and maybe a list of individuals wanted by the ICTY. This way, when every four to five months new indictments are arriving, we would be facing instability and crucial economic and social issues are being relegated to a marginal status.

Altogether, Ivica Račan's government was still expected to win the confidence vote, and during that session on a vote of confidence Račan retold the content of a letter he had recently forwarded to the ICTY with his objections to the two indictments served by the ICTY to Zagreb in early June 2001. He told MPs he had refuted a remark in the indictments that during and in the wake of the 1995 liberation operation Storm, the cumulative effect of the illegal acts, such as killings, plunder and so on, led to a large-scale deportation and/or expulsion of Krajina Serbs. There were allegations that

150,000 fled the area then. "I stressed that something like that cannot be true. It is the naked truth that the Serb population moved out in a planned way at the very beginning of the Storm and following the order of its leadership," Račan said. Prime Minister said he had also stated that some concrete crimes had not been perpetrated by Croatia's forces and that it remained to be established whether members of the Croatian forces committed crimes. In addition, it should be established whether some other persons, who were not a part of Croatian troops, had committed such crimes. He added that he had also insisted on a clear definition of the so-called Krajina as a self-styled and illegal creation set up by rebels. Otherwise, the responsibility of (Serbian and Yugoslav President) Slobodan Milošević and his aides for the aggression and criminal consequences of the creation of a greater Serbia would be questionable, Račan said. In his letter, Račan reminded that a large part of Croatia had been occupied. He also emphasised the criminal role of the then Yugoslav Army (JNA) and reminded that Croats had been ethnically cleansed from the occupied areas and numerous crimes were committed against them in the so-called Krajina. Cooperation between the government and The Hague tribunal does not mean that the government supports the (sealed) indictments. Račan announced that his cabinet would do their best to help defend indictees, in the court process, particularly in segments Zagreb could not accept. The Tribunal has given assurances and agreed that it will not criminalise the Homeland War, in particular the Croatian Army liberation operations and their legitimacy, said Račan who described it as a great encouragement for the government.

According to the Tribunal's assurances, it will not apply exclusively the criterion of the commanding responsibility while issuing indictments and it will always take into consideration the direct liability of individuals. "A part of the text of the indictment fails to fully follow such attitude, and some questions pose themselves," Račan disclosed. He said he had also warned that some segments of the indictments had been grounded on the direct commanding responsibility, although there had been no direct relation between the indictees and some crimes in question. Račan revealed he had opposed an assessment that the indictees, along with some other persons, had planned and encouraged the persecution, eviction and forcible deportation of a part of the ethnic Serb population during the 1995 liberating operation "Storm". "One can get an impression that (...) such allegations of the indictments partly criminalise or try to criminalise this operation and that its legitimacy is brought into question," Račan said. He said he had advocated that the indictments should be comprehensible to a great majority of the Croatian citizens and that they (ICTY indictments) cannot possibly be used as a weapon of forces that oppose the cooperation with the tribunal and the prosecution of war criminals. He objected, as he said, to some ambiguities in the indictments as well.

The Prime Minister recalled that the ICTY Production's Office had explained that the indictments could not be altered after their confirmation by the Tribunal, but it said that there would be room for objections in the further process before that court. Račan said it had never been disputable whether the government would accept international obligations and respect Croatian laws, but the government found itself in a grave situation as it was aware that each standpoint it took would provoke reactions both in the country and abroad. We were aware that the conflict with the UN court would entail the conflict with the international community, the isolation of the country and sanctions. "I maintain that those who advocate such developments betray national interests," Račan said in his speech. Premier expressed government's readiness to use all the possible legal means to help the indictees to defend themselves before the Tribunal, if it comes to a trial, particularly in the counts of the indictments with which Zagreb cannot agree. Račan announced the government would use an institute called "amicus curiae" which makes it possible for his cabinet to interfere in the trial. A trial chamber can allow a government to appear and expound its stand on any case. He reiterated that for the government as well as for the majority of citizens the cooperation with the ICTY was

indisputable and that the authorities would use all the means to show the truth about the Croatian Homeland War and protect the values of the war for the country's independence. The decision on cooperation with the Tribunal is important for prospects of Croatia as a democratic and law-based country and its bids to be integrated with Europe. Račan reiterated that his Cabinet is a government oriented towards reforms urging the parliament to give support not only to the government's policy of cooperation with the international community but also to its reformist policy. Finally, Ivica Račan's Government won the vote on confidence.

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#### 17th and 18th July 2001: THE DEBATE ON THE REFERENDUM ON FORMS OF COOPERATION WITH ICTY

The afore mentioned 15<sup>th</sup> extraordinary session had three motions on its agenda: a vote of confidence in the incumbent government (elaborated above), a motion for draft conclusions on the cooperation between Zagreb and the UN war crimes tribunal (ICTY) and a motion for organising a referendum on the same treatment of Croatian Homeland war veterans which troops of the victorious armies enjoyed after the Second World war. The last two items were proposed by the Croatian Democratic Union (HDZ).

A heated discussion took place regarding holding a referendum seeking the adoption of a law ensuring the same legal treatment for Croatian soldiers as that granted to the members of all liberation and anti-fascist armies. The Croatian parliament discussed on a motion submitted by the Croatian Democratic Union (HDZ) parliamentary bench on the holding of a referendum on the forms of cooperation with the ICTY. The HSP demanded the holding of a referendum at which citizens would decide on the forms of cooperation with the ICTY. The motion was based on 400,000 signatures, aiming at passing a law under which Croatian Homeland War soldiers could not be prosecuted for possible war crimes. On behalf of the HDZ, Vladimir Šeks reminded the Constitution regulated that a referendum could be held on all important issues, should 10 percent of the total number of voters request that. Representatives of the parliament's majority believe that the initiative was not in line with the Constitution, which specifies the issues about which a referendum could be held.

The debate was over on late Tuesday night some 10 minutes before the midnight, and Sabor Speaker then asked Vladimir Šeks, a representative of the HDZ, which suggested this motion, whether he would like to give a final speech or MPs could immediately hold the vote. Before he started with his closing arguments, Šeks was warned to take care about the deadline which would expire at the midnight, and was asked to spare a few minutes for the voting. During his speech Šeks did not respect the time term and Sabor Speaker interrupted him a few seconds after the midnight declaring the session closed. Thus there was no voting on the last motion on the agenda of this extraordinary sitting. The decision is thus postponed, until further notice, on whether the referendum, based on 400,000 signatures collected by the headquarters for the protection of the Homeland War's dignity.

The following sitting of that session had a heated introduction when Drago Krpina, an MP of Croatian Democratic Union (HDZ), accused the state authorities of being responsible for the "unnatural situation in the country". In this context Krpina pointed to President Stjepan Mesić because, as Krpina claimed, he had testified before the UN war crimes tribunal (ICTY) against his homeland, and because he had equated Croatian soldiers with greater Serbian fascists and because he asserted that everybody should apologise to everybody. Krpina pointed to Premier Račan

because, as this HDZ MP said, he described that last 10 years during which Croatia had been created, as an era of darkness and missed chances, and because he labelled disabled war veterans as public enemies who wanted to carry out a coup. Krpina singled out the president of one parliamentary party (Vesna Pusić of the People's Party, HNS), who according to him, accused her own motherland of having launched aggression against other country (Bosnia-Herzegovina). Krpina's statements also angered Snježana Biga-Frganović of the Social Democratic Party (SDP) who asked him why the HDZ had not signed a petition of the former Opposition asking the Hague tribunal to open an investigation and issue an indictment against Slobodan Milošević for war crimes committed in Croatia and Bosnia-Herzegovina. She also asked Krpina to explain why the HDZ-led authorities sued Yugoslavia for genocide only in autumn 1999 a few months before the election (which the HDZ lost to the current ruling coalition), and added it was not natural that the HDZ-led government had not sent a single document to the Hague tribunal and that the incumbent authorities were now gathering documents on war crimes committed against Croatia in the early 1990s. At the proposal of the bench of the Croatian Peasants' Party (HSS), the debate was adjourned for two hours to defuse tensions caused by "the inflammatory speech" of Krpina.

Later in the evening the parliament resumed the discussion. The HSS bench criticised Krpina over his speech and the headquarters for the defence of dignity of the Homeland War over its leaflets delivered to MPs, which the HSS representatives described as calls for showing intolerance and hatred. Ljubica Lalić of the HSS said that in the leaflets the headquarters asked for toppling the incumbent authorities and threatened to take leaders of the current authorities before courts for their treason. The headquarters labelled MPs as dwarfs of the ruling coalition, Lalic said and asked that association whether it thought the same about the people who elected the incumbent authorities. She also asserted that the aim of such claims was to destabilise Croatia. The leaflets delivered in front of the Sabor building, read that the acceptance of (ICTY's) indictments against two Croatian generals - Rahim Ademi and Ante Gotovina - presented the violation of Croatia's constitution. According to the leaflets, the headquarters accused members of the ruling parties of betraying the Croatian national interests and violation of the Constitution and therefore they will be taken before courts. Vilim Herman of the Croatian Social Liberals (HSLs) bench, believes that the purpose of such labels and claims was to create a framework for not recognising the state institutions and the rule of law. According to Vladimir Šeks of the HDZ bench, the speech of his party colleague, Krpina, was an expression of political differences and remarks which may be heard in the parliamentarism. Šeks denied assessments that Krpina's speech might inspire hatred and jeopardise the highest values of the constitutional order and the rule of law. On behalf of the Social Democrats (SDP) bench, Mato Arlović voiced disappointment over HDZ's failure to apologise for Krpina's speech. Arlović regarded Krpina's statement that Croatia's President, Premier and Sabor Speaker were traitors as impermissible. Šeks retorted saying that it was unacceptable that (Prime Minister Ivica) Račan labelled HDZ as those who brought Croatia into isolation and that he described this party as an aggressive minority which pushed the country in the quagmire of the Balkans. Ante Đapić of the Croatian Party of Rights/Croatian Christian Democratic Union (HSP/HKDU) bench regarded such political tones as the result of differences in views of parliamentary benches. According to him, such different political assessments were normal in discussions on the motion for the referendum which Đapić assessed as one of the most dramatic topics which the Sabor had discussed in the recent years. He also said there had been no graver situation than the current one the country was facing and therefore the referendum was necessary in order to avoid the further aggravation of the situation. On behalf of the SDP bench, Ingrid Antičević-Marinović said the draft decision on the referendum was illegal and contrary to the constitution as it would suspend a series of basic laws and discard the democratic principle about the guilt. i.e. penal code is impersonal and for its

provisions it is not important whether the crime was committed "by a president, or a worker, by a general or a soldier,". In this way she explained that war veterans would be put above the law if they were exempted from criminal responsibility. In the continuation of the session representatives of the parliament's majority expressed opinions that the initiative for the referendum was not in line with the Constitution, which specifies the issues about which a referendum could be held, while representatives of opposition parties - HDZ, HSP and HKDU - insisted on organising the referendum. Šeks of the HDZ reminded the Constitution regulated that a referendum could be held on all important issues, should 10 percent of the total number of eligible voters request that.

Also, the HDZ and the Croatian Party of Rights (HSP) parliamentary benches demanded the government to suspend its decision on the extradition of indicted Croatian Army generals, based on two sealed indictment from the Hague tribunal. The HDZ also demanded that a constitutional law on cooperation with the ICTY be amended by excluding the implementation of the objective commanding responsibility, which is elaborated in more detail below.

This extraordinary session was adjourned after 12 hours of discussion leaving a draft conclusion on cooperation with the ICTY for the MPs to vote on the next day. The draft decision should be made by an interparty working group. On behalf of the Croatian Democratic Union (HDZ) parliamentary bench Ivo Sanader said should the working group fail to draft the conclusion, the HDZ would stick to its draft conclusion in line with which the parliament should be obliged to amend a constitutional law on cooperation with the ICTY. The HDZ suggested that Croatian courts be enabled to assess the constitutionality of the Hague indictments. Should the courts establish that a Hague indictment contains unacceptable political assessments, Croatia could, according to the HDZ suggestion, refuse to hand over its citizens on the basis of such an indictment.

On 17<sup>th</sup> July 2001 Croatia's parliament eventually adopted conclusions on the relations between Croatia and the UN war crimes tribunal (ICTY) condemning attempts aimed at devaluing the Homeland War and supporting Prime Minister Ivica Račan's stands on refuting unacceptable political assessments and bids aimed at the revision of the Croatia's war for independence. The five conclusions were drawn up by an inter-party working group, and supported by benches of the five ruling parties (SDP, HSL, HSS, HNS and LS) as well as by the IDS (Istrian Democratic Assembly) and the DC (Democratic Centre), two regional parties (PGS and SBHS) and the bench of the national minorities' representatives. Two opposition parties - HDZ and HSP - voted against these five conclusions, as they proposed their own draft conclusions asking the government to suspend its decision to comply with the ICTY's request and hand over two Croatian generals on the basis of two sealed indictments. The conclusions of the HDZ and HSP were turned down. Passing the five said conclusions the Sabor gave support to the Ivica Račan cabinet's efforts to implement its decisions of last December on the relations with the ICTY. MPs ask the government to consistently defend stands from parliamentary and government documents on the cooperation with the tribunal. The parliament also insists on the individual responsibility and direct commanding responsibility. The parliament's conclusions condemn the politicisation of the work of the ICTY Prosecutor's Office, and refutes the Prosecution's incorrect assessments regarding the 1995 liberating operations "Flash" and "Storm". The parliament calls on the government to continue the cooperation with the Tribunal in compliance with the constitutional law on this matter and within international commitments Zagreb has assumed. It also calls on the Račan cabinet to prepare legal argumentation in relation to omissions in the Prosecution's work. The Sabor urges the government to consider possibilities for promoting and protecting national interests and refuting unacceptable remarks about the Homeland War before international institutions. The last fifth conclusion proposes that the government



consider a possibility of amending the said constitutional law, taking care that changes remain in accordance with the ICTY's statute.

Finally, after about 40 hours long discussion, at the end of the 18<sup>th</sup> July, Sabor Speaker Zlatko Tomčić declared the extra-ordinary parliamentary session closed, according to the Constitution's deadline.

*URL of the written records of the parliamentary sessions held on 16<sup>th</sup> and 17<sup>th</sup> July 2001:*

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*URL of the written records of the parliamentary sessions held on 18<sup>th</sup> and 19<sup>th</sup> July 2001:*

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#### 19<sup>th</sup> July 2001: CROATIAN PARLIAMENT ON AMENDMENTS TO LAW ON COOPERATION WITH ICTY

The Croatian Parliament discussed on the Croatian Democratic Union's (HDZ) motion on amendments to a law on cooperation with the ICTY. According to the amendments, Croatian courts would be able to assess whether the Hague indictments had been adjusted to the Croatian Constitution and the ICTY Statute. Should the courts establish that a Hague indictment contains unacceptable political assessments, Croatia could, according to the HDZ suggestion, refuse to hand over its citizens on the basis of such an indictment. On behalf of the HDZ, Ivić Pašalić stressed the HDZ did not oppose cooperation with the Hague tribunal, adding, however, it was necessary to protect Croatian Homeland War soldiers from unacceptable and unfair political indictments. Pašalić stressed Croatia could find an acceptable solution, namely through activities and amendments to the law on cooperation with the ICTY. Competent parliamentary committees on Wednesday refused an HDZ proposal for changes to the Constitutional Law on Cooperation with the Hague tribunal, confirming a Croatian parliament's conclusion binding the government to consider the possibility of changing the law in line with the ICTY Statute. The HDZ was advised to withdraw the proposal exclusively for legal reasons. If the proposal is adopted, it would mean that domestic courts would be authorised to assess an indictment before the start of the trial, which is not allowed under Croatian laws either, since an indictment can be contested only before the court. MPs are expected to voice their opinion on the proposed amendments.

The ruling coalition parliamentary benches, however, dismissed those Croatian Democratic Union (HDZ) draft amendments stressing that Croatia cannot change regulations established by the ICTY Statute. Representatives of the ruling coalition believe Croatia should try to change the provision of the ICTY Statute which regulates the objective commanding responsibility principle, but through diplomatic activities. Luka Trconić of the Croatian Peasants' Party (HSS) parliamentary bench said the activities should be directed towards adjusting the law to the Rome Statute, which contains more favourable provisions on the commanding responsibility for Croatia and it gives preference to the national judiciary over the international law. Even though a small number of countries have ratified the Rome Statute so far, Trconić believes that a permanent international criminal tribunal, whose establishment is regulated by the Statute, should have greater credibility than the Hague tribunal. He assessed the HDZ's motion as legally incorrect, considering that Croatia had assumed a commitment to cooperate with the ICTY, thus to adjust its legislation to the Hague Statute. Mate Granić of the Democratic Centre (DC) parliamentary bench advocated the diplomatic activities, stressing that, along with the amendments to the constitutional law, the objective commanding responsibility principle should be excluded from the Hague Statute. "This won't be easy but Croatia must try," said Granić. On behalf of the Croatian Party of Rights/Croatian Christian Democratic Union parliamentary bench, Anto Đapić supported the amendments, stressing this solution would help bridge over the time gap until the enforcement of the Rome Statute. Vladimir Šeks of the HDZ

parliamentary bench reiterated his party did not oppose cooperation with the Hague tribunal, on contrary, it was trying to find a solution which would guarantee full cooperation with the Hague, based on the Hague Statute, the Croatian Constitution and the Croatian parliament declaration on the Homeland war.

What preceded this session and discussion was a discussion at the 15<sup>th</sup> extraordinary session. The benches of the opposition parties assessed that the control mechanisms of the indictment should be specified in the amendments to a Constitutional law on cooperation with the ICTY, in order to avoid trials along the lines of objective commanding responsibility. Commenting on a remark by Justice Minister Stjepan Ivanišević that the Constitutional law on cooperation with the ICTY must be adjusted to the Hague Statute, Vladimir Šeks, on behalf of the Croatian Democratic Union (HDZ) bench, stressed he understood that Croatia alone could not make changes to the Hague Statute, but it could control the constitutionality of the Hague indictments and their coordination with the Hague Statute. The HDZ therefore suggests that Croatian courts be enabled to carry out the control. Should the courts establish that a Hague indictment contains unacceptable political assessments, Croatia could, according to the HDZ suggestion, refuse to hand over its citizens on the basis of such an indictment. Šeks believed the interpretation of the indirect commanding responsibility was crucial - when a Hague indictment is issued on the basis of an assessment that the military commander could have been familiar with the criminal act committed by his subordinate, without presenting evidence to support such an assumption. That is why it is necessary to include precise regulations in the Constitutional law on cooperation with the ICTY, which will prevent the installation of the collective responsibility in the Hague indictments. The Security Council permanent members, such as the United States and France, regulated this in a way which is not completely in coordination with the Statute of the international criminal court so Šeks said he could not see why Croatia could not do the same. Mato Arlović of the Social Democratic Party (SDP) bench opposed the HDZ's conclusions, saying they were contrary to the Croatian Constitution and the Hague Statute. The implementation of such conclusions, he warned, could lead the international community to believe Croatia refuses to cooperate with the Hague Tribunal. Anto Kovačević of the HSP/HKDU (the Croatian Party of Rights/the Croatian Christian Democratic Union) bench said the parties must reach a consensus on the issue whether the Hague Tribunal is a court of justice or a political court. In his opinion, on the grounds of the trials against Bosnian Croats it can be concluded that the ICTY is a political court which does not insist on the individual responsibility and the processing of aggression. Mate Granić of the Democratic Centre said should Croatia fail to cooperate with the ICTY, the United States would pressure Croatia and the European Union would refuse to sign the already initialled Stabilisation and Association Agreement. On behalf of the Croatian Peasants Party, Petar Žitnik said Croatia, as a full United Nations member, must respect institutions of this international organisation.

Prime Minister Račan urged them to try to adopt common conclusions. Answering a question by Ivo Sanader of the Croatian Democratic Union (HDZ) whether the government has enough strength, political willingness and support for the implementation of its own conclusions and those of the parliament, Račan answered "the government has enough strength to persist in the struggle for the values which we all want to defend, especially in the light of last night's vote of confidence in the government." It was, and still is, Croatia's wish to determine individual responsibility for committed crimes, thus providing the real picture of the Homeland War and the truth that we want to defend in Croatia and before the international community, Račan said. Parliamentary benches would help the government by adopting common conclusions. This way, the government would be more effective in defending its views before the Hague Tribunal, said Račan. He stressed that there were numerous means, from political and diplomatic ones to direct presence in the Tribunal's procedures, Croatia could use to defend itself from unacceptable political assessments. The government has done a lot

in that regard in the past 15 months. We have contested some issues, and we have asked the Hague prosecution for adequate facts highlighting that the evacuation of Serbs did not happen as a result of expulsion, but was planned by the leaders of the phantom Republic of Serb Krajina, Račan said. He added that the government had sent to The Hague detailed documentation on the crimes committed against Croats. Justice Minister Stjepan Ivanišević pointed to two basic directions of cooperation with the Hague Tribunal - the change of legal regulations and the examination of facts. The change of legal regulations which the government wishes to achieve refers to some regulations of the Hague Statute particularly those where the Hague Tribunal takes precedence over national jurisdiction. Ivanišević sees the framework for the change of those regulations in the Rome Statute which regulates the establishment of an international criminal tribunal and which gives precedence to domestic judiciary. Croatia is advocating a change in the Statute by which the principle of commanding responsibility would be used only in case of a direct order to commit a crime. With regards to the concrete indictments which arrived from The Hague, the government will form a team of experts which will take part in the defence of the indictees and intervene in case of politically unacceptable assessments.

*URL of the written records of the parliamentary sessions held on 18th and 19th July 2001:*

[https://www.sabor.hr/sites/default/files/uploads/inline-files/Zapisnik\\_15\\_sjednice\\_HS\\_4\\_saziv.pdf](https://www.sabor.hr/sites/default/files/uploads/inline-files/Zapisnik_15_sjednice_HS_4_saziv.pdf)

#### JUNE 2003-2011 – CROATIA'S COOPERATION WITH THE ICC

The Croatian government sent into urgent parliamentary procedure a bill on the application of the Statute of the permanent International Criminal Court (ICC) and prosecution of crimes against the international law of war and humanitarian law. The bill regulates cooperation between Croatia and the ICC, and partly with the temporary ICTY. The government said that there is a realistic possibility for the ICTY to transfer a number of cases to the national courts of those countries for which the international community establishes that they have legal and real conditions for organising just and fast war crimes trials. Under the bill, four county courts - in Rijeka, Osijek, Split and Zagreb - would be in charge of such trials, but the bill does not exclude the right of other courts to conduct such trials. The State Prosecution is given extensive powers, including the appointment of a deputy state prosecutor as state prosecutor in charge of war crimes, to co-ordinate police work in the discovery of war crimes and their perpetrators. The interior ministry would have a separate department dealing with war crimes. Under the bill, a war crimes case would not be processed by the ICC if it is already being dealt with by a domestic court. Participants in a round-table discussion organised by the Centre for Human Rights in Zagreb supported the adoption of a law on the implementation of the statute of the ICC, but expressed doubt as to how much the law would contribute to the efficiency of courts in prosecuting war crimes and influence the prevailing public disapproval of war crimes trials. The round table discussion, which addressed the prosecution of war crimes in Croatia and changes in the Croatian judiciary, was attended by some 20 legal experts, professors, state attorneys and representatives of relevant state bodies, non-government organisations and international institutions. Croatian Helsinki Committee president Žarko Puhovski said he doubted the Croatian judiciary would be able to prosecute war crimes more efficiently because it was burdened with too many cases. Another problem is the fact that less than a half of some 4,000 war crimes indictees have been put on trial, Puhovski said, adding that only 17 of those sentenced were Croats. Two of those were acquitted and none of the 17 verdicts was final, he added. Puhovski believes that the level of public awareness in Croatia and Serbia, as well as among Muslims in Bosnia-Herzegovina, does not benefit the prosecution of war crimes. Ivo Josipović, a professor of law involved in the drawing up of the law, believes that parliamentary deputies' support in principle to the law and their decision to adopt it after two readings rather than under fast track procedure, indicates disagreement with the content of the law. The ICTY has not voiced its view of the bill, but it supports

in principle any move facilitating the prosecution of war crimes, said Denis Besedić of the ICTY's Zagreb office. Parliamentary deputy Nenad Stazić objected that trials before the ICTY were too long and that those acquitted were not indemnified for the time spent in prison. Josipović said that the ICTY had requested in a report to the UN Security Council that a fund be established for that purpose, but the request was turned down. He added that the ICC would have such a fund.

Fast forward to 2011, when the Croatian parliament endorsed amendments to the law on the application of the International Criminal Court Statute and prosecution of crimes against the laws and customs of war and humanitarian law, under which jurisdiction for war crimes cases would be transferred to the county courts in Osijek, Rijeka, Split and Zagreb. Under the draft amendments, war crimes cases would be dealt with only by the four specialised courts. To speed up court proceedings, the amendments would allow national courts to use evidence provided by international criminal courts. In order to avoid government interference, the justice minister's consent for the appointment of the state prosecutor for war crimes would no longer be necessary. In 2011 Parliamentary clubs of deputies on Friday supported the draft amendments to the law. When the law was adopted, it failed to regulate the issue of jurisdiction in case the Supreme Court revokes the verdict handed down by a court of first instance, following an appeal, due to a misinterpretation of facts or other reasons. The government therefore proposed amendments under which which a retrial would be held before one of the four courts stated above.

*URL of the written records of the session when the Law on Implementation of the Statute of the International Criminal Court and on the Prosecution of Crimes against International War and Humanitarian Law was passed:*

[https://www.sabor.hr/sites/default/files/uploads/inline-files/Zapisnik\\_37.\\_sjednice\\_HS\\_4\\_saziv.pdf](https://www.sabor.hr/sites/default/files/uploads/inline-files/Zapisnik_37._sjednice_HS_4_saziv.pdf)

#### 15<sup>TH</sup> JUNE 2011 - PARLIAMENT DISCUSSES BILL OF AMENDMENTS TO LAW ON HOLIDAYS AND REMEMBRANCE DAYS

A bill amending the Act on Holidays and Remembrance Days, which envisages the introduction of a new remembrance day, to be marked on 23<sup>rd</sup> August as a Europe-wide day of remembrance for victims of 20th-century Nazi and communist crimes, caused heated debates in the Croatian parliament on Wednesday. Damir Kajin of the Istrian Democratic Party (IDS) said the emphasis in the bill was on the condemnation of communist crimes, adding that the new remembrance day "will be used more to attack the regime that ruled after 1945, rather than the one that ruled until 1945." He said that he would nevertheless support the new remembrance day because he was aware that the regime that ruled after 1945 was totalitarian and that it eliminated dozens of thousands of political opponents. Kajin also expressed disagreement with annual commemorations at Bleiburg, saying that every year in May commemorations were held there to remember "an army that was neither honourable nor glorious nor Croatian." His statement provoked a strong response from deputies of the regional HDSSB party, the Croatian Party of Rights and the ruling Croatian Democratic Union (HDZ). Commenting on Kajin's position that there was no reason to pay tribute to the Bleiburg victims, Ana Lovrin of the HDZ said that around 90,000 civilians and soldiers were killed without trial, contrary to international customs of war. The government-sponsored bill amending the law on holidays and remembrance days is in line with the European Parliament's resolution of April 2009 which recommended that all European parliaments mark the 23<sup>rd</sup> of August as a day of remembrance for the victims of fascism, Nazism and communism. Under the government's bill, the remembrance day will be marked in a dignified and unbiased manner, and by doing so Croatia will show respect to the victims and its commitment to promoting European values. Finally, a declaration designating the 23<sup>rd</sup> of August as a memorial day for victims of all totalitarian and authoritarian

regimes was adopted. Since then, this day has been commemorated at sites of mass executions, and on 23<sup>rd</sup> August 2015 the national parliament organised a commemoration in the Sabor hall for the first time. Addressing the commemoration, the President of the Parliament at the time Željko Reiner said that the Communist regime resorted to repression in an attempt to send into oblivion the existence of Croats and some Jews, Germans and members of their ethnic groups "who were killed only because they had a different opinion". Reiner accused the Communist regime of persecuting and killing intellectuals, middle class members, clergy and nuns or the wealthy only to confiscate their property. Reiner holds that in comparison to other former Communist European countries, Croatia has been late in the condemnation of Communist crimes and added that Croatia had not conducted lustration. Reiner went on to say that a kind of "deja vu" of Nazi-Fascism happened in the form of spreading a Greater Serbia idea and the aggression against Croatia, and he called for bringing an end to manipulations with historical truths. He called for "shedding light of the truth" on that dark side of Croatia's recent history.

*URL of the written records of the parliamentary session held on 15<sup>th</sup> June 2011:*

[https://www.sabor.hr/sites/default/files/uploads/sabor/2018-12/zapisnik\\_23\\_sjednice\\_HS\\_6\\_saziv.pdf](https://www.sabor.hr/sites/default/files/uploads/sabor/2018-12/zapisnik_23_sjednice_HS_6_saziv.pdf)

#### FEBRUARY 2014 – MAY 2015 – PARLIAMENTARY DISCUSSION ON LAW TO TREAT WAR RAPE AS WAR CRIME

A new law on the rights of victims of sexual violence in the 1991-1995 Homeland War, which will soon be put to public discussion, will define such violence as a war crime without a statute of limitations, it was said in the Croatian parliament. The law is being drawn up by the War Veterans' Ministry and will encourage rape victims to freely talk about their trauma and report the crime, Minister at the time Predrag Matić said, adding that this law defined the rights of victims and not the prosecution of perpetrators. The head of the government's Gender Equality Office, Helena Štimac Radin, pointed to the need of fully implementing UN Security Council Resolution 1325 on women, peace and security, which says that war rape must not be subject to statute of limitations and that perpetrators must not be amnestied. Women and young girls are still victims of horrible crimes in conflicts around the world, so this is a global issue, Štimac Radin said, adding that the judiciary should be more sensitive to women victims of war and violence in general. "Women make up the bulk of the jobless, have little say in decision making, yet violence against them is a daily problem," she said.

Croatian citizens raped in the Homeland War, both men and women, will be entitled to a one-off financial compensation and to a permanent monthly allowance in the amount of 73% of the budget base, which currently totals HRK 2,428,00 as well as a compensation in the amount of HRK 100,000 or of HRK 150,000 in cases of graver consequences of the sexual violence experienced. These rights will be exercised by victims of sexual violence, that is, their first-degree descendants and adoptees. Under the bill, the existing deadline for applying for the status of a victim of sexual violence will be removed, and costs related to the procedure of having one's status of a victim of rape recognised will be covered from the budget in all cases, and not only when the applicant proves his/her status. Victims of sexual violence committed in the war will have the right to free legal aid in exercising their rights, the right to have their compulsory and additional health insurance covered, the right to regular annual medical check-ups, and the right to accommodation in institutions providing services and assistance to war veterans and war victims.

A special representative of the UN Secretary-General, Zainab Hawa Bangura, welcomed the Croatian government's decision to adopt a final bill regulating the rights of victims of sexual violence

committed in the Homeland War, noting that this move would help heal war wounds and serve as an example to other countries faced with the devastating legacy of war-time rape. Bangura commended the government for recognising the need to provide holistic care to victims of sexual violence in conflict and for taking an important step in dealing with injustices done to thousands of women, children and men. By doing so, the government is sending a message to the survivors that they have not been forgotten and that their pain and suffering will not go unrecognised and without a response, Bangura said. However, a significant discussion was led in the Parliament before passing of that bill. Two Croatian members of the Regional Women's Lobby for Peace, Security and Justice in Southeast Europe said there was a legal framework for gender equality in the whole region but that its enforcement was lacking, with a constant decline in the number of women in local councils and parliaments, yet an increasing rate of domestic violence.

Fifteen people have been convicted in 57 cases of war rape in Croatia so far, while a total of 608 people have been convicted for war crimes since 1991, the Chief State Prosecutor's Office (further referred to as DORH) has said. According to police data, rape or some other form of sexual abuse may have been committed during the 1991-95 Homeland War against 182 potential victims, but some of them have died or claim they were not raped, the DORH said. The police obtained information on possible victims after the DORH started coordinating activities in the investigation of war crimes with the Ministry of the Interior and the Police Directorate. The information was collected from the Ministry of War Veterans and medical institutions and in contacts with humanitarian organisations and associations assisting war victims. The DORH says the crime of war rape was definitely committed against 57 persons, mostly women; in case of 36 victims criminal proceedings were launched and 15 identified perpetrators were convicted. Between 1991 and the end of 2013, a total of 3,599 people were prosecuted for war crimes, and 608 were convicted. Prosecutors had to give up on some of those cases after it turned out that no war crime had been committed or that there was not enough evidence to prove the suspects' responsibility. A total of 241 people were under investigation, indictments have been issued and criminal proceedings are under way against 613 people, and 608 were convicted. In most of the cases, prosecutors launched proceedings against members of the former Yugoslav People's Army, the Territorial Defence and military and paramilitary forces of Croatian Serb rebel authorities. In a large number of those cases indictments were issued or verdicts handed down with indictees being beyond the reach of police and witnesses often not attending trials. On the contrary, members of the Croatian army indicted for war crimes were available in almost all cases. They were prosecuted in all cases in which identified perpetrators were reported and evidence was collected, and criminal proceedings were launched against 112 people out of whom 44 were convicted. The then Veterans' Affairs Minister Predrag Matic presented the bill on the rights of victims of sexual violence during the Homeland War, under which victims would be entitled to psychological counselling, health care, free legal aid, rehabilitation and financial compensation.

The exact number of victims of sexual abuse during the war is not known, but it is estimated at 2,500 persons who have so far not received adequate attention. People who experienced such violence are entitled under the existing law and international conventions to support and respect, equitable compensation for what they experienced, psychological counselling and above all social recognition, he said. The law says that the sexual violence committed in the Homeland War refers to the period from 5 August 1990 to 30 June 1996 and the time spent in the occupied territory of Croatia or in confinement in an enemy-operated camp or prison outside Croatia. Most of the victims of sexual abuse were women, but some were also men, mostly those held in prisoner of war camps. A foundation will be established to raise funds for the victims of sexual violence during the war. The minister said that the bill had been prepared in cooperation with the UN Development Agency, non-

governmental organisations and experts from other countries, including Britain and Switzerland. The draft law embraces international standards and covers all Croatian residents who survived sexual violence on Croatia's territory or abroad during their detention in concentration camps or prisons run by the enemy forces. Responding to criticism from the opposition, Minister Matić said the law did not equate the perpetrator and the victim. He said an attempt would be made to better define possible perpetrators, namely the article saying that perpetrators of crimes were all the armies that took part in the Homeland War, that sexual violence could be committed by members of enemy armies or paramilitaries or Croatian armed and police forces. Matić said the government wanted the monetary compensation for the victims of sexual violence to be "worthy and dignified" and that it first had to determine their number. He added that according to research by the Zagreb Faculty of Humanities and Social Sciences, there were up to 2,500 such victims. Two opposition parties -- the HDZ and the HDSSB – criticised the title of the future law noting that it was ambiguous and misleading as it negatively depicted the 1991-1995 war. "It is necessary to change the title of the bill, as it creates an impression that the Homeland Defence War was a cause of the sexual violence, while it makes no mention of the armed aggression against Croatia launched by the Yugoslav People's Army, Serbia and Montenegro and a part of rebel Serbs in Croatia," a deputy of the Croatian Democratic Union (HDZ), Nada Murganić, told the parliament. She finds it unacceptable that a Croatian law explicitly names Croatian armed forces as possible perpetrators of criminal offences while "it fails to name the enemy, as if an unknown enemy had attacked Croatia". Democratic Centre (DC) parliamentary deputy Vesna Škare Ožbolt warned that only 59 cases of rape in the war had been cited in reports submitted for criminal prosecution, while the documentation of nongovernmental organisations and of the UNDP indicated that there were 200-220 children born out of rape, and "this begs the question of how those investigations have ended".

The head of the "Sunčica" NGO for promoting rights of women victims of wartime sexual violence, criticised Croatian War Veterans' Affairs Minister Predrag Matić for a lack of care for women raped during the 1991-1995 war of independence. The NGO leader Marija Slišković said in a statement that the minister failed to keep his promise about providing entitlements to war rape victims. Those victims are deprived of adequate care "due to the ministry's failure to do its job or due to petty politics in it". Slišković recalls that the head of the UNDP office in Zagreb, Louisa Vinton, had ensured funds in early 2013 for the preparation of the necessary legislation, and despite Vinton's endeavours, two years were squandered for nothing. "The draft law is still being drawn up, no funds have been ensured in the budget, victims will have to wait one more year. Is this the proof of job well-done?," Slišković wondered. What followed the debate was the Representatives' of a Croatian association of women raped in the 1991-1995 war support of an ongoing protest of fully disabled war veterans outside the War Veterans Ministry in Zagreb, warning that their rights were not regulated, that a bill on their rights had only passed a first parliamentary reading and that it was not formulated well. Marija Slišković, told reporters in the protesters' tent outside the ministry building that the association's lawyers had made a draft of the law with the financial help of the United Nations Development Office (UNDP), but that they walked out of the working group in charge of writing the law because the document failed to clearly name the aggressor. "We called for the prosecution of individual cases," Slišković said, adding that rape was part of the war strategy. Asked why they were supporting the protesting war veterans only now, Slišković said that they had visited the veterans at the very start of their protest but that they decided to make their support public only after the campaign for presidential elections was over. Slišković said that victims of war rape expected a one-off compensation. Responding to reporters' remarks that seeking compensation from the Croatian state was not logical considering that the crimes were committed by members of Serb paramilitary units and the Yugoslav People's Army (JNA), Slišković said that that was not

possible without appropriate laws, but that the state could pay compensation to the victims and then seek compensation itself. A rape victim from Vukovar, Snježana Maljak, objected to the fact that the bill stated that crimes had been committed by members of the Croatian Army as well, while they had been raped by Serb volunteers and members of the JNA and were seeking satisfaction which they had a right to.

Milorad Pupovac of the Independent Democratic Serb Party (SDSS) warned that under the bill, members of enemy forces would not be eligible even though some were raped during the war. "Does that mean that it was alright to rape those in Lora (a former military prison in Split), who were men and Serbs? One of the ways they were treated was rape, the way it has been described in this bill, however, they would not be eligible for compensation according to this law," Pupovac said. He added that he hoped that recognition of the status of victims of sexual violence will not be the basis for criminal proceedings against those pointed out as rapists, and that it "won't come down to the 'two witnesses' pattern, which once used to be the basis for criminal charges (in such cases)." The law was finally adopted but without the presence of opposition Croatian Democratic Union (HDZ) MPs, who walked out of parliament because of the planned celebrations for Parliament Day scheduled for later that week, adding that this was inappropriate while veterans were protesting outside the parliament and government buildings.

About a year and half after passing of the law in question, a conference discussing shortcomings of the law and what more could be done to help the victims was held in November 2016. Marija Slišković said at the conference: "Croatia is the first country that has a legal framework for the protection of victims of the war crime of sexual abuse. No law is perfect, but there are certain shortcomings which we expect to be rectified by amendments." Slišković said that it was unacceptable that the victims had no right to choose the most favourable monthly compensation. She added that, for example, persons entitled to compensation for suffering post-traumatic stress disorder or for the time spent in detention camps cannot choose the highest category, compensation for a war crime of rape (...) and that it was unacceptable that men who had suffered sexual abuse were denied the status of victim of the war crime of sexual violence. Finally, Slišković called for the protection of the rights of victims of such crimes from Bosnia and Herzegovina who now live in Croatia and cannot exercise their rights in either country. Psychologist Emina Šimunić highlighted the importance of the counselling programme which two groups of victims have completed to date and which considerably improved the quality of their lives and their mental and physical health. The Croatian Ministry of Veterans' Affairs reported having so far received 181 requests for the status of victim of the war crime of sexual violence based on the law in question, and 132 of these requests have been granted, Željka Žokalj, adviser to the Minister of Veterans' Affairs, said. "We don't know if these requests are final. It is difficult to predict whether any new ones will be filed given the time that has passed and the stigma affecting the victims."

*URL of the written records of the discussion on the bill on victims of sexual violence in the Homeland War:*

[https://www.sabor.hr/sites/default/files/uploads/sabor/2018-12/zapisnik\\_14\\_sjednice\\_HS\\_7\\_saziv.pdf](https://www.sabor.hr/sites/default/files/uploads/sabor/2018-12/zapisnik_14_sjednice_HS_7_saziv.pdf)



## 15<sup>th</sup> July 2021 – CROATIAN PARLIAMENT PASSED THE LAW ON CIVILIAN HOMELAND WAR VICTIMS

The first law on this matter, Law on Protection of the Military and Civilian War Victims<sup>1</sup>, was passed in 1992 and has been amended 12 times since then, but it never fully covered the rights of civilian casualties and their families. During the Serb military aggression on Croatia in the early 1990s, 402 children were killed, including 28 in Slavonski Brod, the town where the single largest number of children were killed during the war. The law was passed by 107 votes in favour, 16 against and five abstentions. Under the proposal, civilian victims who could not exercise their rights under the present law would be able to do so under the new law. The law would also cover civilians injured in mine explosions or as a result of the use of firearms during the period between 17 August 1990 and 30 June 1996. Civilian victims would be allowed to claim entitlements for family members listed as missing from the war even before they are declared dead. The bill also provides for measures to improve the social and economic status of civilian victims. These rights can be exercised both by citizens of Croatia and by foreign nationals provided that at the time of the incident they were resident in Croatia. After the debate, the bill was sent for a second reading. Under the bill, the rights can be exercised by Croatian as well as foreign nationals, provided they were Croatia's residents during the 1991-95 war. It is estimated that the bill will apply to 2,500 more beneficiaries. Among other things, the bill facilitates eligibility for the family disability allowance and increases the individual disability allowance. "

Currently, 1,884 civilian victims of the Homeland War and 145 members of the families of civilians killed exercise their rights under the existing law. Despite the many amendments, many are still not covered by the law, and the rights are not adjusted to their needs," Minister of War Veterans' Affairs Medved said. The new law will also cover civilians wounded in mine explosions or who suffered gunshot wounds between 17 August 1990 and 30 June 1996, as well as the families of civilians listed as missing during the war. A register of civilian victims will be established and measures will be taken to improve the socio-economic status of beneficiaries. Foreign nationals will also be able to exercise the rights under this law, provided that they had residence in Croatia at the relevant time. HRK 30 million has been allocated for this purpose in next year's budget. The government also sent to parliament a proposal to amend the civil protection act by incorporating a part of the EU directive on the control of major-accident hazards involving dangerous substances.

During the previous parliamentary debates on the matter, some of the opposition parties expressed fear that new legislation would enable members of the occupying forces to use the entitlements set by the law, however, members of the ruling majority dismissed the criticism that this was an attempt to equate the victims and the occupying forces and insisted that the new legislation would rectify the civilisational injustice done to the war casualties. Željko Sačić of the Sovereignists party said that the adoption of some of the amendments made the last version of the law better compared to the initial bill. He believes that those amendments will make it impossible for the members of the occupying forces and rebels to use the entitlements under the law. The parliament adopted the amendments to the Law on Homeland War Veterans whereby applications of disabled war veterans for housing rights and social benefits will be dealt with in speedier proceedings. Civilian war casualties deserve a good legislative solution, says The Documenta - Centre for Dealing with the Past NGO. The NGO also said that civilian casualties of the 1991-1995 Homeland War had waited too long for legislative protection of their rights, adding that the new law had missed the opportunity for a good, fair and comprehensive solution. Several NGOs welcomed the adoption of the law that will

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<sup>1</sup> Zakon o zaštiti vojnih i civilnih invalida rata, NN 33/1992, 57/1992, 77/1992, 27/1993, 58/1993, 2/1994, 76/1994, 108/1995, 108/1996, 82/2001, 94/2001, 103/2003, 148/2013, 98/2019.

regulate the status and rights of civil casualties of the war. They added that the law has come twenty-five years after the war in Croatia and that human rights organisations actively participated in the public debate on the bill. "The final bill did not include all the proposals that we forwarded to the ministry, including those relating to refunding of court costs to civilian casualties who lost lawsuits in cases against Croatia pursuant to the law on Croatia's responsibility for damage caused by Croatian armed forces and police during the Homeland War," the NGOs said. The law also failed to include compensation for damage to property caused by unidentified perpetrators in terrorist acts during the war, among other proposals. The NGOs appealed for the law to be applied in the spirit of the Constitution, which primarily refers to ethnic equality. "That means recognising all civilian casualties of the war so that certain groups are not put in an unfavourable position or discriminated against based on their ethnicity," the NGOs said in a press release. It believes that the law will be an opportunity to contribute to creating a society of remembrance.

What preceded the passing of the law in question was, according to the Ministry of War Veterans' Affairs, ruthless attack thereof within the parliamentary discussion. The Ministry added also that the promotional videos of the Documenta NGO are tendentious with regard to exercising the status and rights under the bill. "We are witness to increasingly intensive and ruthless attacks on this law, based on unfounded claims and lies in an attempt to systematically misinform and deceive the public," the ministry said in the press release. "Unfortunately, there are also those who support the law in principle but in fact don't agree with it - they want to change it, amend it and rewrite it as they see fit. To that end, the campaign 'Justice for Victims' was launched, behind which is the Documenta Centre for Dealing with the Past and the Serb National Council, and which cannot be interpreted as support to the Ministry of War Veterans' Affairs and this law." The ministry called on Documenta to "finally deal with the present" and accept that Croatia has its institutions responsible for the preparation and implementation of laws and measures. "Many families suffered in the war, but this law clearly prescribes the conditions, procedure and evidence for exercising the rights of a civilian victim. The status will be determined in an administrative procedure for each individual," the ministry said, adding that they consider Documenta's promotional video tendentious with regard to exercising the status and rights from the law. The number of victims being mentioned is also incorrect, the ministry said, and this further disturbs the Croatian public and civilian victims, as do those who spread lies that the rights from the law will be exercised by aggressors and their helpers. The Ministry of War Veterans' Affairs therefore reiterated that after a thorough analysis, it was established that there were 2,500 new beneficiaries eligible for the status and related rights.

During the discussion, MP Stipo Mlinarić of the Homeland Movement (DP) said that a bill on civilian war victims is very dangerous because it treats the victims and the aggressor the same, and called on the Prime Minister to withdraw the bill and to sue Serbia, saying it should compensate Serb victims. "Minister Tomo Medved and the HDZ have tried to present me as an extremist who is against civilian casualties of war, which is a notorious lie. Milorad Pupovac, leader of SDSS (Independent Democratic Serb Party), even though he is not totally satisfied with the bill, told a press conference that it is a step towards resolving the problem of Serb civilian casualties who were in occupied territory." The biggest problem is that civilian casualties of the war, who are to be compensated pursuant to this law, should be compensated from Serbia's budget and then there would not be any problems, said Mlinarić and warned that if Croatian taxpayers are to pay compensation for civilian war casualties on both sides, then this bill wishes to portray the 1990s Homeland War as a civil war, which he said is something Serbian policy has been trying to do for 30 years, and this bill will achieve that. If Croatia compensates all civilians and war invalids, then the question is who executed the aggression against Croatia, if the Croatian state budget is to pay for them all, he said. "This is a very dangerous law

which unfortunately treats the victim and the aggressor the same. We will not know who the aggressor was and who the victim," he warned.

The parliamentary debate on a final bill on civilian Homeland War victims saw the biggest polemic about the lack of a register of aggressors and the possibility that collaborators of enemy units be granted civilian war victim rights. Miro Bulj (Bridge) warned about the lack of a register, while Stipo Mlinarić (Homeland Movement) said he suspected the law was being adopted because of the coalition between the ruling HDZ and the SDSS (Independent Democratic Serb Party). Mlinarić said it was symptomatic that the law was being adopted after local elections and that SDSS MPs were not participating in the debate. War Veterans Minister Tomo Medved said those were distorted arguments aimed at diverting attention from the merit of the law. "This law applies solely to civilian war victims," he said, denying that Croatia did not have records of persons who committed military aggression against Croatia. He said possible abuse of the law would be prevented with Croatian institutions' resources and data and that the Homeland War Memorial and Documentation Centre would play an important part in that.

Marijan Pavliček (Sovereignists) said it was "symptomatic that the Serb National Council gave its consent to such a law" and that he feared Croatian institutions did not have a list of all the persons who took part in the aggression and in paramilitary units. The Sovereignists demand the records of civilian war victims be public, with their MP Željko Sačić saying there were 26,000 potential beneficiaries, not 2,500 as claimed by Medved. Josip Đakić of the ruling HDZ said the bill represented "a repayment of the debt to civilian war victims" and that it envisaged security mechanisms and a procedure to obtain rights. Urša Raukar Gabulin and Sandra Benčić of the Green-Left Bloc welcomed the bill, but warned about possible discrimination on ethnic grounds. Benčić said the civilian victims of crimes committed by the Croatian side should also be given rights. Vesna Nadj (Social Democratic Party) said the law would cost the state budget HRK 108 million in the next three years and that the HDZ was passing it due to pressure from its coalition partner SDSS. She said the bill was a copy of an SDP bill which was withdrawn due to demand from war veterans. "You accused us then of wanting to equate victims and aggressors." "We are glad the government accepted the direction the (former) SDP-led government showed them in regulating civilian victims' rights," she said, adding that the SDP would support the bill. The War Veterans Ministry on Monday responded to Homeland Movement officials Miroslav Škoro's and Stipe Mlinarić's comments on a civilian Homeland War victims bill, saying the bill was the state's debt to innocent victims and that it was sad that MPs did not recognise those victims. The ministry said in a press release that Homeland Movement leader Škoro and the opposition party's MP Mlinarić said numerous untruths commenting the bill on N1 television. Responding to Škoro's claim that the bill "must be pushed through" and that it was "sheer trading", the ministry said Škoro evidently had not read the bill and that, with his comments and obstructions, he was trying to fool the public that the bill would enable those to whom it did not apply to exercise some rights. The ministry said it was "absolutely untrue" that the bill regulated the pension rights of civilian war victims or that, based on the bill, 8,000 former enemy soldiers would exercise any rights, let alone a HRK 3,400 monthly pension, as claimed by Homeland Movement officials.

*URL of the written records of the session when the Law in Civilian Homeland War Victims was passed is not available online yet.*

### **Laws relating to the implementation of the Rome Statute**

The implementation of the Rome Statute is regulated in the Law on Implementation of the Statute of the International Criminal Court and on the Prosecution of Crimes against International War and Humanitarian Law (OG 175/03, 29/04, 55/11, 125/11) , which entered into force on 12th November

2003 (while its latest amendments entered into force on 15th November 2011) and is available at <https://www.zakon.hr/z/466/Zakon-o-primjeni-statuta-me%C4%91unarodnog-kaznenog-suda-i-progonu-za-kaznena-djela--protiv-me%C4%91unarodnog-ratnog-i-humanitarnog-prava>. Also, the Criminal Code of the Republic of Croatia is completely harmonised in terms of the terminology and description of all offences regulated in the Rome Statute.

## **Nature of support for international courts**

### International Criminal Court

According to Report of the Committee on Budget and Finance on the work of its thirty-fifth session as of 30/08/2020, Croatia did not contribute in 2019.

2018: 260.427,00 EUR

2017: 253.621,00

2016: 240.405,00 EUR

2015: 252.525,00 EUR

Total 2015-19: 1.006.978,00 EUR

All data on (Croatia's) budgetary contributions to ICC were collected from the website:

[https://asp.icc-cpi.int/en\\_menus/asp/CBF/Pages/default.aspx](https://asp.icc-cpi.int/en_menus/asp/CBF/Pages/default.aspx)

### ICTY

#### Financial, Material and Personnel/Training Support

Croatia's support to the ICTY is fully confirmed by the adoption of the relevant legislation, the Constitutional Act on the Cooperation of the Republic of Croatia with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (OG 32/96)

At the beginning of the cooperation Croatia provided assistance in collecting evidence for war crimes indictments, and also in arresting of ICTY indictees, their transfer to the Hague as well as in encouraging indictees to voluntarily surrender. In 1995 Croatia was one of several countries that expressed readiness without reservation to imprison persons convicted by the Tribunal. The cooperation was established in the provision of forensic services, and in the establishment of temporary operational bases and field missions in Croatia.

In early 2000s Croatia also displayed increased willingness to cooperate with the International Tribunal by opening many of its archives to the Prosecutor. In October 2003, the Croatian Parliament passed the Law on the Application of the Statute of the International Criminal Court and the Prosecution of Criminal Acts against the International Law of War and International Humanitarian Law (OG 175/03, 29/04, 55/11, 125/11). Among other things, the law has provided for the establishment of four new chambers within the County Courts in Zagreb, Osijek, Rijeka and Split that will deal specifically with war crimes cases. Croatia also adopted a Witness Protection Act (OG 163/03, 18/11, 73/17) in October 2003, and a Department for Support to Witnesses and Participants in War Crimes Proceedings was formed in 2005 within the Ministry of Justice.

In 2004, amendments were adopted to the Criminal Code. In 2008, a witness and crime victim support program was introduced in four county courts – Zagreb, Zadar, Osijek and Vukovar. By the end of the year, this was expanded to Split, Rijeka and Sisak. The program aims to ensure that witnesses and victims are treated humanely, which will in turn increase the quality and efficiency of testimonies. In 2008 it supported 1253 persons. The Croatian judiciary has successfully dealt with ICTY-transferred cases. The ICTY Office of the Prosecutor also cooperates with the Croatian County Courts by providing investigative materials for the local prosecution in other war crimes cases.

Although this cooperation has had its ups and downs, all efforts aimed at smooth cooperation meant actually the reduction of costs in the financial and material terms for the ICTY.

According to the ICTY's annual reports from 1996 to 2017, Croatia was always responsive to the requests of ICTY. On 30 April 1996 Croatia filed a request to appear as 'amicus curiae' in all matters involving its responsibility, rights and legal interests. In particular, Croatia sought leave to be heard as amicus curiae in the rule 61 proceedings against Ivica Rajic' with respect to the issue of the nature of the conflict in the former Yugoslavia. On 24 May 1996, the Trial Chamber before which the proceeding was pending rejected Croatia's request, without prejudice to its ability to renew it at the time of trial. In 2000, Croatia signed an agreement with the United Nations for the establishment of a liaison office for the ICTY in Zagreb. In 2001 Croatia also displayed increased willingness to cooperate with ICTY by opening many of its archives to the Prosecutor. In July of the same year, the Prosecutor made public the fact that two sealed indictments and arrest warrants had been given to Croatian authorities to execute. On 25 July 2001, General Rahim Ademi voluntarily surrendered to the Tribunal.

In 2004 ICTY was involved in intensive training seminars of Croatian judges and prosecutors likely to be involved in war crimes cases in the future. Experts from the Tribunal have travelled to the region giving lectures to local participants on various substantive and practical issues with respect to the domestic prosecution of war crimes. The transfer of cases to domestic jurisdictions forms part of the completion strategy of the Tribunal. Cases could be transferred to the domestic jurisdictions as early as the beginning of 2005, provided serious efforts continue to be made for the creation of effective jurisdictions in the countries of the former Yugoslavia, capable of handling war crimes cases in accordance with international standards. E.g. in Croatia the outreach programme is involved in an extensive programme of training seminars for judges and prosecutors who are likely to take part in the trial of war crimes cases. This series, arranged at the initiative of the Minister of Justice of Croatia, took place from May to October 2004. Such initiatives are designed to share expertise and information with national authorities in order to help make their judicial system suitable for eventual referral of cases from ICTY. According to the report from year 2005, those training seminars resulted in successful transfer of lower-level prosecutions to national jurisdictions. The Tribunal has laid the legal and logistical groundwork for the successful transfer of lower-level prosecutions to national jurisdictions.

In 2009 the joint project between the European Union and the Tribunal enabling liaison prosecutors and interns from the region to work in the Office of the Prosecutor took place. In June 2009, liaison prosecutors from Bosnia and Herzegovina, Croatia and Serbia assumed duties under this new cooperation programme. According to the 2010 report, the Government of Croatia created an inter-agency Task Force in October 2009 to examine concerns communicated by the Office of the Prosecutor about identified shortcomings in the administrative investigation of the missing military documents and to locate, or account for, those records. The Task Force has since submitted seven reports to the Office of the Prosecutor. The Office of the Prosecutor noted a general improvement in the quality of Croatia's administrative investigation, in terms of the manner in which interviews are conducted. Within the "liaison prosecutors" project funded by the European Union, in June 2009, three prosecutors from the region (one from Bosnia and Herzegovina, one from Croatia, and one from Serbia) began working as liaison prosecutors within the Office of the Prosecutor. Although they work on their own cases, the liaison prosecutors consult with prosecution experts and other personnel on related cases and general issues. The liaison prosecutors also act as contact points for other national prosecutors who are working on war crimes files. In the annual report in 2012 the importance and quality of Croatia's and ICTY's cooperation was best described with the sentence:

“The Office of the Prosecutor continued to depend on cooperation from Croatia to complete trials and appeals in a timely manner.”

As stated in the report in 2015, Croatian authorities restated their position that an information centre could be hosted on the premises of the University of Zagreb, should the decision be made to establish an information centre in Croatia. The 2017 report states that ICTY's Service continued to work with local authorities and international partners to establish information centres in the former Yugoslavia in accordance with Security Council resolution 1966 (2010). The Tribunal is cooperating with the authorities in Croatia to establish an information centre within the national library in Zagreb and hopes that Serbia will be amenable to establishing a centre in Belgrade. There have unfortunately been no follow-up information on such an information centre in Croatia.

#### UN Residual Mechanism for Criminal Trials

The Security Council, by its Resolution 1966 (2010), established the Mechanism to carry out a number of essential functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the former Yugoslavia. In accordance with its mandate, the Mechanism has assumed responsibility for, inter alia, the enforcement of sentences, administrative review, assignment of cases, review proceedings, appeal proceedings, contempt, requests for revocation of the referral of cases to national jurisdictions, the variation of witness protection measures, access to materials, disclosure, changes in classification of documents and requests for compensation and assignment of counsel. Having that in mind, i.e. the fact that the Mechanism is just an extension and a successor of ICTY, Croatia's status, role and activity remained the same in quality as in relation to ICTY.

#### Enforcement of sentences

Croatia has no agreement on sentence enforcement but in its laws that possibility exists.

The Republic of Croatia and ICTY have explicitly agreed on cooperation in terms of sentence enforcement, according to Croatia's Constitutional Act on the Cooperation of the Republic of Croatia with the International Criminal Tribunal. In the Act's General Provisions Article 3 stipulates that requests for cooperation or enforcement of a decision of the Tribunal shall be forwarded to the Government of the Republic of Croatia; the request for cooperation or enforcement of a decision of the Tribunal shall be granted by the Government of the Republic of Croatia if the request or decision is founded on appropriate provisions of the Statute and Rules of Procedure and Evidence of the Tribunal, and if it is not in contravention of the Constitution of the Republic of Croatia. Constitutional Act on the Cooperation Of The Republic Of Croatia With The ICTY (OG 32/96)

Law on Implementation of the Statute of the International Criminal Court and on the Prosecution of Crimes against International War and Humanitarian Law (OG 175/03, 29/04, 55/11, 125/11) , entered into force on 12th November 2003 (latest amendments entered into force on 15th November 2011), available in Croatian at <https://www.zakon.hr/z/466/Zakon-o-primjeni-statuta-me%C4%91unarodnog-kaznenog-suda-i-progonu-za-kaznena-djela--protiv-me%C4%91unarodnog-i-humanitarnog-prava>.

There was no sentence enforcement but several cases were transferred from the ICTY to Croatia. According to ICTY's website stating status of transferred cases, the following case was referred to a national jurisdiction by final decision: *Rahim Ademi and Mirko Norac (Medak pocket, Croatia)*. The case was transferred to Croatia on 1st Nov 2005. First-instance judgement before the Zagreb County Court was pronounced on 30th May 2008, acquitting Rahim Ademi of all charges and finding Mirko Norac guilty of war crimes against civilians. Norac was sentenced to 7 years' imprisonment. On 18th

Nov 2009, Croatian Supreme Court reduced Norac's sentence to 6 years' imprisonment and upheld Ademi's acquittal.

Apart from that, request for referral of cases of the accused Mile Mrkšić, Miroslav Radić, Veselin Šljivančanin for crimes committed in Vukovar, Croatia to Croatia or Serbia and Montenegro was withdrawn on 30th June 2005. On 27th September 2007, Mrkšić and Šljivančanin were sentenced by the ICTY to 20 and five years' imprisonment, respectively. Radić was acquitted of all charges (first instance). On 5th May 2009, ICTY Appeals Chamber upheld Mrkšić sentence and increased sentence against Šljivančanin from five to 17 years' imprisonment. On 14th July 2010, ICTY Appeals Chamber granted Šljivančanin's request for review of the appeal judgment. On 8th Dec 2010, a review judgment was rendered reducing his sentence to 10 years' imprisonment.

### **Foreign policy to promote international criminal justice**

Croatia is first of all a member of the UN, Council of Europe, NATO (since 2009) and the EU (since 2013). Croatia was also under jurisdiction of the ICTY and is currently a member of the ICC. One of the conditions for acceding to the EU was full cooperation with the ICTY and fair prosecutions of war criminals domestically. Croatia was constantly monitored by the EU, Security Council and other relevant international bodies. The foreign policy tools included training, funding and policy transfers. During the cooperation with ICTY, Croatia played an active role (see above). Moreover, in Croatia, particularly before entering EU, some of the world's most present NGOs promoting human rights and criminal justice for international crimes were active (e.g., such as Open Society, Amnesty International).

### **National prosecutorial policies concerning international crimes**

Protocol on mutual cooperation of police and public prosecution in criminal matters (2011, 2021) that deals with all criminal offences including international crimes. According to the Criminal Procedure Act the prosecution of those crimes in Croatia is to be conducted ex officio. Based on that principle, the State Prosecutors' of the Republic of Croatia (DORH) continuously works on the detection and prosecution of perpetrators of war crimes committed during the Homeland War, and seeks together with other competent national authorities to collect evidence indicating the guilt of the perpetrators so to enable the prosecution of perpetrators of international crimes. Based on evidence collected, the State Prosecutors issue an indictment which is then handled by the competent courts and should eventually lead to conviction of international crimes. DORH annually publishes detailed reports on the prosecution of war crimes and indicates impediments that are specific to this type of crime (e.g. <https://dorh.hr/hr/izvjesca-o-radu/izvjesce-o-radu-drzavnih-odvjetnistava-u-2022-godini>).

### **National policies concerning victims of international crimes**

Croatian national strategies for the development always contain the approach towards the victims of international crimes but primary with the view of assisting the victims of the Homeland war. The latest strategy (until 2030) is available here: [https://narodne-novine.nn.hr/clanci/sluzbeni/2021\\_02\\_13\\_230.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2021_02_13_230.html)

Ministry of war veterans has its strategic plans for war veterans, victims and their families. The Ministry of War Veterans' Affairs on its website (<https://gov.hr/hr/zrtve-zlocina-i-nestale-osobe/336>) gives an overview of victims' rights where those rights are grouped in several categories based on events due to which persons in question are considered victims. E.g. Professional training and employment program for Croatian veterans and children of dead, detained or missing Croatian veterans; National program of psychosocial and health assistance to participants and to the victims

of the Homeland War - Conclusion of the Government of the Republic of Croatia, disappeared civilians and marking the Places of Mass Graves of Victims of the Homeland War, Conclusion of the Government of the Republic of Croatia (Class: 564-02/00-01/03, Registration number: 5030104-00-4) Memorial cemetery of the victims of the Homeland War in Vukovar, Decree on the establishment of the Public Institution "Memorial Center of the Homeland War Vukovar" (NN 54/13), Protection of Military and Civilian War Invalids, protection of victims of sexual violence during Homeland war (National plan of suppression of sexual violence and sexual harassment until 2027) etc.

### **Special domestic courts dealing with international crimes**

There are no special domestic courts but special Chambers at the 4 biggest courts. In the beginning of 1991, all county state attorney's offices in the territory of the Republic of Croatia prosecuted war crime cases. Over time, there have been changes to the laws that determine territorial jurisdiction that were necessary in order to concentrate on the investigation and prosecution of war crimes. Thus, the amendments to the Law on the Application of the Statute of the International Criminal Court and the Prosecution of Crimes against International War and Humanitarian Law stipulate that only the four largest County Courts (Osijek / Rijeka / Split / Zagreb) will have jurisdiction and thus the four largest County attorneys at their headquarters where special War Crimes Departments have been established. Cases have been transferred to specialized Chambers of mentioned courts and state attorney's offices for war crimes. On 17 January 2012, the State Attorney's Office of the Republic of Croatia issued a General Instruction on Work on War Crimes, which enables the referral to work of other state attorneys who have experience in working on war crimes cases in those attorney's offices. Law on the Application of the Statute of the International Criminal Court and Prosecution for Criminal Offenses against International War and Humanitarian Law - Amendments to the law enabled a different organization in the work on these cases and created the so-called "Verticals" for more efficient work on war crimes cases so that a system is established:

- - special departments for work in war crimes cases have been established 2003 in the Police Administrations in the seats of specialized county courts, four County Courts (Osijek / Rijeka / Split / Zagreb) have been designated as having real jurisdiction over war crimes cases, and special departments have been set up in these courts in which chambers composed of professional judges act
- in the specialized County State's Attorney's Offices in Osijek, Rijeka, Split and Zagreb, War Crimes Departments have been established, in which deputies with the experience and knowledge in working on these cases are appointed.

Such an organization enabled the concentration of work, reduced difficulties in communication and achieved the necessary specialization, which had a positive effect on the efficiency of work in these cases.

### **State institutions supporting victims of international crimes**

Croatia adopted a Law on Witness Protection in October 2003 (Zakon o zaštiti svjedoka, NN 163/03, 18/11, 73/17, the unofficial english translation of the first version of the Act available at: [http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation\\_Witness-protection-Act.pdf](http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation_Witness-protection-Act.pdf), <https://www.icty.org/en/outreach/capacity-building/development-local-judiciaries>), and a Department for Support to Witnesses and Participants in War Crimes Proceedings was formed in 2005 within the Ministry of Justice. The Department has its offices within 13 county courts but there are number of NGOs with whom the Department cooperates, all available here: <https://mpu.gov.hr/opcenite-informacije/27186>



## NGOs working in relation to international crimes in general

- Documenta (<https://documenta.hr/en/about-documenta/>)  
Centre for Peace, Non-Violence and Human Rights Osijek, Centre for Peace Studies, Civic Committee for Human Rights and Croatian Helsinki Committee decided to found Documenta – Centre for Dealing with the Past in an attempt to encourage the process of dealing with the past and establishing factual truth about the war and to contribute to shifting of the discussion from the level of dispute over facts (the number of killed people, etc.) towards a dialogue on interpretations. The key reason for making this attempt was the silence about and falsification of war crimes and other war-related events in the period from 1941 to 2000, which has influenced the recent past of Yugoslavia, as well as post-Yugoslav societies. Since its establishment Documenta has contributed to the development of individual and social process of dealing with the past, in order to build sustainable peace in Croatia and the region by deepening the dialogue and initiating a public debate on public policies that encourage dealing with the past, collecting data, publishing research on war events, war crimes and violations of human rights, and monitoring war crimes trials at the local and regional level as a contribution to the improvement of court standards and practices in the war crimes trials. Since 2006 Documenta is working on building and strengthening regional coalition of civil society organizations from post-Yugoslav countries, advocating the establishment of Regional Commission for establishing the facts upon conflicts in the region (RECOM).
- Zagreb Human Rights House (Member of the Human Rights House Network, <https://www.kucaljudskihprava.hr/>)  
It is a network of eight civil society organizations founded in 2008 by six of those organizations with the aim of protecting and promoting human rights and fundamental freedoms. Its goal is to achieve a free, open, pluralistic, democratic, equal and inclusive society based on respect, protection and promotion of the highest standards and norms of human rights and freedoms. To this end, the House engages in research, monitoring, advocacy and education in accordance with international and regional human rights instruments of the United Nations and the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social and Cultural rights, the European Convention on Human Rights and Fundamental Freedoms and the European Social Charter (revised).

## NGOs working in relation to victims or perpetrators of international crimes

Bearing in mind the relatively recent Homeland War and its aftermath, especially regarding the issue of the large number of missing persons, there are many NGOs related specifically to victims of international crimes committed during that period of time (usually addressing the Homeland War veterans at the same time as well). Apart from those NGOs, there are also NGOs focusing on issues of the victims of the 2nd World War in Croatia, so there are today about 600 active NGOs focusing on victims of international crimes in Croatia according to the Registry of NGOs in Croatia (Registry of NGOs in Croatia is available in Croatian at: <https://registri.uprava.hr/#!udruga>), which is why, in order to keep this survey comprehensible, the most relevant NGOs and INGOs will be listed below.

For better understanding, it is also noteworthy that such NGOs can be found in almost every Croatian city and town, as NGOs addressing issues and persons at the local level, followed by a bigger NGO (usually named as “union of the NGOs”) at the county level, coordinating the local NGOs and addressing those issues and persons at the county level, and finally there is usually one NGO at

the state level, as the state's main and most prominent NGO focusing on the issues and persons in question and coordinating activities of the county level NGOs.

- **Association of Holocaust Survivors in Croatia**  
The Association was founded with the task of bringing together Holocaust survivors, representing their interests and helping them exercise their rights. The association is a member of international organizations that bring together Holocaust survivors (World Federation of Jewish child survivors of the Holocaust and descendants (WFJCSHD, New York) and the European Association of Holocaust survivors (EUAS, Amsterdam). The association represents the interests of all Jewish Holocaust Survivors now living in Europe and preserves the memory of the six million Jews murdered by the Nazis and their collaborators. URL: <https://preho.hr/UdrugaHolokaust.aspx>. Croatia is also a member of the International Holocaust Remembrance Alliance (IHRA), that consists of representatives of 33 governments and NGOs with the aim of encouraging activities in Holocaust education, remembrance and research in Member States and other countries, and in providing political support to these activities in national and international contexts. URL: <https://preho.hr/UdrugaHolokaust.aspx>
- **Croatian Association of Survivors of Serbian Concentration Camps**  
The association encourages, assists and develops activities in preserving the memory of events related to detention in Serbian concentration camps during the Homeland War. The association engages in, amongst other, participation in the state's other institutions' work in searching for and punishment of war criminals; providing conditions for active participation of the former detainees in the Serbian concentration camps in all forms of social and political life; promotion of physical well-being of the detainees; cooperation with state bodies of the Republic of Croatia in finding the detained and forcibly abducted Croatian veterans and citizens of the Republic of Croatia; connecting and cooperating with foreign associations of detainees as well as with domestic and foreign humanitarian organizations and organizations for the protection of freedoms and human rights. URL: <https://www.hdlskl.hr/>
- **Union of Associations of Families of the Detained and Missing Croatian Veterans**  
The Union was established in order to organize and coordinate joint activities of such associations at the local and county level, as a contribution to accelerating and improving the process of resolving the issue of detained and missing Croatian war veterans, promoting and protecting the rights and interests, position and quality of life of family members of missing Croatian war veterans. URL: <http://suoznhb.hr/primjer-stranice/>
- **Foundation "Sunčica", Foundation for Homeland War Rape Victims**  
According to Article 2 of the Statute of the Foundation "Sunčica", the Foundation was established for the purpose of providing material and intangible assistance to victims of war crimes of rape in the Homeland War, continuous collection of testimonies on experiences of war crimes of rape in the Homeland War and organizing forums, round tables, exhibitions, encouraging film and literary production, presenting documentary material and exhibiting works created within the program of therapies that the Foundation will implement, raising funds and providing humanitarian aid to achieve the purpose of the Foundation. " The activities of the Foundation and its predecessors contributed to the adoption of the Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War, which was voted in the Croatian Parliament on May 29, 2015. The Foundation offers legal and psychological assistance – "I am more than my trauma" is a systematic - integrative program to help people who have been victims of war rape and

abuse. The program is entirely focused on strengthening and strengthening the health of users, developing a better relationship with themselves and their bodies, developing self-esteem, self-awareness and self-responsibility, better communication with the environment and quality participation in community life. URL: <https://zakladasuncica.hr/>

- Documenta - Centre for Dealing with the Past  
Centre for Peace, Non-Violence and Human Rights Osijek, Centre for Peace Studies, Civic Committee for Human Rights and Croatian Helsinki Committee decided to found Documenta in an attempt to encourage the process of dealing with the past and establishing factual truth about the war and to contribute to shifting of the discussion from the level of dispute over facts (the number of killed people, etc.) towards a dialogue on interpretations. The key reason for its founding was the silence about and falsification of war crimes and other war-related events in the period from 1941 to 2000, which has influenced the recent past of Yugoslavia, as well as post-Yugoslav societies. initiating a public debate on public policies that encourage dealing with the past, collecting data, publishing research on war events, war crimes and violations of human rights, and monitoring war crimes trials at the local and regional level as a contribution to the improvement of court standards and practices in the war crimes trials. In order to achieve its goals, Documenta cooperates with its founding organizations, associations of families of the missing people, other civic initiatives, governmental institutions, international institutions and organizations, institutions of state and local government, academic institutions, religious groups, the media, and other interested individuals. URL: <https://documenta.hr/en/>
- Association of Patriotic War Volunteers and Veterans of the Republic of Croatia  
The Association was founded in order to facilitate the return of Croatian veterans to post-war regular life, help the families of Croatian Homeland War veterans and preserve all memories of the war days. Its goals are achieved through the acquisition of status and representation of Croatian volunteers and war veterans, assistance in psychosocial reintegration through the Centres for Croatian Veterans and their families, encouragement of cooperation with Croatian state bodies as well as development of veteran legislation and state institutions which take care of the realization of the rights of veterans and victims of the Homeland War. URL: <http://www.udvdr.hr/>
- Association of Disabled Homeland War Veterans  
The association's focus is the social and legal protection of the disabled Homeland War veterans by participating and supporting the work of state institutions of the Republic of Croatia on a consistent basis, implementing the provisions of all laws and bylaws regulating the status and the rights of the disabled Homeland War veterans, taking care of their adequate employment and physical well-being as well as coordinating activities of the county associations of disabled Homeland War Veterans. URL: <https://hvidra.hr/>
- Association of Bosniak Homeland War Veterans  
The Association focuses on issues related to the Bosniak Homeland War Veterans (and victims) in Croatia, but has no official website.

There are no NGOs working specifically on issues related to perpetrators of international crimes, but there are many NGOs focusing on issues related specifically to the members of the Croatian armed forces, i.e. Homeland War veterans so in cases where some of them were convicted of committing an international crime. The NGOs in question do not focus on perpetrators and issues related to them, but rather on the veterans that ended up as e.g. wounded, as victims of the Serbian aggression in general. That is so mostly because the vast majority of those persons are in need of physical and mental support at dealing with the experiences and memories from the war time.

Please see previously mentioned NGOs concerning victims associations and general issues related to international crimes.

## **Museums related to international crimes**

### Museums of the Homeland War (selected examples)

- Karlovac (Turanj)  
The museum features a Memorial Room of the Karlovac Defenders from the Homeland War, as well as the permanent exhibition Karlovac 1991 – 1995, dedicated to life in the city of Karlovac and the Karlovac battlefield during the Homeland War. URL: <http://www.gmk.hr/About%20us/Museum%20Units/Museum%20of%20the%20Homeland%20War%20Karlovac%20-%20Turanj>
- Split  
The museum is a specialized historical museum about the Homeland War in the period from 1990 to 1995, focusing on the war events that occurred in the area from the southern slopes of Velebit to the area of the Southern Battlefield, but also featuring key events and military operations from other parts of Croatia. URL: <https://mdrus.hr/>
- Dubrovnik  
The permanent museum exhibits the course of the Homeland War in the Dubrovnik area from the beginning of the Serbian-Montenegrin aggression in 1991, the victorious exit of the Croatian Army to the internationally recognized borders of the Republic of Croatia and the return of refugees and displaced persons to the temporarily occupied areas until the end of the 1995 war. URL: <https://mdrd.hr/>
- Vukovar: The Memorial Centre Homeland war Vukovar  
With its activities, the public institution preserves the memory of the Homeland War and the Battle for Vukovar, and with its memorial, scientific-educational, touristic and international activities, it connects Vukovar's past and future. Preserving memories is vital for better understanding the context of past events and learning from them in order to fight for human dignity and social justice. The institution's activities, in addition to educational ones, include commemoration, documentation and research. URL: <https://www.mcdrvu.hr/>

### Other related museums

- The Place of Memory - Vukovar Hospital  
During the siege of Vukovar, the Vukovar Hospital was under constant enemy fire, despite a large red cross on the roof of the hospital which signaled to the enemy aviation that it was a place protected by the Geneva Conventions. Nevertheless, during the three-month siege of the town, missiles fell daily on the hospital and its surroundings. Medical staff moved the patients to the basement of the hospital where doctors worked in inadequate conditions and without the necessary medical equipment. On 20 November 1991 JNA members stopped international observers in the city center, during which time more than 260 people were taken from the hospital and killed at Ovcara farm or some other location, and many of them are still missing. Today in the basement of the hospital visitors can see a multimedia presentation of the hospital during the siege of Vukovar and a faithful reconstruction of the basement during the siege of the town. URL: [https://www.mcdrvu.hr/en/portfolio\\_page/the-place-of-memory-vukovar-hospital/](https://www.mcdrvu.hr/en/portfolio_page/the-place-of-memory-vukovar-hospital/)
- Military and War History Museum in Pakrac  
The museum features the military and the events occurred on the ground of today's Republic of Croatia throughout all historical periods, from the Templars, the Turkish conquests, Trenk's cops, the First and Second World War, the period between 1945-1991 as

well as the Homeland War and the modern Croatian Army, which are of the biggest significance. URL: <https://www.mdc.hr/hr/mdc/zbirke-fondovi/fototeka/muzej-vojne-i-ratne-povijesti-pakrac> & <https://web.facebook.com/mvrp.pakrac/?rdc=1&rdm=1>

- Image of War – War Photography Museum in Zagreb  
The main idea behind the museum is that wars belong in museums. The museum exhibits photographs taken by world-renowned photographers, as well as photographs taken by ordinary people. Founders believe that war needs to be observed from various perspectives in order to understand its destructive nature. The opening exhibition covers the period of war in Croatia from 1991 to 1995. URL: <http://imageofwar.hr>
- The Military Museum of the Ministry of Defense of the Republic of Croatia: The museum was established in 1997 as an independent unit within that ministry. The holdings of the Museum were mainly created by collecting material from the Ministry of Defense and the General Staff of the Armed Forces of the Republic of Croatia, and part of the items reached the Museum through donations and redemptions. Those materials include material from the battlefield, as well as various items related to the activities, organization and promotion of the army mostly from the Homeland War but also some material related to the military history of the 20th century in this area. The museum does not have a permanent exhibition, but organizes thematic exhibitions indoors and outdoors. He sets up an average of three to four exhibitions a year. Exhibitions are set up in military spaces throughout Croatia, but also in various museum spaces. The museum does not have its URL, but important information can be found at <https://hvm.mdc.hr/vojni-muzej-morh-a,770:ZAG/hr/info/>

## Memorials for international crimes

- War crimes and crimes against humanity – Jasenovac Memorial Site and Educational Centre: Jasenovac Memorial Site is in the immediate vicinity of the former Jasenovac concentration camp, and its activities include compiling, researching, scientifically processing, preserving and exhibiting the museum buildings and documents on how the Jasenovac Ustasha camp system operated as well as organising commemorative events in honour of the Jasenovac victims. URL: <http://www.jusp-jasenovac.hr/Default.aspx?sid=6468>
- Genocide – The Roma Memorial Centre Uštica: The Jasenovac Concentration Camp consisted of more camps, one of which was the Uštica camp, in the village Uštica near Jasenovac, where Roma were killed or deported to the Jasenovac concentration camp. On the occasion of marking the International Day of Remembrance for Roma Victims of Genocide in 2nd World War, a Roma Memorial Centre was opened in Uštica. Within the Memorial Center there is a Roma cemetery with 21 mass graves, in which around 17,000 bodies were found. URL: <https://rmcu.hr/?lang=en>
- War crimes and crimes against humanity – Memorial Home Ovčara: The Memorial Home Ovčara preserves the memory of more than 200 wounded Croatian defenders and civilians which were taken from the Vukovar hospital, imprisoned and tortured in the former hangar, which served as a warehouse for agricultural machinery in peacetime and was transformed into a concentration camp for non-Serbs from Vukovar and the surrounding area. Ovčara is remembered in the modern Croatian history as the site of the greatest war crime in the Homeland War. URL: [https://www.mcdrvu.hr/en/portfolio\\_page/the-memorial-home-ovcara/](https://www.mcdrvu.hr/en/portfolio_page/the-memorial-home-ovcara/)

## Minor war crimes memorials for specific victims

Apart from the more well-known memorials (see above), it is also usual in Croatia to see a small memorial in towns dedicated mostly to the victims (and/or the military) of the world wars (mostly of the 2nd world war) and of the Homeland War. Also see:

- Victims of war crimes and crimes against humanity - Monument to the Fallen Croatian Soldiers in the First World War 1914-1918 - located in the Zagreb cemetery Mirogoj, erected in 1999.

## Mnemonic activities (e.g. memorial days and events)

The commemorative culture in Croatia is primarily defined by three categories: - those commemorating the anti-fascist struggle and victims of fascism and Ustaše movement - those commemorating the victims of communist repression - those commemorating the battles and victims of the Homeland war

Not exhaustive list:

- August 5 - Day of Victory and Homeland Gratitude and Day of Croatian Veterans

In accordance with the provisions of the Act on Holidays, Memorial Days and Non-Working Days in the Republic of Croatia, August 5th is the Day of Victory and Patriotic Gratitude and the Day of Croatian Veterans. It is a holiday when Croatia remembers August 5, 1995, when the city of Knin was liberated in the military operation "Storm". August 5 was celebrated as a national holiday - the Day of Victory and Patriotic Gratitude - from 1996 to 2008. With the amendments to the Act on Holidays, Memorial Days and Non-Working Days in the Republic of Croatia from May 15, 2008, the new name of the holiday is the Day of Victory and Homeland Gratitude and the Day of Croatian Veterans.- 18th November – Homeland War Victims Remembrance Day & Vukovar and Škabrnja Victims Remembrance Day – Annual Vukovar Remembrance Procession: The procession is held in order to commemorate the victims of the Homeland War. The 5.5 kilometres walk, led by the Croatian defenders of Vukovar, starts in front of the Vukovar General County Hospital and the Croatian Veterans Hospital, continuing its way through the streets of Vukovar towards the Memorial Cemetery for Homeland War Victims, where the participants lay roses at the resting places of the killed veterans and civilians, and the delegations pay tribute to the victims of Vukovar by laying wreaths and candles in front of the Memorial to the victims of the Homeland War. According to the newest provisions of the Law on Holidays, Memorials and Non-working Days in the Republic of Croatia, as of 2020, 18th November is a national holiday.
- 23rd August – Jazovka pit: On the occasion of the European Day of Remembrance for the Victims of All Totalitarian and Authoritarian Regimes, the Commission of the Government of the Republic of Croatia for Research, Arrangement and Maintenance of Military Cemeteries, World War II and Postwar Cemeteries and the Ministry of Veterans' Affairs of the Republic of Croatia organize a commemoration for those killed in the Jazovka pit near Žumberak and in the Jadovno concentration camp near Gospić (mentioned below).
- 23rd August – Jadovno camp: As mentioned above, on the occasion of the European Day of Remembrance for the Victims of All Totalitarian and Authoritarian Regimes, a commemoration is being held in Jadovno as well. It is the Ustasha camp which existed during 1941 and 1942, in which Serbs, Jews, Roma and Croatian communists and anti-fascists were killed.
- Mid-May (Sunday closest to 15th May) – The Way of the Cross (Križni put) in Bleiburg: Bleiburg, the Austrian town on the border with Slovenia where the armed forces of the Independent State of Croatia (NDH – Nezavisna Država Hrvatska) surrendered and were handed over to Tito's Partisans, symbolizes both communist crimes at the end of the Second World War and the legacy of communist authoritarianism more generally.
- 22nd April 2021 – Jasenovac Remembrance Day – The 22nd April was chosen as a day to remember that date of 1945, when a group of about 800 detainees set out to break free from the Jasenovac Concentration Camp, but only a hundred of them survived the flight.
- 22nd June – Anti-Fascist Struggle Day, Brezovica

forest (near Sisak) – According to the provisions of the Law on Holidays, Memorials and Non-working Days in the Republic of Croatia, since 2002 Croatia has been celebrating the 22nd of June as a holiday - the Day of the Anti-Fascist Struggle. The day is marked in memory of the 22nd of June 1941, when the First Sisak Partisan Detachment was founded in the Brezovica forest near Sisak. It was the first anti-fascist unit not only in Croatia, but also in this part of Europe.

## Related cultural activities

### Film

A number of movies were filmed on the topics of World War II in former Yugoslavia and on the Homeland war. The list is not exhaustive:

*Harrison's Flowers* by Elie Chouraqui is a 2000 film starring, among others, Andie MacDowell, Elias Koteas, Brendan Gleeson, Adrien Brody, Marie Trintignant, Gerard Butler, and David Strathairn. Harrison Lloyd, a Pulitzer Prize-winning Newsweek photojournalist, travels on his last assignment to the dissolving Yugoslavia in 1991, during the Croatian War of Independence. While there, he is presumed to have been killed in a building collapse. His wife travels to the region to find him, believing him to be in the city of Vukovar. Travelling through the war-torn landscape, she arrives in the city, and bears witness to the massacre which took place there. Back home, Harrison's son Cesar cares for his father's flowers in their greenhouse. –

*Quo vadis, Aida?* by Jasmila Žbanić. Aida is a translator for the UN in the small town of Srebrenica (BiH). When the Serbian army takes over the town, her family is among the thousands of citizens looking for shelter in the UN camp.

*Battle of Neretva*, a 1969 Yugoslavian epic partisan film made in 1969. Written by Stevan Bulajić and Veljko Bulajić, and directed by Veljko Bulajić, it is based on the true events of World War II. *Battle of Neretva* is the most expensive motion picture made in the SFR Yugoslavia. It was nominated for the Academy Award for Best Foreign Language Film. One of the original posters for the English version of the movie was made by Pablo Picasso, which, according to Bulajić, the famous painter agreed to do without payment, only requesting a case of the best Yugoslav wines.

*Sunčica*, documentary (2014), director: Nikola Knez, based on the book of the same name, brings the shocking testimonies of 14 women and two men who were raped during the aggression and occupation of parts of Croatia in the Homeland War.

*Crnci* (2006.), Goran Dević and Zvonimir Jurić: It reflects some events in Homeland war and shows that also those participate in defence war commit crimes. A city under siege. An armistice has just been declared, and the "Blacks" platoon, which has been doing dirty work, should be disbanded. Ivo, the platoon commander who lost three of his members, is preparing an action to retrieve their bodies from the forest where they died and, despite the truce, an action to sink the dam, which will cause great damage to the enemy. The surviving members of the platoon, each tormented by their own personal guilt and dilemmas, go into action. In the action, which takes place in the forest, the enemy they are looking for will be found where they least expected - within themselves. –

*Kako je počeo rat na mom otoku* (1996), director: Viktor Brešan, approaches the serious topic of the Homeland war with humor and irony

*General* (2019), director: Antun Vrdoljak- the movie based on the life of retired general of Croatian army during the Homeland war who was acquitted in front of the ICTY

## Literature

There is a vast amount of literature, photography and fine arts, dealing with topics surrounding II World war and the Homeland war and other international or regional armed conflicts throughout history. To mention just a few:

- Ivana Bodrožić, *Hotel Zagorje* (2010), In the summer of 1991, a nine-year-old girl leaves Vukovar, leaving her parents in the city where the war begins. The novel "Hotel Zagorje" is the story of her growing up during seven years of exile, of the constant struggle for a few square meters where she will live with her mother and brother, of the constant expectation of news about her father.
- Slavenka Drakulić (1992) *How we survived Communism and Even Laughed* - This essay collection draws back the Iron Curtain for a glimpse at the lives of Eastern European women under Communist regimes. -
- *Doba mjedi* (unofficial translation: *Brass Age*) by Slobodan Šnajder. Maria Theresa's envoys travel to the regions of Swabia, whose population is suffering from hunger, to convince the people there to move to the sparsely settled regions of her empire. They succeed and convince Kempf to go to "Transylvania". More than 150 years later, another set of envoys comes again to bring the so-called ethnic Germans back to the Reich and to recruit them for the Waffen SS. The poet, Georg Kempf, is sent to the Eastern Front, deserts and returns to Yugoslavia after the end of the war – luckily enough the Russians attest in writing that he had fought "for the right cause". An epic tale about the extremes of the 20th century, exemplified by the fate of several generations of one family.
- *Nestali u stoljeću* (unofficial translation: *Disappeared in the Century*) by Ivan Lovrenović, a novel about war victims and soldiers who went missing during the wars and war crimes in the 20th century.
- *The Death of Vronsky* is a historical novel written by Croatian writer Nedjeljko Fabrio, and was laid out as the fictional Part Nine of *Anna Karenina*. Fabrio "interpolates" Russian Count Aleksey Vronsky, fictional character, a handsome young army officer, into the Croatian war of independence (the 1991-1995 Homeland War). Vronsky joined Serbian volunteers who were members of the occupying army (JNA). The aggression against Croatia was presented in this novel from the perspective of Vronsky, that is from the point of view of the occupying forces. This also helps readers to get an insight into how the military aggression against Croatia had been planned and the mind-set of the occupying forces.

## Photography

- Photos taken by Pavo Urban in Dubrovnik. Part of his work, including a series of 12 photos of war destruction in Dubrovnik he took just before he was killed, is now part of the collection of the Museum of Modern Art in Dubrovnik.

## Fine arts, sculptures, monuments

- *Stone Flower*: a monument to the victims of Croatian Ustaša genocide of the Serbs during 2nd World War in Jasenovac. Designed by Bogdan Bogdanović and unveiled in 1966.
- *Festival of Tolerance - JFF Zagreb* is an annual cultural event and educational platform, and through its rich programme, film screenings, educational workshops, music events, thematic exhibitions, Festival Market, presentations of books and street art events, it educates about the Holocaust and clearly speaks about the various problems of modern society, striving towards a developed tolerant society.



## Recommended media sources

- HINA, <https://www.hina.hr/>
- N1, <https://n1info.hr/>
- Balkaninsight, <https://balkaninsight.com/>
- Portal Index, [www.index.hr](http://www.index.hr)
- Jutarnji list, [www.jutarnj.hr](http://www.jutarnj.hr)
- Portal Novosti, [www.portalnovosti.com](http://www.portalnovosti.com)
- Večernji list, [www.vecernji.hr](http://www.vecernji.hr)
- Nova TV, [www.dnevnik.hr](http://www.dnevnik.hr)
- Hrvatski radio, <https://radio.hrt.hr/>

## **Democratic Republic of the Congo**

*Samuel Matsiko\*, November 2020*

### **Domestic laws criminalising international crimes**

Law no 15/024 of 31 December 2015 modifying and completing the Decree of 6 August 1959, comprising the Code of Criminal Procedure.

Law no 15/023 of 31 December 2015 modifying Law no 024-2002 of 18 November 2002 comprising the Military Criminal Code

Available at <https://www.legal-tools.org/doc/bddada/>.

### **Specific laws relating to perpetrators of international crimes**

Articles 221-223 of Law no 15/022 of 31 December 2015 modifying and completing the Decree of 30 January 1940 comprising the Criminal Code.

### **Specific laws relating to victims of international crimes**

Article 74bis, 172 and 174(e) of the Criminal Code

2006 Law on Sexual violence amending the Criminal Procedure Code

### **Specific laws regulating speech with regards to international crimes**

Articles 21bis(5), 221 and 224 of Law no 15/022 of 31 December 2015 modifying and completing the Decree of 30 January 1940 comprising the Criminal Code.

### **Significant parliamentary discussions on international criminal justice**

Since the holding of the first multi-party and free parliamentary elections in the Democratic Republic of the Congo (DRC) in 2006, PGA started to work in the bicameral Parliament (Chamber and Senate) and Provincial Assemblies of the DRC, where PGA built a vibrant National group around the policy-goal of fighting impunity. Upon request of its broad multiparty membership, PGA launched a parliamentary initiative to create and reinforce political will on complementarity in support of the fight against impunity through genuine domestic investigations and prosecutions. On 10 December 2015, the Congress of the Democratic Republic of the Congo (DRC), constituted of the National Assembly and the Senate, finally adopted the Law implementing the Rome Statute of the ICC. The National Assembly of the DRC had unanimously voted for the adoption of this bill on 2 June 2015. On 2 November 2015, only a few months later thanks to the great mobilisation of PGA Members, the Senate quasi-unanimously adopted the bill as well, with a few amendments. This final adoption follows the meeting and examination of the bill by the Joint Parliamentary Committee of the National Assembly and the Senate which found an agreement on the final text of the bill. On 2 January 2016, President Kabila promulgated the Law, thus completing the implementation process in DRC. Link to parliamentary records and legislation <https://www.pgaction.org/news/pga-welcomes-enactment-drc-implementing.html>

### **Laws relating to the implementation of the Rome Statute**

- Law no 15/022 of 31 December 2015 modifying and completing the Decree of 30 January 1940 comprising the Criminal Code
- Law no 15/023 of 31 December 2015 modifying Law n° 024-2002 of 18 November 2002 comprising the Military Criminal Code
- Law no 15/024 of 31 December 2015 modifying and completing the Decree of 6 August 1959 comprising the Code of Criminal Procedure

### **Media interest in enforcement of international sentences**

Focus of media interest was on *ne bis in idem* (double jeopardy) and on the death penalty in DRC.

### **National prosecutorial policies concerning international crimes**

United Nations Organization Stabilization Mission in DRC (MONUSCO) Prosecution Support Cells

MONUSCO introduced Prosecution Support Cells in 2011, with the aim of the programme being “to support investigations and prosecutions relating to the commission of serious crimes within the jurisdiction of military courts, including crimes listed in the ICC Statute.

### **National policies concerning victims of international crimes**

2006 Law on Sexual violence amending the Criminal Procedure Code (as above)

### **Special domestic courts dealing with international crimes**

- Military courts
- Mobile courts (2004)
- MONUSCO’s Prosecution Support Cells (2011)

### **NGOs working in relation to international crimes in general**

- International Bar Association
- UNDP
- Parliamentary Action Group

## **Denmark**

*Mikkel Jarle Christensen\*, Sumaya Ghiasi, Caroline Hronum, Toke Andersson Dalsgaard Nielsen and Joseph Bernasol, June 2023*

### **Specific laws relating to perpetrators of international crimes**

- The Danish Code of Judicial Procedure Art. 807f regarding financing of terrorism (Retsplejeloven) § 807f om finansiering af terror  
<https://www.retsinformation.dk/eli/lta/2020/1445>
- The Danish Code of Judicial Procedure (Retsplejeloven) Art. 786, para 4-7  
<https://www.retsinformation.dk/eli/lta/2020/1445>
- Danish Criminal Law No. 378, Art. 114, also known as “the article on terrorism”  
<https://www.retsinformation.dk/eli/lta/2020/1650>
- Law regarding prosecution of war crimes committed in the former Yugoslavia, law no. 1099  
<https://www.retsinformation.dk/eli/lta/1994/1099>
- Danish Genocide law (Folkedrabsloven/lov om straf for folkedrab), law no. 132, 1955-04-29  
<https://www.retsinformation.dk/eli/lta/1955/132>
- For attempts to commit genocide and for accomplices in the act of committing genocide, the perpetrator will be prosecuted based on the laws of the ordinary criminal laws/codes (straffeloven) chapter 4, Articles 21-24.  
<https://www.retsinformation.dk/eli/lta/2020/1650>

### **Specific laws relating to perpetrators of international crimes**

- Danish Genocide law (Folkedrabsloven/lov om straf for folkedrab), law no. 132, 1955-04-29  
<https://www.retsinformation.dk/eli/lta/1955/132>
- For attempts to commit genocide and for accomplices in the act of committing genocide, the perpetrator will be prosecuted based on the laws of the ordinary criminal law’s (straffeloven) chapter 4  
<https://www.retsinformation.dk/eli/lta/2020/1650> Articles 21-24
- Prosecution of war crimes committed in the former Yugoslavia, law no. 1099, 1994-12-21, Art. 2  
<https://www.retsinformation.dk/eli/lta/1994/1099>

### **Specific laws relating to victims of international crimes**

The specific laws are EU-legislation, which Denmark has implemented and ratified thereby making it a part of Danish legislation:

- EUC, art. 22 on the basis of race, ethnicity, cultural, religious etc. grounds
- EUC, Art. 23 about women
- EUC, Art. 24, about children
- EUC, art. 25 about senior citizens
- EUC art. 26, about people with disabilities.

### **Significant parliamentary discussions on international criminal justice**

All the meetings from 1st of January 1990 – 1st of January 2018 from the official website of the Danish Government did not match any of the search words “terrorism”, “crimes against humanity”, “war crimes”, “international crime” etc. <https://www.folketingstidende.dk/da/emner>

The debate on the creation of the Danish Centre for Holocaust and Genocide Studies  
<https://www.folketingstidende.dk/samling/19991/lovforslag/L164/index.htm>

## Discussion and implementation of law on the ICC

This law primarily concerns the role of the Minister of Justice in regard to the ICC and how the regulations of the Rome Statute should be implemented and the Minister of Justice's prerogatives in this regard.

- Proposition of new law set forth on the 4th of October 2000
- First vote in government – meeting 13, 2nd of November 2000
- Second vote in government – meeting 76, 4th of April 2001
- Third vote in government – meeting 87, 3rd of May 2001

<https://www.folketingstidende.dk/samling/20001/lovforslag/L20/index.htm>

## Discussion and implementation process of the changes to the Rome Statute, known as the Kampala-changes, June 2017

This specifically has to do with proposed changes to the Danish Government's decision to ratify the changes made to the Rome Statute, which the ICC adopted during their review conference in 2010 in Kampala.

- Proposition of changes set forth on the 13th of January 2017
- First vote in government, 24th of March 2017 (100 lines of speech from the proposer of ratification; 320 lines of discussion)
- Sent to selected government committee, 24th of March 2017
- Report Submitted, 6th of June 2017

<https://www.ft.dk/samling/20161/beslutningsforslag/B50/tidsplan.htm>

<https://www.ft.dk/samling/20161/beslutningsforslag/b50/beh1-73/forhandling.htm>

## Laws relating to the implementation of the Rome Statute

Law on the International Criminal Court (Lov om Den International Straffedomstol), law no. 342, 16th of May 2001.

<https://www.retsinformation.dk/eli/lt/2001/342>

## Nature of support for international courts

Denmark has provided financial support to:

- International Criminal Court
- International Criminal Tribunal for Rwanda
- International Criminal Tribunal for Yugoslavia
- UN Residual Mechanism for Criminal Trials

## Enforcement of Sentences (and public discussions of these)

Article 103 of the Rome Statute of the ICC states that a "sentence of imprisonment shall be served in a State designated by the Court from a list of States which have indicated to the Court their willingness to accept sentenced persons."

Denmark has entered into this agreement with the ICC:

<https://www.icc-cpi.int/NR/rdonlyres/D9462230-4163-4747-BC7C-CB0141C5004B/284720/SentencingagreementwithDenmarkEng.pdf>

The Danish State has also entered into an agreement with the ICTY to become a host state for the sentenced criminals, i.e., letting them serve their sentences in Danish prison facilities. The Danish

State entered into this agreement on the 21st of December, 1994:

<https://www.icty.org/sid/137>

[https://www.icty.org/x/file/Legal%20Library/Member\\_States\\_Cooperation/implementation\\_legislation\\_denmark\\_1994\\_en.pdf](https://www.icty.org/x/file/Legal%20Library/Member_States_Cooperation/implementation_legislation_denmark_1994_en.pdf)

In the case of Charles Taylor, but not of others, there was significant public discussion over the enforcement of sentence. Taylor, the former president in Liberia had committed a series of crimes against humanity resulting in the death of more than 100.000 people over the course of a little more than a decade. In relation to his trial before the Special Court for Sierra Leone, the Court required a host country to provide prison facilities if Taylor were to be convicted of any of the allegations against him. This sparked a debate of whether Denmark could be forced to host Taylor in the case of a conviction., When formally asked by the UN, the Danish Minister of Foreign Affairs at the time (Per Stig Møller) declined the UN's request on the basis that Denmark had already hosted, and was still hosting, perpetrators of international crimes who had their trial before the ICTY and therefore asked the SCSL to find an alternative host State. This in turn postponed the trial, because a trial cannot proceed before a host State has been found. Upon conviction, Taylor was imprisoned in the UK

<https://www.dr.dk/nyheder/indland/dansk-nej-til-huse-charles-taylor>

<https://www.berlingske.dk/samfund/danmark-bedt-om-huse-charles-taylor-0>

<https://www.berlingske.dk/samfund/k-danmark-klar-til-taylor-1>

### **National prosecutorial policies concerning international crimes**

One regarding punishment for genocide, and one about prosecution for war crimes committed in Yugoslavia, and one chapter in the Danish Criminal Law that relates to the prosecutorial process related to genocide.

- Danish Criminal Law chapter 4 (Straffeloven) covers attempts and accomplices to commit genocide.  
<https://www.retsinformation.dk/eli/lta/1955/132>
- Law regarding prosecution of war crimes committed in the former Yugoslavia, law no. 1099.  
<https://www.retsinformation.dk/eli/lta/1994/1099>
- Law nr. 117, 11th of February 2020, the Danish Extradition Law (Udleveringsloven) is a national prosecutorial law, which is used to determine whether an extradition can be made or not regarding perpetrators of crime committed outside of the territory of Denmark; this includes international crimes.

### **Special domestic courts dealing with international crimes**

Statsadvokaten for særlig økonomisk og international kriminalitet, was originally statsadvokaten for særlige internationale straffesager, but was later merged in 2012 with statsadvokaten for særlig økonomisk kriminalitet.

The Public Prosecutor for Special/particular International Crime was established in the spring of 2002; and The Public Prosecutor for Special/particular Financial and International Crime was established in 2012.

### **Situations covered by prosecutions for crimes outside territory of state**

Two cases after 1998. One man was convicted of war crimes and crimes against humanity committed in **Rwanda** in 1994 during the Rwandan Genocide. The State case did not concern itself with war crimes committed during the **Iraq war**, but rather the legality of the Danish State's Participation in the war, which is indirectly linked to the crimes committed during the war. The

Danish State was sued by a Committee and the Danish Supreme Court concluded that the Committee had no right or claim to a lawsuit due to a lack of legal interests in this particular case.

### **NGOs working in relation to international crimes in general**

Amnesty International; and Copenhagen Circle of Friends (part of Human Rights Watch)

Amnesty International: primarily focuses on human right violations and investigating violations of these rights, informing the world about misuse of power, and specific groups who are particularly disposed to having their human rights violated.

[https://amnesty.dk/stoet/bliv-medlem-af-amnesty?gclid=CjwKCAiAsaOBBhA4EiwAo0\\_AnJyP9f7wgJ-dFGnl1eMIuUm6dltUH4jfw9-J1MlgqV7yFGo7cG2yxoCcN8QAvD\\_BwE](https://amnesty.dk/stoet/bliv-medlem-af-amnesty?gclid=CjwKCAiAsaOBBhA4EiwAo0_AnJyP9f7wgJ-dFGnl1eMIuUm6dltUH4jfw9-J1MlgqV7yFGo7cG2yxoCcN8QAvD_BwE)

### **NGOs working in relation to victims or perpetrators of international crimes**

Amnesty international: Greatly focuses on the recruitment of children below the age of 15, and under international law this falls under the broader category of war crimes and crimes against humanity.

Also, Copenhagen Circle of Friends (part of Human Rights Watch)

<https://www.hrw.org/about/people/advisory-committee/copenhagen-circle-friends>

### **Memorials for international crimes**

These are memorials primarily made in remembrance of the Holocaust. In general Denmark has a lot of historical monuments/memorials in relation to WWII, and these are examples of some of the memorials in Copenhagen:

- October 1943, when the Danish Jews fled to Sweden during World War 2
- "Foden", Mineralvansgården, Tuborg Havn
- Rotunde i Mindelunden, 1947
- Tyge Hvass: Mindesten i Tuborg Havn, 1948
- Bernhard Reders: "Såret kvinde", ved Frihedsmuseet i København
- Tak til Sindal fra Israel, 1977
- Josef Salamon: Mindesmærke på Israels Plads i København, 1975
- Josef Salamon: Holocaust-monument ved synagogen i Krystalgade i København, 1989
- Theresienstadt-mindesten på Langelinie i København.

### **Memorials for specific victims**

To Remember the Jews that died during WWII:

- Thora Krogmann
- Rosa Nachemsohn
- Beile Malka Zipikoff
- Gabrielle Salmosen
- Eva Salomonsen
- Martha, Leopold and Adolf Fischermann
- Schmul Sender Jonisch
- Jacob Thalmay
- Chaim Wassermann
- Leon Abraham Ruben
- Blume Blenda Becker and Salomon Moses Becker
- Rosalie Ghalathea Salomon

- Carl Joseph Gluckstadt
- Benno Politur
- Rachel Rose Schwartz and Abraham Schwartz
- Ernst Platzko
- Pinkus Katz
- Egon Henry Johannesen
- Arthur Ascher
- Liselotte Schlachcis
- Herschel Fischel Choleva

<https://www.tv2lorry.dk/kobenhavn/i-dag-bliver-kobenhavn-en-del-af-verdens-storste-mindesmaerke-holocaust>

There are 6 other victims who have their names on little “tripping” blocks in Copenhagen, each block is located in the area, which the victim used to live in before wither being deported or passing due to Nazism. In 2020, 19 other blocks were laid in Frederiksberg. A total of 31 names. The rest of the names were not found, although there should be 31 in total, they are not listed on the website for the memorial either.

<https://www.snublesten.org/>

#### Memorials to perpetrators

One could be found, which is a memorial in Knivsbjerg in South Jutland, “Mindelunden i Knivsbjerg.” This memorial bears the names of soldiers who passed away as a result of WWII, and one name on the memorial belongs to a Danish Nazi. This sparked a debate of whether or not a name of one of the perpetrators during WWII had any place on this kind of memorial.

Another is found in Silkeborg on Eastern Jutland, “Mindestenen i Silkeborg.” The memorial bears the number of Danish volunteers that died fighting for the Nazis.

#### **Mnemonic activities (e.g. memorial days and events)**

Denmark has no official mnemonic activities relating to international crime, victims of these crimes of their perpetrators. Although some celebrate the day Denmark was liberated from German Occupation after WWII, this is not an official Memorial Day.

#### **Related cultural activities**

##### Theatre

“IF THIS IS A HUMAN” (Danish Title: “HVIS DETTE ER ET MENNESKE”), premiered in March 2019. The main Themes are The Holocaust, Genocide and bridging the gap between the events of the past and present-day people. The play is based on the accounts of holocaust-survivor, Primo Levi.

##### Film

Danish Movie: ‘The Exception’ (Danish: ‘Undtagelsen’) (2020). The movie revolves around four women working in a fictional NGO concerned with international crime: particularly the crime of genocide. The main story revolves around their interactions with one another after two of the four women receives death threats for the work they are doing, and they suspect that the death threats come from one of their recently viewed war criminals but as time goes on, they start to suspect each other of sending the death threats. This movie contains many themes, but mainly the theme of perpetrators of genocide and the psychology behind genocide, seen through the lens of adult bullying and office bullying amongst colleagues, and how antagonistic relationships can lead to genocide.



'The War' (Danish: Krigen) (2015) by Tobias Lindholm, A Danish movie concerning war crimes and war criminals, the plot revolves around a Danish military commander trying to uphold the morale and effectiveness of his unit during the Danish involvement in the war in Afghanistan.

'Foreign Fields' (Danish: På Fremmed Mark) (2000) This movie concerns a young Danish man, Jacob, who enters the UN's Peacekeeping Force in Bosnia, and meets an American Special Forces Soldier who is fed up with all the rules of war. Soon after, Jacob participates in a sneak attack on a Serbian village which is unlawful and a war crime: a military vigilante attack.

'The Unforgiven' (Same title in Danish), directed by Lars Feldballe Petersen (2017) This documentary was a joint Finish and Danish project and follows war criminal Esad Landzo, who was a prison guard during the then Republic of Yugoslavia where he committed both murder and torture. It seeks to document Esad Landzo and his meeting with some of the victims of his crimes and it seeks to show his remorse, as well as what influenced him to commit several war crimes.

'Land of Mine' (Danish: 'Under Sandet') (2015), a movie about the aftermath of World War II. It is based on actual historical events and follows the lives of German prisoners of war in Denmark, primarily young boys, who are forced to disarm over 45.000 land mines on a Danish coast in exchange for their freedom and their right to return to Germany. The prisoners also undergo a form of starvation torture during their stay at the coast, whilst disarming the land mines. Such unlawful tactics against former Nazi-soldiers were not uncommon, and the movie delves into the themes of forgiveness and human connection in the aftermath of a war.

'Milosevich on Trial' (Danish: 'Slobodan Milosevich – Præsident Under Anklage', made in collaboration with DIIS) (2017), is a Danish documentary and follows the prosecutor and advisors of Slobodan Milosevich, during Milosevich's trial from 2002-2006. Milosevich was accused of war crimes, crimes against humanity and genocide. In particular, he was a key player in the Srebrenica Massacre during the Bosnian war. The documentary portrays very clearly how difficult it is to convict war criminals of genocide and other international crimes and it also tries to portray how propaganda and prejudice against another peoples group play a key role in the rationalization of genocide in the minds of the perpetrators of genocide.

#### Literature

Danish Book of the same name 'The Exception' by Christian Jungersen (2004), which the aforementioned movie is based on.

#### Fine Arts and photography

Danish art Instalment of Pig Masks by Jens Galschiøt in 2019 with a message 'Don't Feed your Inner Beast' to protest alongside the protestors in Hong Kong.

The 76-piece photo series, 'Rwandan Genocide', by the Danish Photographer Jan Grarup, published in 2006 in his book 'Shadowland'. In his photo series Grarup captures the horrors of war and genocide.

The 132-piece photo series, 'Darfur Genocide', by the Danish Photographer Jan Grarup, published in 2009 in his book 'Darfur: A Silent Genocide'. In his photo series Grarup captures the horrors of war and genocide.

The 100-piece photo series, 'Kosovo', by the Danish Photographer Jan Grarup, published in 2006 in his book 'Shadowland'. In his photo series Grarup captures the horrors of war and war crimes as well as crimes against humanity and how these criminal acts affect normal civilians during the war in Kosovo.

## Recommended media sources

### Radio

- DR (National Radio): <https://www.dr.dk/>

### Online news, TV and podcasts

- TV2 (Owned by the State and a free source of news to all Danish citizens): <https://tv2.dk>
- Berlingske (Newspaper and online news with a view that is right to the center of Danish politics): <https://www.berlingske.dk/>
- Politiken (Newspaper and online news with a view that is slightly to the left of Danish politics): <https://politiken.dk/>
- Altinget (Online news and podcast focusing solely on Danish politics): <https://www.alinget.dk/>
- Information (Newspaper and online news with a view that is to the left of Danish politics): <https://www.information.dk>
- Kristeligt Dagblad (Newspaper and online news with a slightly Christian or 'spiritual' view on Danish society and culture): <https://www.kristeligt-dagblad.dk/>

### Online portals

- The official website of the Danish Government: <https://www.ft.dk/>
- The official website of the Danish Ministry of Foreign Affairs: <https://um.dk/>
- A website made by the Danish Ministry of Foreign Affairs: <https://denmark.dk/society-and-business/government-and-politics>

## **Georgia**

*Nika Jeiranashvili\*, November 2020*

### **Specific laws relating to perpetrators of international crimes**

Criminal Code of Georgia, Section fourteen

<https://matsne.gov.ge/en/document/view/16426?publication=209>

### **Laws relating to the implementation of the Rome Statute**

Law of Georgia on Cooperation of Georgia with the International Criminal Court

<https://matsne.gov.ge/en/document/view/12922?publication=7>

### **State institutions supporting victims of international crimes**

There used to be a ministry of internally displaced persons up until 2018 (<http://mra.gov.ge/eng/>), now the ministry's functions has moved to the Ministry of Health (<https://www.moh.gov.ge/en/>)

### **NGOs working in relation to victims or perpetrators of international crimes**

Rights Georgia

NGO established in 1998. Rights Georgia is a watchdog organization that works on protection of civic and political rights, mostly through legal aid and strategic litigation. It has a special focus on affected communities, vulnerable population, women's rights, domestic violence, discrimination. Its main activities include legal aid, litigation, advocacy, capacity building, training and awareness raising. Rights Georgia represents 265 victims at the European Court of Human Rights (ECHR) since the 2008 conflict. Amongst them are 187 males and 68 females. Age 21-78 (no children amongst the victims).

It is governed by a General Assembly (GA) which consists of 22 members of the organization. GA meets once a year; however, it delegates its powers to a 5-member Board which takes decisions on behalf of GA throughout the year. The Board elects the Executive Director of the organization for 2 years' term. The latter is the organization's external face, and is responsible for recruitment, fund-raising, financial planning and budget management.

<http://www.rights.ge/>

The International Psycho – Rehabilitation Centre for Victims of Torture, Violence and Pronounced Stress Impact (EMPATHY)

NGO established in 1996. EMPATHY focuses on combating impunity and torture. It provides multi-disciplinary assistance for victims of torture and their families. EMPATHY operates through its departments that provide clusters of activities:

1. Treatment and Rehabilitation Department (with 24 sub-contractor diagnostic and pharmacology centers, mainly in Tbilisi) provides medical and psycho–social assistance and documentation using Istanbul Protocol;
2. Legal Department provides legal assistance and strategic litigation at national and international courts (ECHR).
3. Crisis Intervention and Forensic Unit – provides community based interventions and forensic evaluation.
4. Art Studio – provides art therapy and occupational therapy for beneficiaries and their families;
5. Administrative Department with training, educational and research evaluation and communication units.

EMPATHY's approach is based on client-centered therapy, and almost all departments have close communication with affected population. It provides: medical, psychological, forensic, social, legal, occupational, and educational services.

EMPATHY is governed by the Executive Board, selected by a Conference which meets once in 3 years. The Board is headed by a President of the organization, who is the external face of the organization.

<http://empathy.ge/en/home/>

Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims – GCRT NGO established in 2000. GCRT addresses the needs of traumatized communities in Georgia and offers professional tailor-made medical, psychological, social and legal services. The majority of the people who approach GCRT for support suffer from some form of psychological trauma as a result of torture or other inhuman treatment, acts of war, domestic violence, forced migration or bereavement. A large part of GCRT's activities is directed at providing rehabilitation services to traumatized individuals, their families and communities. In addition, GCRT works on prevention and awareness rising, and provides legal counsel. The services are based on the biopsychosocial model, recognizing the impact of trauma at biological, psychological and social levels on an individual, as well as on their family and community. GCRT works with the following target groups: individuals affected by acts of war; individuals tortured by representatives of state agencies; Internally Displaced Persons (IDPs); adult and former prisoners, refugees from Chechnya; juvenile delinquents and prisoners; children and adolescents who are victims of physical, psychological or sexual abuse; family members of military and civilians missing as a result of the 90s conflict in Abkhazia and the 2008 conflict in South Ossetia; victims of domestic violence and sexual abuse.

Management structure: GCRT has a supervisory board which oversees management of the Executive Director. Apart from the Executive Director, Medical and Administrative Directors are entitled to act in the name of the organization within their respected fields.

<http://gcrt.ge>

Georgian Young Lawyers' Association (GYLA)

NGO established in 1994. Main areas of work include: Protection and promotion of human rights and freedoms, mainly civil and political rights; Monitoring and supporting democratic institution building; Monitoring the work of the judiciary and law enforcement bodies; Promotion of gender equality, prevention of domestic violence; Monitoring Elections, facilitation of free and fair electoral environment; Provision of legal education to school and university students and various professional groups. Specific activities: GYLA supports effective protection of the civil, political and social rights in Georgia through individual litigation and policy/legislative advocacy. The organization provides free legal aid to beneficiaries and advocates on their behalf. GYLA also works to change harmful practices, through awareness raising and intensive media appearance.

Management structure: GYLA is an association of approximately 800 lawyers. General Assembly annually elects the 21 members of the Board, who, in their turn, elect the Chairperson for 1 year and the Executive Director through the competitive process. Chairperson is the key speaker for the organization, decides upon the policy of the organization and is responsible for the content of what GYLA produces (position on different legal issues, reports, and research papers). Executive Director is responsible for the internal organizational affairs. Executive Director is responsible to the Chairperson and the Board. The Chairperson is responsible to the Board.

<https://gyla.ge/en>

## Human Rights Center (HRC)

NGO established in 1996. Main areas of work include: human rights, armed conflicts, discrimination, prison reform, investigation of grave crimes, judiciary, women's rights (domestic violence, early marriage), and criminal justice. Main activities: documentation of human rights abuses, victim representation, trial monitoring, legal aid, strategic litigation, advocacy.

Management structure: HRC is governed by a Board of 4 members. Board elects an Executive Director for 1-year term, with continuous possibilities of re-election. The latter is the organization's external face, along with the Chairman of the Board.

<http://www.humanrights.ge>

## Mnemonic activities (e.g. memorial days and events)

August 8 is a remembrance day in Georgia for the 2008 war with Russia

## Related cultural activities

08.08.08

Online virtual museum and oral archive, with resources in Georgian and English. The project is a collaboration between INDIGO Publishing and GCRT – The Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims. Oral histories are recorded from people, who faced the Russo-Georgian war in 2008 in the villages near dividing line, IDP settlements and in the city of Gori.

<http://080808.ge/en>

## Trauma/Healing/Hope

An online photography exhibition from Marcus Bleasdale.

[https://www.icc-cpi.int/traumahealinghope/index.html?fbclid=IwAR1dFkXThQ2dEEG950\\_0q7VbO-zD\\_2bMRaJCpvnNf8rORxfqZS8KhqhlftU](https://www.icc-cpi.int/traumahealinghope/index.html?fbclid=IwAR1dFkXThQ2dEEG950_0q7VbO-zD_2bMRaJCpvnNf8rORxfqZS8KhqhlftU)

## Recommended media sources

### Television

- Mtavari channel (Georgian/English): <https://mtavari.tv/en>
- TV Pirveli (Georgian): <http://www.tvpirveli.ge>

### Radio

- Radio Tavisupleba (Georgian): <https://www.radiotavisupleba.ge>

### News agencies

- Netgazeti (Georgian/Russian): <https://netgazeti.ge>
- Civil (Georgian/English/Russian): <https://civil.ge>
- Tabula (Georgian): <https://www.tabula.ge>
- On (Georgian): <https://on.ge>

## **Guatemala**

*Grete Mejiá\* and Luis de León Agosto, September 2023*

### **Domestic laws criminalising international crimes**

The Criminal Code of Guatemala enshrines international crimes such as Genocide, War Crimes, and Crimes against Humanity in Articles 376 and 378. It is important to mention that War Crimes and Crimes against Humanity are regulated within the same provision (Article 378) in such a way that they are not clearly distinguished from each other. Additionally, it is important to note that in Guatemala, the incitement to commit Genocide is considered a standalone crime, rather than a mode of liability as outlined in Article 25 of the Rome Statute. Other crimes included in the Criminal Code of Guatemala related to international crimes are torture (Article 201 bis), enforced disappearance (Article 201 ter), and extrajudicial execution (Article 132 bis).

Link: [https://www.oas.org/juridico/spanish/mesicic2\\_gtm\\_codigo\\_penal.pdf](https://www.oas.org/juridico/spanish/mesicic2_gtm_codigo_penal.pdf)

There are some other crimes relating to war, however they are not related to the criminalization of an international crime.

### **Specific laws regulating speech with regards to international crimes**

The incitement to commit Genocide is a standalone crime under Article 377 of the Criminal Code of Guatemala. Additionally, the Criminal Code of Guatemala includes independent crimes related to incitement to commit a crime and advocating a crime as outlined in Articles 394 and 395. While these provisions do not pertain specifically to international crimes, they can be applied broadly, as their purpose is to regulate speech related to crimes in general.

Link: [https://www.oas.org/juridico/spanish/mesicic2\\_gtm\\_codigo\\_penal.pdf](https://www.oas.org/juridico/spanish/mesicic2_gtm_codigo_penal.pdf)

### **Significant parliamentary discussions on international criminal justice**

In the year 2015, a proposal was introduced in the Guatemalan Congress with the aim of creating a law for the implementation of the Rome Statute. This occurred shortly after Guatemala ratified the treaty. However, the proposal was subsequently abandoned and last discussed in 2017, and it never became an enforceable law in the country. In the session on April 26, 2016, it is recorded in the Diary of Sessions that a bill was introduced by Congressman Oliverio García Rodas with the aim of implementing the Rome Statute in Guatemala. It was referred to the Committee on Legislation and Constitutional Points for the purpose of studying the initiative and presenting its respective analysis through a report. This Committee gave its approval on October 6, 2016. After that, the Diary of Sessions of the Congress briefly mentions that the congressman who proposed it read it aloud before his colleagues, indicating that the proposed bill was approved by the Committee, and further lectures and discussions would occur during the second and third readings, inciting the Instance of Block Leaders to analyze it and approve it according to the constitutional lawmaking process. The Diary of Sessions documents that Congressman Oliverio García Rodas made some observations and clarifications regarding the proposed bill; however, it does not specifically mention the content of those observations.

- Links:  
Minutes of the eleventh regular session held by the Congress of the Republic on Tuesday, April 26, 2016:  
[https://www.congreso.gob.gt/assets/uploads/info\\_legislativo/actas\\_de\\_sesiones/Actas292642016.pdf](https://www.congreso.gob.gt/assets/uploads/info_legislativo/actas_de_sesiones/Actas292642016.pdf)
- Approval of the Committee on Legislation and Constitutional Points:  
[https://www.congreso.gob.gt/assets/uploads/info\\_legislativo/dictamen/1598.pdf](https://www.congreso.gob.gt/assets/uploads/info_legislativo/dictamen/1598.pdf)

- Minutes of the sixth (6th) regular session held by the Congress of the Republic on Thursday, February 2, 2017  
[https://www.congreso.gob.gt/assets/uploads/info\\_legislativo/actas\\_de\\_sesiones/Actas205222017.pdf](https://www.congreso.gob.gt/assets/uploads/info_legislativo/actas_de_sesiones/Actas205222017.pdf)

### **Laws relating to the implementation of the Rome Statute**

There is only proposed legislation (iniciativa de ley). It was proposed on 11 November 2015 but hasn't been discussed since 2 February 2017. Link:

[https://www.congreso.gob.gt/detalle\\_pdf/iniciativas/3714#gsc.tab=0](https://www.congreso.gob.gt/detalle_pdf/iniciativas/3714#gsc.tab=0)

It is important to consider that Guatemala is a country with a strong national conservative tradition that distrusts international institutions, especially when they involve jurisdiction. It is also crucial to acknowledge the relatively recent Internal Armed Conflict. Even though the International Criminal Court (ICC) may not have jurisdiction over the Conflict, there is a possibility that some individuals might fear potential prosecution by a foreign institution, even though it is legally impossible. This fear could be a reason for the proposition's neglect. Furthermore, the last 10 years have been marked by political instability, so passing this legislation might not be a priority for congressmen.

### **Foreign policy to promote international criminal justice**

Congressman Oliverio Rodas spoke in an ICC Seminar held in Costa Rica about the proposed bill in Guatemala for implementation of the Rome Statute. Besides that, there is no evidence of a foreign policy promoting criminal justice for international crimes.

### **National prosecutorial policies concerning international crimes**

In accordance with the Democratic Criminal Prosecution Policy of the Public Prosecutor's Office (Ministerio Público), crimes against humanity and genocide are included in the catalog of offenses within the Guatemalan penal legal system, and thus, they must be prosecuted. Examples cited include cases of torture, forced disappearance, and extrajudicial execution.

In 2011, the Public Prosecutor's Office issued General Directive 2-11 for the investigation and prosecution of grave human rights violations that took place during the Internal Armed Conflict. The Directive provides principles, guidelines and methodologies to improve the effectivity of the prosecutor's work. It requires prosecutors to familiarize with truth commission reports, declassified state files, reports and case law of universal and regional human rights bodies, and other relevant documents that deal with human rights violations during the conflict. In 2012, the MP issued a second General Directive, 2-2012 focusing on the investigation and prosecution of sexual violence that took place during the Internal Armed Conflict with a view of institutionalizing a procedure to investigate sexual violence cases and provide operative tools to improve the work of the prosecutors.

### **National policies concerning victims of international crimes**

General Directive 2-11 from the Public Prosecutor's Office provides principles and guidelines to assist victims, respect their rights during criminal proceedings and minimize revictimization. Among these principles, the directive includes non-discrimination, support and protection of victims and witnesses and the participation of civil parties and NGOs. Taking into account the obstacles victims face in accessing justice for these type of crimes, and the special needs and attention that victims require. With regards to CRSV, General Directive 2-2012 provides guiding principles to ensure integral and interdisciplinary support to victims, respect the dignity, provide protection and avoid re-traumatization in all stages of the criminal process.

### **Special domestic courts dealing with international crimes**

While in Guatemala there are no specialized domestic courts dealing only with international crimes, there exist High Risk Courts (Tribunales de Mayor Riesgo) that exercise jurisdiction over “high impact” cases that pose threats or risks to judicial operators and other persons involved in such cases, for example witnesses, civil parties, etc. The High Risk Courts were established on 4 August 2009 through the Decree 21-2009 of the Congress of the Republic. Article 3 of this legislation includes genocide, torture, enforced disappearances and crimes against humanity among the list of high impact cases. Link: [https://oig.cepal.org/sites/default/files/2009\\_gtm\\_d21.pdf](https://oig.cepal.org/sites/default/files/2009_gtm_d21.pdf)

### **Situations covered by prosecutions for crimes outside territory of state**

The burning of the Spanish Embassy in Guatemala City in 1980 which resulted in the death of 37 persons.

### **State institutions supporting victims of international crimes**

National Program of Reparations. Administrative program tasked with providing reparations to the victims of the armed conflict. In 2020, the program was transferred to the Ministry of Social Development.

Link: <https://www.mides.gob.gt>

### **NGOs working in relation to international crimes in general**

There are several NGOs actively working on issues related to international crimes. These organizations work on litigating international crimes and other organizations focus on conducting forensic anthropology investigations to identify human remains found in mass graves or clandestine cemeteries. It is important to note that several of these organizations also work on providing legal and psychosocial advice to victims or the internal armed conflict.

- Lawyers Without Borders Canadá – Guatemala Office: organization working to promote human rights and access to justice.  
<https://asfcanada.ca/en/programmes/guatemala/>
- Centro por la Justicia y el Derecho Internacional (CEJIL): organization working on strategic litigation before international tribunals (primarily the IAHRS), advocacy and communications on human rights issues in the Americas.  
<https://cejil.org/en/>
- Due Process of Law Foundation (DPLF): organization that promotes the rule of law through research, advocacy and cooperation with public and private institutions.  
<https://dplf.org>
- Washington Office for Latin America (WOLA): advocacy and research organization working on advancing human rights in the Americas.  
<https://www.wola.org/>
- Verdad y Justicia Guatemala: organization that observes and monitors international crimes trials in Guatemala  
<https://verdadjusticiaguatemalablog.wordpress.com/>
- Impunity Watch: organization working to support victims in their justice demands through legal advice, advocacy and communication.  
<https://www.impunitywatch.org/what-we-do/contexts/guatemala/>
- Open Society Justice Initiative: promoting rule of law, human rights and justice. In Guatemala, it monitored international crimes prosecutions.  
<https://www.justiceinitiative.org/>



\*This is a non-exhaustive list\*

## **NGOs working in relation to victims or perpetrators of international crimes**

### Victims

- Bufete Jurídico de Derechos Humanos (BDH): legal NGO working on cases concerning enforced disappearances, crimes against humanity, sexual violence.  
<https://bufetedh.org/inicio/>
- CALDH – Centro de Acción Legal en Derechos Humanos: legal NGO working on cases related to crimes against humanity, genocide, sexual violence.  
<https://caldh.org.gt/>
- Oficina de Derechos Humanos del Arzobispado de Guatemala: legal NGO working on cases dealing with genocide, crimes against humanity.  
<https://www.odhag.org.gt/>
- Bufete Jurídico Popular de Rabinal: legal NGO working on cases dealing with crimes against humanity and conflict related sexual violence against Maya indigenous women.  
<https://www.abjprabinal.org/>
- Mujeres Transformando al Mundo (MTM): feminist legal NGO working on CRSV cases against Maya indigenous women.  
<https://mujerestransformandoelmundo.org/>
- Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP): organization that provides psychosocial support to victims of International crimes.  
<https://ecapguatemala.org.gt/>
- Grupo de Apoyo Mutuo (GAM): human rights organization working on the topic of enforced disappearances and illegal detentions.  
<https://grupodeapoyomutuo.org.gt/>
- Asociación para la Justicia y Reconciliación (AJR): victim organization working in the litigation of International crimes, namely genocide and crimes against humanity.  
<https://www.facebook.com/profile.php?id=100083266596336>
- Fundación de Antropología Forense de Guatemala (FAFG): organization working on conducting exhumations of the victims of the armed conflict.  
<https://fafg.org/>
- Centro de Análisis Forense y Ciencias Aplicadas (CAFCA): organization working on supporting victims through forensic anthropology investigations and providing advice in reparations claims.  
<http://www.cafca.gt/>
- Impunity Watch: organization working to support victims in their justice demands through legal advice, advocacy and communication.  
<https://www.impunitywatch.org/what-we-do/contexts/guatemala/>
- Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA): organization working for Maya women and indigenous people's individual and collective rights.  
<https://conavigua.org.gt>
- Asociación Familiares de Detenidos de Guatemala (FAMDEGUA): supports exhumations and inhumations, active in the search for disappeared persons during the armed conflict and provides support to victims and relatives. No website available

\*This is a non-exhaustive list\*

## Perpetrators

- Asociación de Veteranos Militares de Guatemala (AVEMILGUA): organization working on behalf of army veterans who served during internal armed conflict of Guatemala.  
<https://www.facebook.com/Avemilgua.502/>
- Fundación contra el terrorismo (FCT): organization working on providing support to army officers accused of committing human rights violations during the armed conflict. It has also been involved in lodging criminal complaints against independent judicial operators.  
<https://fctguatemala.wordpress.com/>

## Museums related to international crimes

- Museo Centro de Memoria Adivima: it preserves the names, artifacts, photos, testimonies of the Maya Achí victims of the repression in order to preserve the historical memory of the peoples.  
<https://memoriavirtualguatemala.org/producto/museo-centro-de-memoria-ativima/>
- Casa Museo Luis de Lion: educate about the life and struggles of Luis de Lion, Guatemalan writer disappeared by the army.  
<https://proyectoluisdelion.wordpress.com/el-legado-legacy/el-museo-the-museum/>
- Casa de la Memoria Kaji Tulam: exhibition that shows the history of resistance of indigenous peoples since colonial times up until the present day violence.  
<https://caldh.org.gt/que-es-la-casa-de-la-memoria/>
- Centro de la Memoria Monseñor Juan Gerardi: preserves the legacy of Monsignor Juan Gerardi, as well as over 5,000 testimonies gathered to draft the civil-society based Proyecto Interdiocesano de Recuperación de la Memoria Histórica (REHMI).  
<https://www.odhag.org.gt/cmmjg/>
- Centro Histórico y Educativo Riij Ib'ooy: museum that aims to educate the visitors about the impact of the internal armed conflict in the region of Verapaces, with a particular focus on the Rio Negro massacres.  
<http://www.rio-negro.info/che/centro.html>
- Museo Comunitario de la Memoria Histórica de Rabinal (Baja Verapaz): preserve Maya culture and educate the visitors about the violence in the region of Rabinal  
<http://www.museo.rabinal.info/index.html>

\*This is a non-exhaustive list\*

## Memorials for victims of international crimes

- Memorial to the victims of enforced disappearance “Paisajes de la memoria”, Comalapa, Chimaltenango
- Mural to the victims of Plan de Sanchez massacre, Plan de Sanchez village, Baja Verapaz department
- Memorial to the victims of Rio Negro, Rio Negro village, Baja Verapaz department
- Memorial to the victims of Dos Erres, Petén department
- Monument to the victims of the armed conflict in the Ixil region, Nebaj main square, El Quiché department
- Plaque to commemorate Oliverio Castañeda, a student leader killed by the army. Guatemala City, Guatemala
- Commemoration to the victims of the internal armed conflict in the columns of the Metropolitan Cathedral, Guatemala City, Guatemala
- Cemetery for the victims of the Cocop massacre, Nebaj, El Quiché department

- Monument to the victims of the Acul massacre, Nebaj, El Quiché department
- Heroes and Martyr's Square and mural with red carnations to commemorate the university student victims of political repression, San Carlos University, Guatemala City

For a broader overview of memorials, please consult: <https://memoriavirtualguatemala.org/>

### **Mnemonic activities (e.g. memorial days and events)**

- 25 February: national day for the dignification of the victims of the internal armed conflict (legal basis Decree 06-2004 of the Congress of the Republic)
- 26 February: day for the victims of sexual violence, sexual and domestic slavery (law proposal 5223)
- 16 April: commemoration for the victims of the massacre of Cocop
- 26 April: commemoration day of the killing of Monsignor Juan Gerardi
- 29 May: commemoration for the victims of the massacre of Panzós
- 30 August: International Day of the Victims of Enforced Disappearance
- 7 December: commemoration for the victims of the massacre at Dos Erres, department of Petén

\*This is a non-exhaustive list\*

### **Related cultural activities**

#### Film

- Finding Oscar
- When the mountains tremble
- Granito: How to nail a dictator
- 500 years
- La hija del puma
- Nuestras madres
- La Llorona
- La asfixia

#### Literature

- Sopa de caracol, Arturo Arias (2002)
- El último silencio, Ronald Flores (2001)
- Jinetes en el cielo, Mario Roberto Morales (2013)

#### Theatre

- La mujer montaña: Scenic Laboratory Tejidos que lleva el alma
- El despertar de las mujeres muertas: Scenic Laboratory Tejidos que lleva el alma

\*This is an non-exhaustive list\*

### **Recommended media sources**

- Prensa Comunitaria: community based digital newspaper  
<https://prensacomunitaria.org/>
- Agencia Ocote: digital newspaper and podcast  
<https://www.agenciaocote.com/>
- Plaza Pública: digital newspaper  
<https://www.plazapublica.com.gt/>

- No ficción: digital newspaper and podcast  
<https://www.no-ficcion.com/>
- Radio Ambulante's podcast series on Guatemala  
[https://radioambulante.org/sw\\_country/guatemala/page/2](https://radioambulante.org/sw_country/guatemala/page/2)
- Quorum: digital newspaper  
<https://quorum.gt/>
- Con criterio: digital newspaper  
<https://concriterio.gt/>
- Ojo con mi pisto: digital newspaper  
<https://www.ojoconmipisto.com/>
- La advertencia: podcast series  
<https://lacorrientedelgolfo.net/podcast/la-advertencia/>
- Guatevisión (TV news channel):  
<https://www.guatevision.com/>

## **Hungary**

*Tamás Hoffman\*, October 2020*

### **Domestic laws criminalising international crimes**

Act C of 2012 on the Hungarian Criminal Code

- Chapter XIII. Crimes against Humanity
  - Art. 142 Genocide
  - Art. 143 Crimes against Humanity
  - Art. 144 Apartheid
  - Art. 145 Criminal Responsibility of Superior Officers and Public Executives
- Chapter XIV. War Crimes
  - Art. 146 Illegal Recruitment
  - Art. 147 Breach of Armistice
  - Art. 148 Assault against a War Emissary
  - Art. 149 Assault on Protected Persons
  - Art. 150 Denial of Quarter
  - Art. 151 Use of Human Shield
  - Art. 152 Unlawful Enlistment
  - Art. 153 Assault on Protected Property
  - Art. 154 Wartime Plunder
  - Art. 155 Use of Weapons Prohibited by International Conventions
  - Art. 156 Assault against a Humanitarian Organization
  - Art. 157 Abuse of Internationally Protected Signs and Emblems
  - Art. 158 Other War Crimes
  - Art. 159 Criminal Responsibility of Superior Officers and Public Executives

[https://thb.kormany.hu/download/a/46/11000/Btk\\_EN.pdf](https://thb.kormany.hu/download/a/46/11000/Btk_EN.pdf)

### **Specific laws regulating speech with regards to international crimes**

Act C of 2012 on the Hungarian Criminal Code

- Art. 333 Public Denial of the Crimes of National Socialist and Communist Regimes

[https://thb.kormany.hu/download/a/46/11000/Btk\\_EN.pdf](https://thb.kormany.hu/download/a/46/11000/Btk_EN.pdf)

### **Significant parliamentary discussions on international criminal justice**

25 May 2016. Debate on the Implementation of the Rome Statute and the Kampala Amendments.  
*Országgyűlési Napló*, No. 157, pp. 26125-26142.

### **Situations covered by prosecutions for crimes outside territory of state**

Syria 2014-2016

### **NGOs working in relation to victims or perpetrators of international crimes**

Hungarian Helsinki Committee

<https://www.helsinki.hu/en/>

### **Museums related to international crimes**

Holocaust Memorial Centre

The Institution is a center for scientific research, education and culture. It welcomes visitors with interactive permanent and special periodic exhibitions, experience-based museum pedagogical

programs and cultural performances.

<http://hdke.hu/en/about-us>

#### House of Terror Museum

The building served as headquarters for the Hungarian Arrow-Cross (fascist) Party and the communist political police. It is a monument to the memory of those held captive, tortured and killed in this building.

<https://www.terrorhaza.hu/en/museum>

#### Memorials for international crimes

There are 108 Holocaust memorials in Budapest that can be found on this map

<http://hdke.hu/emlekezes/emlekhelyek>

#### Other mnemonic activities (e.g. memorial days and events)

- 25 February: Remembrance day of the victims of communist dictatorships
- 16 April: Remembrance day of the Hungarian victims of the Holocaust
- 23 August: European Remembrance day of the victims of totalitarian dictatorships
- 25 November: Remembrance day of the victims of the Gulag (people deported for forced labour to the Soviet Union)
- The March of Life: annual commemoration of the victims of the Holocaust

#### Related cultural activities

##### Films

- Job's Revolt (1983)
- Fatelessness (2005)

##### Book

- Imre Kertész, Fatelessness (1975)

#### Recommended media sources

##### Online portals

- Telex (Hungarian, English): [www.telex.hu](http://www.telex.hu)
- Index (Hungarian): [www.index.hu](http://www.index.hu)

##### TV Channels

- RTL Klub (Hungarian): [https://www.rtlmost.hu/rtl\\_klub](https://www.rtlmost.hu/rtl_klub)
- ATV (Hungarian): <https://www.atv.hu/>

## **India**

*Poulomi Bhadra\* and Ishita Chakraborty, October 2023*

### **Domestic laws criminalising international crimes**

There are no specific provisions criminalizing what would constitute “international crimes”. India is not a signatory to the Rome Statute, and does not have a domestic legislation that transcribes international crimes into domestic law. However, constitutional courts in India have in certain cases, either referred to the language of international law, for example referring to conventions, protocols, declarations, or even foreign cases, or used the discourse of international crimes in their observation (designating certain acts as constituting CAH, or genocide). This however does not imply that their designations carefully evaluate the elements of crime or participatory models, as is the case before international courts and tribunals.

For example, India recently witnessed another targeted attack in one of its north-eastern states (Manipur) wherein majority Meitei community members attacked the members of the Kuki community (Christians) systematically over days, burning houses, murdering and decapitating them, and even parading their women naked and raping them. The Supreme Court (SC) took *suo motu* cognisance of the issue, describing it as an act of “ethnic cleansing” and the overall situation in the state as symbolic of failure of law and order.

Likewise, the highest court in the Indian state of Punjab (Punjab & Haryana High Court) recently took note of the widespread demolition of Muslim residents’ buildings without due process and notice, and in the overall context of persecution of Muslim minorities in India. With this, it inquired of the state respondents whether their actions constituted “ethnic cleansing”. In the absence of such specific/substantive provisions, they have also resorted to enhanced punishment and penalties, including the award of a death penalty which is usually reserved - as per Indian jurisprudence - to “the rarest of rare cases”.

More importantly though, India’s opinion of what even constitutes international crimes, does not match with the crimes under the Rome Statute, and is instead conditioned by geopolitics. There have been some attempts at introduction of bills within the parliament, which could potentially address what constitutes the subject matter of international crimes - however, these have been largely unsuccessful. For example, the Bill on Torture, or The Prevention of Communal Violence (Access to Justice and Reparations) Bill, 2014, which was introduced to specifically address issues of communal violence, that often escalate into widespread attacks and are usually found to have state actors complicit - failed. The latter bill had also proposed to add civilian and military command responsibility for acts committed by ground-level perpetrators.

### **Specific laws relating to victims of international crimes**

Since India does not have specific legislation over international crimes, there are no specific laws concerning assistance to victims. However, some provisions, directives/ guidelines and recommendations - for example those by the Malimath committee in India, which could be of assistance are as follows:

- a. Concerning who qualifies as a “victim”  
The Criminal Procedure Code (CrPC) has been amended such that the definition of “victim” partly corresponds with the internationally accepted definitions to include, not just the direct victim, but also their next-of-kin and legal representatives.
- b. Concerning the rights of “victims” in proceedings  
“Victims” are legally entitled to appeal with leave of the court against an order of acquittal,

or against conviction for a lesser offence, or inadequate compensation. However, they are not legally vested with the right to appeal on grounds of inadequate sentencing post conviction - this is only vested in the state.

Prior to this, the right to even appeal against an acquittal was only vested with the state, and the amendment of 2008 which reversed this position, was also a result of judicial intervention in the Best Bakery case. In that case, the judiciary had pulled up the state government for acting at the behest of the perpetrators through obvious deficiencies in investigation, collection of evidence. The case constituted one of the attacks in the broader scheme of the anti-Muslim massacre in the state of Gujarat, in 2002.

Whereas in some other cases, such as the Extrajudicial Killings discussed substantively above, the constitutional court (Supreme Court) has refuted the submissions of respondents that the petitioners sought to circumvent statutory processes laid out for investigation/fresh-investigations under the CrPC, by distinguishing them from cases of ordinary offences - whether simple or serious (murder, rapes, or the offences that are considered as usually non-bailable cognisable). In this way, perhaps implicitly one could read them as guaranteeing these victims separate recognition.

Apart from the issue of the limited legal right of appeal associated with victims, it has been observed that usually when state actors are complicit in attacks that could be categorised as “international crimes”, any non-profit organisation’s intervention is also seen as motivated, and there have been occasions where the victim’s credibility itself has been questioned, despite video footages or corroboration of testimonies.

There are no witness/victim protection schemes, and this often leads to a situation where witnesses retract their statements, and courts fail to look beyond the evidence secured by the prosecution. In a few cases, courts did step in to direct that investigations be handed over to a central investigative agency, and the trial transferred to a court outside the state in which the attacks were perpetrated, that the states take steps to protect the victims and witnesses, and assist them in reaching the place of trial, bear their expenses. However, these ad-hoc measures cannot be in lieu of concrete provisions. In any case, victim assistance is usually monetarily focused, and less considerate towards provision of quality legal support, restitution, and rehabilitation/counselling of victims. Section 357A of the CrPC for example allows the court to direct the state to offer interim compensation in cases where compensation under section 357 CrPC is not adequate, and even without the showing of involvement of state officials. In other cases, the state or central government is left to itself to flesh out the details of compensation schemes. Usually there are also other legal hurdles - for example, when it comes to compensation of properties, previously there have been issues concerning compensation for damages/destruction of places of worship.

Damage/destruction of such places is particularly common in the context of communal violence, but state authorities have often used the plea of “secularism” to contend that state funds cannot be directed towards “maintenance” or “promotion” of any religious beliefs or religious denominations. In at least one case for example, they refused to award “exemplary damages”, which are usually amounts above and beyond the actual costs incurred for restitution of property, meant to set an example, and instead fixed a higher ceiling for such award. The court in the same case, sought to “balance” the interests of the two parties, completely ignoring the asymmetry in the majority-minority dynamics.

- c. For victims of sexual violence: Offences constituting sexual violence are always held in camera, unless a specific person's presence is requested by either of the parties and approved by the presiding judge, or on the discretion of the judge concerned. The presiding



judge is also allowed to pass an order prohibiting any reporting on these proceedings - except with the prior permission of the court.

### **Rationale for not ratifying the Rome Statute**

India considers, and had argued during the drafting stages of the Rome Statute, that war crimes would not include acts committed in the context of armed conflicts “not of an international character” or internal conflicts. It was also against enforced disappearances as a separate crime against humanity. This was perhaps more relevant to India’s acknowledgment of the possibility that offences committed in the North-east, in the Indian Administered Kashmir region, or the Maoist belt of India, would be referred to the ICC. Instead, India was pushing for the inclusion of cross-border terrorism as an offence (instead of purely a convention offence).

Further, procedurally speaking, India was concerned that the UN Security Council retained the authority to refer matters to the ICC for determination despite states’ non-ratification of the Rome Statute. This was particularly because India had been advocating for changes to the composition of the permanent five countries and veto powers exercised by these states.

### **Nature of support for international courts**

India had promised to cooperate in the prosecution of Pakistani soldiers involved in the military attack and resultant genocide during the liberation war of 1971, before the controversial Bangladesh International Crimes Tribunal (the trials resumed in 2009 after the switch in government and weakening of the Jamaat Islami party that was anti-liberation). In 2016, India promised to support and cooperate in the prosecution of war criminals. It appears that India's support in this case was mostly in terms of siding with Bangladesh’s decision to prosecute before the international community, by contending that this was an “internal matter” and had popular support in Bangladesh.

### **Foreign policy to promote international criminal justice**

India does not have a consistent foreign policy on international crimes. As mentioned before, India supported Bangladesh during the course of the liberation struggle against Pakistan, in 1971, and had also more recently (2016) promised to support the then government led by Sheikh Hasina, in prosecution of Jamaat Islami leaders, going against what the Pakistani government claimed, was a tripartite agreement from 1974 to not take such a step. This was led by India’s consideration of curbing an Islamist influence in the region since the Jamaat Islami groups were seen as radical Islamists, anti-liberation, and supportive of Pakistan.

In the case of Sri Lankan Tamil genocide too, India had initially intervened through military trainings to the Liberation Tigers of Tamil Eelam (LTTE) considering that Tamil co-ethnicists also lay within its own state-borders. The Tamil issue was raised several times before the Parliament and provincial assemblies, and India had even voted or abstained from voting against Sri Lanka in the UNHRC, reminding the latter state to take efforts towards greater devolution of powers to its Tamil-majority provinces. Apart from the fact the two states share the same ethnic population, the Indian government’s actions at the central level were also led by the electoral support received to sustain a majority in parliament. It is speculated that this change of tone from abstaining to vote at all, to voting in favour of the resolution condemning Sri Lanka, was on account of the state permitting China to operate the Hambantota airport - in other words, coincided with their broader geopolitical interests.

On the other hand, due to the same lack of strategic interests/concerns in Myanmar, the Indian state has been oblivious to their concerns, going to the extent of detaining, criminalising and

deporting Rohingya refugees back to Myanmar. On an appeal before the Supreme Court, the Court rationalised that while fully cognizant of the situation, and of the UN designation of the violations as amounting to “genocide”, it would not comment on the appropriateness of the legal system in another country out of principles of judicial comity.

### **National policies concerning victims of international crimes**

NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 to provide legal services to address the concerns of victims of trafficking including women of all age groups and at every stage: i.e. prevention, rescue and rehabilitation. The Ministry of Women and Child Development is implementing ‘Ujjawala’ scheme for prevention of trafficking and rescue, rehabilitation, reintegration and repatriation of victims of trafficking for commercial sexual exploitation across the country. Further, in order to support and supplement the State Compensation Schemes, Ministry of Home Affairs had released Rs 200 crores as a one-time grant to State Governments/UTs in 2016-17 under the Central Victim Compensation Fund from Nirbhaya Fund. States/UTs use the fund to compensate victims of various crimes, including human trafficking. (<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1784153>)

### **Situations covered by prosecutions for crimes on the territory of state**

It is difficult to provide exhaustive information in this regard owing to the lack of database regarding international crime. Individual prosecutions are carried out against perpetrators identified of crimes, however these not under special but common courts. For example, regarding the May 4 sexual assault of KukiZo women by Meitei men (communal violence and ethnic cleansing with some components of State sponsorship), there have been 6 arrests made so far (trial awaited).

<https://www.thehindu.com/news/national/manipur-police-makes-sixth-arrest-in-sexual-assault-case/article67112136.ece>

Similarly, in the Nuh violence in end of July 2023, a communal clash that was followed by State sponsored targeting of Muslim population in the area of Nuh, Haryana, one vigilante has been arrested for homicide and instigatory social media posts.

<https://indianexpress.com/article/cities/delhi/monu-manesar-detained-nuh-haryana-violence-8936317/>

Systematic data needs to be documented regarding cases that qualify under this category.

### **State institutions supporting victims of international crimes**

- Anti Human Trafficking Units(AHTUs) funded by each State and Centre’s Nirbhaya Fund [https://www.mha.gov.in/en/divisionofmha/Women\\_Safety\\_Division/anti-trafficking-cell](https://www.mha.gov.in/en/divisionofmha/Women_Safety_Division/anti-trafficking-cell)
- UNODC Victim Support Project India [https://www.unodc.org/pdf/india/htvs/victim\\_support.pdf](https://www.unodc.org/pdf/india/htvs/victim_support.pdf)

### **NGOs working in relation to international crimes in general**

- PeaceBuilding Project
- Centre for Justice & Peace
- Asia Justice Coalition
- Human Rights Watch
- Human Rights Law Network
- Sikhs for Justice (US Based NGO)

### **NGOs working in relation to victims or perpetrators of international crimes**

- Bhoruka Public Welfare Trust (Indo-Nepal Human Trafficking Assistance)

- Impulse NGO Network (Northeast India human trafficking)
- Sanlaap, West Bengal (women & child trafficking)
- Prajwala, Hyderabad
- Prayas Institute of Juvenile Justice (Delhi, Gujarat, Bihar)

### **Museums related to international crimes**

Legal History Museum in Gandhinagar National Law University hosts travelling exhibitions such as "Retrieved Antiquities of India from Abroad by Government of India", and some permanent sections on "The Courage to Remember: The Holocaust 1938-1945" and "Section on International and Comparative Law" (under development)

### **Memorials for international crimes**

- Armenian Genocide Memorial in Old China Bazar, Kolkata  
In memory of the 1915 event.  
<https://www.tracesofwar.com/sights/69061/Memorial-Armenian-Genocide.htm>
- The Wall of Truth (Sacca dī kandha)  
Memorializes the Sikhs killed during the 1984 anti-Sikh riots. The memorial is located in Lutyens' Delhi at the Gurdwara Rakab Ganj Sahib complex near the Parliament of India.
- The Witch Hunt Memorial in Keonjhar, Odisha  
It is a symbolic statue in memory of all the innocents who were killed after being branded as witch, the names of the victims have been etched on a granite stone.  
<https://www.odishapolice.gov.in/?q=node/3330>

There is also conversation between the Rwanda High Commission requested the Indian Government to commemorate the victims of 1994 genocide.

It must also be noted that in smaller districts/villages that are affected by genocides, ethnic cleansings such as the Gujarat riots, Kashmir genocide, Manipur communal violences, victims and disappeared persons are commemorated in local structures and memorials. These may not be officially recognized but serve the purpose of commensuration for local public.

### **Related cultural activities**

#### Films

- Jogi (2022)
- Amu (2005)
- Kayan Taran (2004)
- Hawayein (2003)
- Kashmir Files (2022)
- No fathers in Kashmir (2019)
- Sheen (2004)
- 19th January (2014)

#### Television

- Grahan (2021) on 1984 anti-Sikh riots in Bokaro, Jharkhand

#### Books

- Tej Aru Dhulire Dhusarita Prishtha (Pages Stained with Blood) –Mamoni Raisom Goswami
- Tragedy of Punjab: Operation Bluestar & After – Khushwant Singh and Kuldip Nayar
- I Accuse -Jarnail Singh

- The Delhi Riots: Three days in the Life of a Nation -Uma Chakravarthi and Nandita Hakser
- When a Tree Shook Delhi –H.S. Phoolka and Manoj Mittal
- Gujaraat Files – Rana Ayyub
- The Anatomy of Hate – Revati Laul
- Fear and Forgiveness: The Aftermatth of the Massacre – Harsh Mander
- Our Moon has Blood Clots : A Memoir of a Lost Home in Kashmir – Rahul Pandita
- The Garden of Solitude – Siddhartha Gigoo
- A Bit of Everything – Sandeep Raina
- Manipur Files – Prabanandan Das
- Vale of Tears: Untold Stories of Violence in Manipur – John S Shilshi

## Recommended media sources

### Online news

- The Wire  
<https://thewire.in/>
- The Quint  
<https://www.thequint.com/>
- NDTV  
<https://www.ndtv.com/>  
[note, there has been management changes where the future news values of the organization remains to be seen]

### Magazines

- The Caravan  
<https://caravanmagazine.in/>
- Economic & Political Weekly  
<https://www.epw.in/>

### Blogs

- Blogs and Research from the Centre of New Economic Studies  
<https://nickledanddimed.com/about/>
- Genocide Watch  
<https://www.genocidewatch.com/single-post/india-genocide-emergency>

### General web-based resources

- Democracy Assistance Directory  
<https://www.policyresearchlab.com/democracy-direct>

### Podcasts

- Centre for New Economic Studies  
<https://open.spotify.com/show/6mbm6ke5COj1mmD9HfoZJx>
- Rightscast  
<https://cjp.org.in/rightscast/>
- Global India Podcast  
<https://www.brookings.edu/tags/global-india-podcast/>

## **Ireland**

*Noelle Higgins\* and Gerard Maguire, November 2020*

### **Domestic laws criminalising international crimes**

The International Criminal Court Act, No. 30/2006

§ 7 sets forth the relevant provisions on crimes against humanity. The Act states that “proceedings for a [crime against humanity] committed outside the State may be taken in any place in the State, and the offence may for all incidental purposes be treated as having been committed in that place.” (Id. § 9(3).) The Act also extends jurisdiction to Irish nationals who commit a crime against humanity outside the state and to all persons who commit crimes against humanity on board an Irish ship or aircraft. (Id. § 12).

<http://www.irishstatutebook.ie/2006/en/act/pub/0030/index.html>

The Criminal Law (Extraterritorial Jurisdiction) Act

This act covers a range of offences, including murder, manslaughter, rape, sexual assault, assault, and threats to kill or cause serious harm. Under the new Act, individuals who commit particular offences abroad will be liable to be prosecuted under Irish law. These include offences under the Non-Fatal Offences Against the Person Act 1997 and the Criminal Law (Rape) (Amendment) Act 1990, as well as murder and manslaughter. Offences for the purposes of the Act include:

- assault causing harm
- assault causing serious harm
- threats to kill or cause serious harm
- coercion
- harassment
- sexual assault
- aggravated sexual assault
- rape
- rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990
- murder
- manslaughter

The Genocide Act 1973

<http://www.irishstatutebook.ie/eli/1973/act/28/enacted/en/html>

Geneva Conventions Act 1962 and Geneva Conventions (Amendment) Act 1998

<http://www.irishstatutebook.ie/eli/1962/act/11/section/6/enacted/en/html>

Criminal Justice (United Nations Convention Against Torture) Act, 2000

<http://www.irishstatutebook.ie/eli/2000/act/11/enacted/en/html?q=torture>

Criminal Justice (Terrorist Offences) Act 2005

<http://www.irishstatutebook.ie/eli/2005/act/2/enacted/en/html>

Criminal Law (Human Trafficking) (Amendment) Act 2013

<http://www.justice.ie/en/JELR/Pages/CriminalLawHumanTraffickingAmendmentAct2013>

Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2018

[http://www.justice.ie/en/JELR/Pages/Criminal\\_Justice\\_\(Money\\_Laundering\\_and\\_Terrorist\\_Financing\)\\_Amendment\\_Act\\_2018](http://www.justice.ie/en/JELR/Pages/Criminal_Justice_(Money_Laundering_and_Terrorist_Financing)_Amendment_Act_2018)

Criminal Justice (International Co-Operation) Act 2019

<http://www.irishstatutebook.ie/eli/2019/act/27/enacted/en/html>

### **Specific laws relating to victims of international crimes**

Criminal Justice (Victims of Crime) Act 2017

[http://www.justice.ie/en/JELR/Pages/Criminal Justice \(Victims of Crime\) Act 2017](http://www.justice.ie/en/JELR/Pages/Criminal%20Justice%20(Victims%20of%20Crime)%20Act%202017)

Directive 2012/29/ EU of the European Parliament and of the Council of 25 October 2012

Establishes minimum standards on the rights, support, and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>

For certain groups of victims, the EU has specific rules. These rules build on the Victims' Rights Directive but respond more directly to the specific needs of some victims. The EU legislation exists to provide protection and support for victims of human trafficking, child victims of sexual exploitation, victims of terrorism.

### **Specific laws regulating speech with regards to international crimes**

The Genocide Act, 1973 Art. 3(c) deems as punishable “direct and public incitement to commit genocide”.

### **Significant parliamentary discussions on international criminal justice**

- International Criminal Tribunal, Dáil Éireann debate, 11 May 2000, Vol. 519 No. 1  
<https://www.oireachtas.ie/en/debates/debate/dail/2000-05-11/72/>
- International Criminal Court, Dáil Éireann debate, 12 February 2004, Vol. 579 No. 6  
<https://www.oireachtas.ie/en/debates/debate/dail/2004-02-12/88/>
- International Criminal Court, Dáil Éireann debate, 31 March 2004, Vol. 583 No. 1  
<https://www.oireachtas.ie/en/debates/debate/dail/2004-03-31/76/>
- International Criminal Court, Dáil Éireann debate, 28 April 2005, Vol. 601 No. 4  
<https://www.oireachtas.ie/en/debates/debate/dail/2005-04-28/67/>
- International Criminal Court, Dáil Éireann debate, 2 Jun 2005, Vol. 603 No. 5  
<https://www.oireachtas.ie/en/debates/debate/dail/2005-06-02/45/>
- International Criminal Court, Dáil Éireann debate, 4 April 2006, Vol. 617 No. 4  
<https://www.oireachtas.ie/en/debates/debate/dail/2006-04-04/44/>
- International Criminal Court, Dáil Éireann debate, 29 June 2006, Vol. 622 No 5  
<https://www.oireachtas.ie/en/debates/debate/dail/2006-06-29/95/>
- Foreign Conflicts, Dáil Éireann debate, 3 April 2007, Vol. 653 No. 1  
<https://www.oireachtas.ie/en/debates/debate/dail/2007-04-03/298/>
- International Criminal Court, Dáil Éireann debate, 3 July 2007, Vol. 637 No. 5  
<https://www.oireachtas.ie/en/debates/debate/dail/2007-07-03/32/>
- Foreign Conflicts, Dáil Éireann debate, 1 May 2008, Vol. 653, No. 4  
<https://www.oireachtas.ie/en/debates/debate/dail/2008-05-01/50/>
- International Criminal Court, Dáil Éireann debate, 15 June 2011, Vol. 735 No. 2  
<https://www.oireachtas.ie/en/debates/debate/dail/2011-06-15/69/>

All Irish parliamentary debates are available online at: <https://www.oireachtas.ie/en/debates/find/>.

This site is searchable.

## **Laws relating to the implementation of the Rome Statute**

International Criminal Court Act 2006

<http://www.irishstatutebook.ie/eli/2006/act/30/enacted/en/pdf>

## **Nature of support for international courts**

Ireland has provided financial support to:

- Extraordinary Chambers in the Courts of Cambodia
- ICTR
- ICTY
- Special Tribunal for Lebanon
- Special Court for Sierra Leone (and residual court)
- UN Residual Mechanism for Criminal Trials

## **Foreign policy to promote international criminal justice**

A review of Ireland's external engagement, *The Global Island: Ireland's Foreign Policy for a Changing World*, was adopted by the Irish government in 2015. This document includes references to Ireland's commitment to the work of international courts and tribunals. For example, the document states: 'The promotion and protection of human rights has found expression in Ireland's active adherence to core international and European human rights treaties, strong support for strengthening the regional and multilateral human rights framework and support for the establishment of the International Criminal Court.' (p. 34). The document also states, in respect of the International Criminal Court 'We call on countries to comply with their obligations to cooperate fully with the Court and to become parties to its founding statute.' (p. 36). Irish foreign policy in general is firmly grounded in the context of membership of the European Union. In respect of foreign policy promoting criminal justice for international crimes, this is from a unilateral perspective and focuses on Ireland's funding for international courts and tribunals and commitment to co-operation with the ICC. This approach is reflected in the written reflection on Irish Foreign Policy, 'The Global Island: Ireland's Foreign Policy for a Changing World', as well as in action by the Irish government, which has focused on significant funding to tribunals such as the SCSL.

<https://www.dfa.ie/media/dfa/alldfawebitemedia/ourrolesandpolicies/ourwork/global-island/the-global-island-irelands-foreign-policy.pdf>

## **National prosecutorial policies concerning international crimes**

The Office of the Director of Public Prosecutions has adopted *Guidelines for Prosecutors* (5th ed, 2019). This includes a brief mention of international crimes. The Guidelines state that one of the responsibilities of a prosecutor is to 'give due attention to the prosecution of crimes of corruption, abuse of power, violations of human rights and other crimes recognised by international law, in particular offences which may have been committed by public officials' (3.6(h)).

<https://www.dppireland.ie/app/uploads/2019/12/Guidelines-for-Prosecutors-5th-Edition-eng.pdf>

## **Special domestic courts dealing with international crimes**

Special Criminal Court established 26 May 1972

## **State institutions supporting victims of international crimes**

An Garda Síochána's Anti-Human Trafficking Coordination and Investigation Unit. [www.garda.ie](http://www.garda.ie)

## **NGOs working in relation to international crimes in general**

Amnesty International

Lobbying governments in respect of international crimes

[www.amnesty.ie](http://www.amnesty.ie)

## **NGOs working in relation to victims or perpetrators of international crimes**

International Organisation for Migration Ireland

Provides specific supports, information and advice to victims of forced labour.

<http://iomireland.ie/what-do-we-do/counter-trafficking/>

MRCI

Provides specific supports, information and advice to victims of forced labour and human trafficking.

<https://www.mrci.ie/>

## **Other mnemonic activities (e.g. memorial days and events)**

The National Day of Commemoration commemorates all Irish people who died in past wars or United Nations peacekeeping missions. It occurs annually on the Sunday nearest 11 July

## **Related cultural activities**

An annual human rights Film Festival and Award, which is organised by the Irish Council for Civil Liberties (and now sponsored by Virgin Media) has taken place a number of times. A number of the films broadcast have an international criminal justice focus. (see [www.iccl.ie](http://www.iccl.ie) for details)

An annual Dublin Arts and Human Rights Festival sometimes includes events focusing on international criminal justice

<http://smashingtimes.ie/centrefortheartsandhumanrights/dublinartsandhumanrightsfestival/>

## **Recommended media sources**

Newspapers

The Irish Times: [www.irishtimes.ie](http://www.irishtimes.ie)

The Irish Independent: [www.independent.ie](http://www.independent.ie)

Television

Raidió Teilifís Éireann (RTÉ 1 and RTÉ 2 on TV, Radio 1 and 2FM on Radio), National TV and Radio Broadcaster: [www.rte.ie](http://www.rte.ie)

Virgin Media TV Stations (1, 2 and 3), Commercial TV Broadcaster: [www.virginmediatelevision.ie](http://www.virginmediatelevision.ie)



## **Italy**

*Marina Mancini\*, January 2022*

### **Domestic laws criminalising international crimes**

Articles 165-230 of the Criminal Military Code of War

(Royal Decree no. 303 of 20 February 1941 "Criminal Military Codes of Peace and War", as subsequently amended)

<https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1941-05-06&atto.codiceRedazionale=041U0303&atto.articolo.numero=0&atto.articolo.sottoArticolo=1&atto.articolo.sottoArticolo1=10&qId=9d38c926-7b13-4e4d-b0e9-52758bc51279&tabID=0.44664481601109307&title=lbl.dettaglioAtto>

Law no. 962 of 9 October 1967 "Prevention and punishment of the crime of genocide"

In Gazzetta Ufficiale no. 272 of 30 October 1967

<https://www.gazzettaufficiale.it/eli/gu/1967/10/30/272/sg/pdf>

### **Specific laws regulating speech with regards to international crimes**

Article 604-bis of the Criminal Code

(Royal Decree no. 1398 of 19 October 1930, as subsequently amended)

<https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1930-10-26&atto.codiceRedazionale=030U1398&atto.articolo.numero=0&atto.articolo.sottoArticolo=1&atto.articolo.sottoArticolo1=10&qId=6941863e-af41-4ab0-80c9-c326b180e4ce&tabID=0.44664481601109307&title=lbl.dettaglioAtto>

### **Laws relating to the implementation of the Rome Statute**

Law no. 232 of 12 July 1999 "Ratification and Implementation of the Rome Statute of the International Criminal Court"

In Supplemento Ordinario no. 135 to Gazzetta Ufficiale no. 167 of 19 July 1999

<https://www.gazzettaufficiale.it/eli/gu/1999/07/19/167/so/135/sg/pdf>

Law no. 237 of 20 December 2012 "Rules for the Implementation of the Rome Statute of the International Criminal Court"

In Gazzetta Ufficiale no. 6 of 8 January 2013

<https://www.gazzettaufficiale.it/eli/gu/2013/01/08/6/sg/pdf>

Law no. 200 of 4 December 2017 "Ratification and Implementation of the Amendment to Article 124 of the Rome Statute of the International Criminal Court"

In Gazzetta Ufficiale no. 299 of 23 December 2017

<https://www.gazzettaufficiale.it/eli/gu/2017/12/23/299/sg/pdf>

Law no. 202 of 10 November 2021 "Ratification and Implementation of the Amendments to the Rome Statute of the International Criminal Court, adopted in Kampala on 11 June 2010"

In Gazzetta Ufficiale no. 287 of 2 December 2021

<https://www.gazzettaufficiale.it/eli/gu/2021/12/02/287/sg/pdf>

### **Nature of support for international courts**

Italy provided financial support and personnel to support the ICTR, ICTY, Special Tribunal for Lebanon, and UN Residual Mechanism for Criminal Trials.

## **Regulations concerning cooperation with international courts or tribunals**

Rules of cooperation are provided in Title X of the Criminal Procedure Code, Law No. 10193 (3 March 2009).

## **Situations covered by prosecutions for crimes outside territory of state**

A total of 24 cases related to international crimes were prosecuted in Italy between 1994 and 2013: One case concerned war crimes committed by German soldiers against Italian prisoners of war in the Greek island of Kefalonia in 1943. The sole defendant was sentenced to life imprisonment in a judgment of the Military Tribunal of Rome in 2013.

A second case concerned the war crime of firing on ambulances, allegedly committed by Italian soldiers in Iraq in 2004. Both defendants were acquitted. Judgment of the Military Tribunal of Rome in 2007.

The remaining 22 cases concerned war crimes committed by German soldiers during the occupation of central and northern Italy, between 1943 and 1945.

## **NGOs working in relation to international crimes in general**

International Institute of Humanitarian Law, Sanremo

The International Institute of Humanitarian Law was founded in Sanremo in 1970. Its main purpose is to promote international humanitarian law and related subjects. In particular, it organises training courses, seminars and conferences and carries out studies in the fields of international humanitarian law, international criminal law, human rights and refugee law.

<https://iihl.org>

## **NGOs working in relation to victims or perpetrators of international crimes**

### **Museums related to international crimes**

Fondazione Museo della Shoah, Rome

Mission: keeping alive the memory of the Holocaust.

<https://www.museodellashoah.it>

### **Memorials for international crimes**

There are numerous memorials to the victims of war crimes committed during the German occupation of central and northern Italy, between 1943 and 1945. The following list is not intended to be exhaustive.

Memoriale della Shoah di Milano, Milan

Memorialising the deportation of members of the local Jewish community to Nazi concentration camps between 1943 and 1945.

<http://www.memorialeshoah.it>

Mausoleo delle Fosse Ardeatine, Roma

Memorialising the massacre of 330 civilians by the Nazi forces on 24 March 1944.

<https://www.mausoleofosseardeatine.it>

Parco nazionale della pace di Sant'Anna di Stazzema, Stazzema (Lucca)

Memorialising the massacre of hundreds of civilians by the Nazi forces on 12 August 1944.

<http://www.santannadistazzema.org/>

Parco Storico di Monte Sole, Marzabotto (Bologna)

Memorialising the massacres of hundreds civilians by the Nazi forces between 29 September and 5 October 1944.

<https://www.martirimarzabotto.it>

### **Other mnemonic activities (e.g. memorial days and events)**

27 January, International Holocaust Remembrance Day.

### **Related cultural activities**

Several books were published, films and TV movies were made on international crimes committed by German forces against Italians during the Second World War.

### **Recommended media sources**

Newspapers:

Corriere della Sera (Italian): <https://www.corriere.it>

La Repubblica (Italian): <https://www.repubblica.it>

Television

RaiNews (Italian): <https://www.rainews.it>

Weblog:

Italian Society of International Law 'blog (Italian): <http://www.sidiblog.org>

## **Lithuania**

*Gintaras Švedas\*, Andželika Vosyliūtė, Laura Martinaitytė, Martynas Dobrovolskis, Ramunė Steponavičiūtė, Ieva Marija Ragaišytė and Ugnė Markevičiūtė, November 2020.*

*With additional support provided by Ministry of Justice, Ministry of Foreign Affairs, and National Court Administration (Lithuania), and Genocide and Resistance Research Centre of Lithuania.*

### **Domestic laws criminalising international crimes**

International crimes (Genocide, Crimes against Humanity, War crimes and Crime of Aggression) are criminalized in Chapter XV “Crimes against Humanity and War Crimes” (Articles 99-113(1)) of the Criminal Code of the Republic of Lithuania (further – Criminal Code). It should be noted that Article 99 of the Criminal Code provides criminal liability for a broader concept of genocide, covering the destruction of persons belonging to “social and political group”.

Further, Article 1702 of the Criminal Code also provides criminal liability for “Public Condonation of International Crimes, Crimes Committed by the USSR or Nazi Germany against the Republic of Lithuania or Inhabitants Thereof, Denial or Gross Trivialisation of the Crimes”.

Chapter XXXIV “Crimes and Misdemeanours against Justice” of the Criminal Code provides criminal liability for Hindering the Activities of a Judge, Prosecutor, Pre-trial Investigation Officer, Lawyer or Bailiff (Article 231), Influence on a Witness, Victim, Expert, Professional or Translator/Interpreter (Article 233) and False Complaint, Statement, Report, Testimony, Conclusions and Translation (Article 235), which include commission of a crime in the International Criminal Court.

<https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43/asr>

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/28b18041843311e89188e16a6495e98c?jfwid=1367fecdmu>

### **Specific laws and regulations concerning perpetrators of international crimes**

Paragraph 3 of Article 3 of the Criminal Code provides that a criminal law establishing the criminality of an act, imposing a more severe penalty upon or otherwise aggravating legal circumstances of the person who has committed the criminal act shall have no retroactive effect, with the exception of the provisions of this Code establishing liability for genocide (Article 99), treatment of persons prohibited under international law (Article 100), killing of persons protected under international humanitarian law (Article 101), deportation or transfer of civilians (Article 102), causing bodily harm to, torture or other inhuman treatment of persons protected under international humanitarian law or violation of protection of their property (Article 103), forcible use of civilians or prisoners of war in the armed forces of the enemy (Article 105), destruction of protected objects or plunder of national valuable properties (Article 106), aggression (Article 110), prohibited military attack (Article 111), use of prohibited means of warfare (Article 112), negligent performance of the commander’s duties (Article 113(1)).

Paragraph 1 of Article 7 of the Criminal Code provides that persons shall be held liable under this Code regardless of their citizenship and place of residence, also of the place of commission of a crime and whether the act committed is subject to punishment under laws of the place of commission of the crime, where they commit the following crimes subject to liability under international treaties, that is crimes against humanity and war crimes (Articles 99-113(1)).

Article 95 of the Criminal Code regulates statute of Limitations of a Judgment of Conviction.

Paragraph 9 of Article 95 of this Code establishes that the following crimes provided for in this Code

shall have no statute of limitations: 1) genocide (Article 99); 2) treatment of persons prohibited under international law (Article 100); 3) enforced disappearance (Article 100(1)); 4) killing of the persons protected under international humanitarian law (Article 101); 5) deportation or transfer of civilians (Article 102); 6) causing bodily harm to, torture or other inhuman treatment of the persons protected under international humanitarian law or violation of protection of their property (Article 103); 7) forcible use of civilians or prisoners of war in the armed forces of the enemy (Article 105); 8) destruction of protected objects or plunder of national valuable properties (Article 106); 9) aggression (Article 110); 10) prohibited military attack (Article 111); 11) use of prohibited means of warfare (Article 112); 12) negligent performance of the commander's duties (Article 113(1)).

### **Specific laws relating to victims of international crimes**

Law of 11 July 1997 on the Legal Status of Persons Victims of the Occupations of 1939–1990  
The legal status of persons-victims of the occupations of 1939–1990 is recognized in accordance with the Law of 11 July 1997 on the Legal Status of Persons Victims of the Occupations of 1939–1990 (Valstybės žinios, 1997-07-11, No. 66-1609). Pursuant to Paragraph 1 of Article 4 of this Law, the following are recognized as political prisoners:

1. persons sentenced to imprisonment or the death penalty under Articles 58 of the Criminal Code of the RSFSR and Articles 62 of the Criminal Code of the SSR of Lithuania, as well as other similar articles of the Criminal Code of the Republics of the Soviet Union for political reasons restricting human and civil rights and freedoms;
2. persons imprisoned by a decision of the repressive structures or courts of the Nazi German occupation regime for activities aimed at restoring Lithuania's independence, preserving the country's property, cultural values or protecting the population;
3. persons convicted or imprisoned for political or origin reasons as “counter-revolutionary” or socially dangerous elements;
4. persons sentenced to imprisonment for non-fulfillment of physical and financial tax obligations imposed on the structures of the occupation regime;
5. persons sentenced to imprisonment or imprisonment without a court decision in 1939–1990, as well as in individual cases of repression in 1991 for refusing to serve in the armed forces of the states occupying Lithuania due to political motives or for withdrawing from these armed forces;
6. persons sentenced to imprisonment as political refugees for attempting to cross the border of the Soviet Union;
7. persons imprisoned as family members of participants in the resistance to occupations or state officials of the Republic of Lithuania;
8. persons who, due to political motives, are illegally compulsorily treated in psychiatric medical institutions;
9. persons who have escaped from exile and have been convicted of their escape in accordance with the Criminal Code of the USSR.

Pursuant to Paragraph 2 of this Article, the following shall be recognized as persons treated as political prisoners:

1. persons returning to their homeland (repatriates) or persons detained without documents and imprisoned for at least 6 months in screening camps;
2. persons who, for political reasons, have been sentenced to imprisonment on the basis of artificial criminal cases or sentenced to imprisonment on the basis of criminal proceedings for activities in support of partisans or underground organizations;

3. persons arrested for political reasons or criminal actions during interrogations, interrogations or other purposes, but not convicted and released if their term of imprisonment was at least 6 months;
4. persons born in prisons, concentration camps or other places of imprisonment, if at least one of the parents was a political prisoner or an equivalent person at that time.

Pursuant to Paragraph 1 of Article 5 of this Law, the following shall be recognized as deportees:

1. persons who have been forced to leave Lithuania or forcibly evicted from their permanent residence (deported) outside Lithuania by decisions of the structures of occupation regimes or courts for political or origin reasons;
2. persons compelled by occupational regimes or by judicial decisions for political or descent reasons to leave or be forcibly evicted from their place of residence and forced to settle or forcibly reside in a specified place (deportation), subject to special credit conditions or restrictions on the right of residence (banning return and residence in Lithuania);
3. persons who, after the end of their imprisonment, have been forcibly accommodated in a specified place (deportation) due to political or origin motives, applying the conditions of a special credit (command);
4. persons who, after the expiration of their period of imprisonment or the abolition of the conditions of the special credit (commandant), have been prohibited from returning and residing in Lithuania (deported) due to political or origin motives;
5. persons born in the families of deportees during deportation and in exile, if at least one of the parents was a deportee and if at least one of the parents was subject to special credit conditions or the right to choose residence was restricted (return and residence in Lithuania is prohibited);
6. persons who voluntarily went to their family members in exile and entered the legal status of the deportee, that is, they were subject to special credit (commandant's) conditions or the right to choose a place of residence was restricted (return and residence in Lithuania is prohibited).

Pursuant to Paragraph 2 of this Article, the following shall be recognized as persons deported as deportees:

1. family members of deportees who have not been entered in the deportation lists, have arrived and resided permanently with their family members (parents, adoptive parents, guardians, children, adopted children or spouses); special conditions of credit (command) or the right to choose a place of residence has been restricted (it is prohibited to return and reside in Lithuania);
2. persons entered in the lists of deportees and who have escaped, absconded or otherwise avoided deportation during deportation, if they were minors or adults at the time of deportation but could no longer legally reside in their former habitual residence, as well as imprisoned, deported or deported persons minor children. The condition of entry in the lists of deportees is not necessary for minor children who have escaped deportation, if both parents (adoptive parents) have been imprisoned, deported or one imprisoned, and the other deported or included in the list of deportees or the only parent lists;
3. minor children (adopted children) of political prisoners and spouses of political prisoners who were at the time of imprisonment of at least one of the parents (adoptive parents), if the family could not legally reside at the previous permanent place of residence at that time;
4. persons who have been forced to leave or forcibly evicted from their permanent residence (deported), or forcibly resettled in a specified place (deported) by decisions of the structures

of the occupation regimes or courts for political or origin reasons, by applying special credit conditions or restricting the right of residence, if they are currently citizens of the Republic of Lithuania;

5. persons born (adopted):
  - a) in the families of political prisoners or deportees in exile (or outside Lithuania), if at least one of the parents (adoptive parents) was a political prisoner or deportee at the time, whose imprisonment or deportation (deportation, deportation) ended the time when there is no archival evidence that both parents (adoptive parents) or the sole parent (adoptive parents) were allowed to return and reside in Lithuania;
  - b) in the families of former political prisoners or deportees outside Lithuania, if at least one of the parents (adoptive parents) was restricted from returning to Lithuania, registration of residence and employment in Lithuania was restricted and he did not return within 6 years from the date of permission to return to Lithuania, when persons substantiate these circumstances with documents (if there are no such documents, the circumstances must be established by a decision of a court of general jurisdiction as a fact of legal significance).  
These persons are granted the status of deportees

<https://www.e-tar.lt/portal/lt/legalAct/TAR.FA7CC8021E9D/asr>

#### Law on State Pensions of Lithuania

According to Article 4 of the Law on State Pensions of Lithuania, the most distinguished participants of unarmed resistance (resistance) – participants of freedom fights (Article 4 (1) (2)) and participants of armed resistance (resistance) – military volunteers (Article 4 (2) (1)). The spouses and children of deceased state pension recipients are entitled to state widows 'and orphans' pensions of victims under certain conditions (The Law on State Pensions of the Republic of Lithuania, Valstybės žinios, 1994-12-30, No. 101-2018)

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.15162/asr>.

#### Resolution No. 327 of the Government of Lithuania

Lump-sum benefits are paid to political prisoners or their heirs for time spent in places of imprisonment (6 Eur per month spent). (See: 12 August 1991 Resolution No. 327 of the Government of Lithuania “On Compensation for Material Damage to Persons, Forced Labor Deported during the Second World War and Occupations, Former Ghettos, Imprisonment Institutions and Other Places of Imprisonment”).

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.4166/asr>

#### The Law on Social Insurance Pensions of Lithuania

The Law on Social Insurance Pensions of Lithuania provides for benefits in granting social insurance pensions. Item 2.7 of Annex 2 to this Law provides that the actual time of imprisonment and deportation of rehabilitated political prisoners and deportees shall be equated to the length of service of the state social pension insurance, unless this time is taken into account otherwise (The Law on Social Insurance Pensions of the Republic of Lithuania. Valstybės žinios, 1994-08-03, No. 59-1153)

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.5901/asr>

## Law on Transport Preferences of Lithuania

According to Article 5 of the Law on Transport Preferences of Lithuania, these persons have the right to purchase a discounted ticket (Law on Transport Preferences of the Republic of Lithuania. Valstybės žinios, 19-04-2000, no. 32-890)

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.98950/asr>

## Law on Health Insurance of Lithuania

According to Item 12 of Paragraph 4 of Article 6 of the Law on Health Insurance of Lithuania, political prisoners and deportees are considered to be insured persons who are insured with state funds. Article 10 of this Law establishes the procedure for reimbursing the insured for the purchase of medicines and medical aids (The Law on Health Insurance of the Republic of Lithuania. Valstybės žinios, 1996-06-12, No. 55-1287).

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.28356/asr>

## Specific laws regulating speech with regards to international crimes

Article 170(2) of the Criminal Code also provides criminal liability for “Public Condonation of International Crimes, Crimes Committed by the USSR or Nazi Germany against the Republic of Lithuania or Inhabitants Thereof, Denial or Gross Trivialisation of the Crimes”.

<https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43/asr>

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/28b18041843311e89188e16a6495e98c?jfwid=1367fecdmu>

## Significant parliamentary discussions on international criminal justice

There are no records of such discussions. Despite this, there has been several attempts of such discussion in order to make amendments of the Criminal Code (e.g.

[https://www.lrs.lt/sip/portal.show?p\\_r=15431&p\\_k=1&p\\_t=99313](https://www.lrs.lt/sip/portal.show?p_r=15431&p_k=1&p_t=99313);

[https://www.lrs.lt/sip/portal.show?p\\_r=15432&p\\_k=1&p\\_t=107817](https://www.lrs.lt/sip/portal.show?p_r=15432&p_k=1&p_t=107817)) or Criminal Procedure Code of the Republic of Lithuania ([https://www.lrs.lt/sip/portal.show?p\\_r=465&p\\_k=1&p\\_t=3904](https://www.lrs.lt/sip/portal.show?p_r=465&p_k=1&p_t=3904);

[https://www.lrs.lt/sip/portal.show?p\\_r=15431&p\\_k=1&p\\_t=105039](https://www.lrs.lt/sip/portal.show?p_r=15431&p_k=1&p_t=105039)).

There have been only few small discussions during Parliament sessions, related to amendments of the law acts:

15 June 2020

“Under the adopted amendment, criminal liability will be imposed on anyone who publicly accepts, denies or grossly denounces genocide or other crimes against humanity or war crimes recognized by the legislation of the Republic of Lithuania or the European Union or decisions of the Republic of Lithuania or international courts, if threatened, insulted or insulting or as a result of a disturbance of public order”

[https://www.lrs.lt/sip/portal.show?p\\_r=15431&p\\_k=1&p\\_t=99313](https://www.lrs.lt/sip/portal.show?p_r=15431&p_k=1&p_t=99313)

22 March 2011

“These amendments harmonize the provisions of the Criminal Code with the Rome Statute and other international treaties of the Republic of Lithuania, thus creating a legal basis for prosecuting all criminal offenses prohibited by international law, including during non-international armed conflict. 82 members of the Parliament voted in favor of these amendments to the Code, none was against, 7



deputies abstained.”

[https://www.lrs.lt/sip/portal.show?p\\_r=15432&p\\_k=1&p\\_t=107817](https://www.lrs.lt/sip/portal.show?p_r=15432&p_k=1&p_t=107817)

23 December 2010

Amendments of the Criminal Procedure Code were adopted: “This procedure is valid only for the investigation of crimes provided for in international treaties: crimes against humanity and war crimes, trafficking in human beings, production, possession or sale of counterfeit money or securities, terrorist act, hijacking of an aircraft or ship, hostage-taking, illegal handling of radioactive materials. The explanatory memorandum to the draft legislation states that these amendments will help to complete the pre-trial investigation and to implement the proceedings in the absence of the accused, especially for those persons who do not live in the Republic of Lithuania but are suspected of committing crimes in 1991. January 13 events.”

([https://www.lrs.lt/sip/portal.show?p\\_r=15431&p\\_k=1&p\\_t=105039](https://www.lrs.lt/sip/portal.show?p_r=15431&p_k=1&p_t=105039)).

10 February 2000

Discussion on amendments of the Criminal Procedure Code of the Republic of Lithuania. During the session, it was mentioned that “crimes committed, such as genocide of nations, participation in the destruction of nations, must not be subject to a statute of limitations, that people accused of these crimes must be prosecuted. This is undoubtedly a universal norm of international law.”

[https://www.lrs.lt/sip/portal.show?p\\_r=465&p\\_k=1&p\\_t=3904](https://www.lrs.lt/sip/portal.show?p_r=465&p_k=1&p_t=3904)

### **Laws relating to the implementation of the Rome Statute**

There was a President’s decree for submission for ratification of the Rome Statute to the Parliament on 29 January 2003.

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.204805?jfwid=191fum7wuy>

The Law on the ratification of the Rome Statute was adopted on April 1, 2003.

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.208965?jfwid=191fum7wuy>

Amendment of the article 8 of the Rome Statute was also ratified by the Parliament according to Law on ratification of the amendment of the Rome Statute for crimes of aggression under article 8, adopted on November 12, 2015.

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b7fa1b138a0111e5bca4ce385a9b7048?jfwid=191fum7wuy>

In Article 2 of the Law on the ratification of the Rome Statute, pursuant to Articles 87(1)(a), 87(2) and 103(1)(b) of the Rome Statute, the legislator of the Republic of Lithuania declared that: (1) requests for cooperation of the International Criminal Court may be sent directly to the Ministry of Justice of the Republic of Lithuania or the Prosecutor General's Office of the Republic of Lithuania (Paragraph 1, Article 2); (2) requests for cooperation of the International Criminal Court and documents related to the request shall be submitted either in Lithuanian, which is the official language of the Republic of Lithuania, or in English, which is one of the working languages of the International Criminal Court or translations of the documents related to the request for cooperation into either Lithuanian or English must be attached (Paragraph 2, Article 2); (3) the Republic of Lithuania is ready to accept persons sentenced to imprisonment by the International Criminal Court to serve their sentence if these persons are citizens of the Republic of Lithuania (Paragraph 3, Article 2).

## **Foreign policy to promote international criminal justice**

Lithuania is firmly committed to an international rules-based order as well as to the values of the Rome Statute. As a Member State of the EU we align with various initiatives directed to the promotion of the universality and the integrity of the Rome Statute as well as continued and unwavering support to the ICC so as to effectively fight impunity and foster accountability. In its Conclusions of 17 July 2018 on the occasion of the 20th anniversary of the adoption of the Rome Statute, the Council encouraged further enhancement of the EU action on strengthening of the international criminal justice and also stressed the importance to further mainstream the ICC across the European Union's internal and external policy areas.

## **National prosecutorial policies concerning international crimes**

The Prosecutor General's Office is a member of European Network for the Investigation and Prosecution of Genocide, Crimes against Humanity and War Crimes (Genocide Network), Joint Investigation Teams Network (JIT Network), the European Judicial Network in criminal matters (EJN criminal), Anti-Corruption Network, also EUROJUST. In addition, Prosecutor General's Office maintains contacts with EUROPOL and OLAF.

During international conference on Genocide, War crimes and Crimes against Humanity held on January 24, 2019, General Prosecutor said that "Lithuania has ratified the main international criminal and international humanitarian law and complies with its international obligations in this area. According to the established principle of universal jurisdiction, Lithuania may prosecute persons regardless of their citizenship, place of residence and place of crime. Lithuania has also accumulated its unique experience in implementing the above-mentioned international obligations and principles and, as already mentioned, in investigating cases of genocide, war crimes and crimes against humanity committed in Lithuania".

National prosecutorial policies are directly related to international law obligations. In order to supervise obligations, there are five prosecutors who specialize in Genocide, War crimes and Crimes against Humanity.

Methodological Recommendations for the Pre-trial Investigation on the Performance, Organization and Management of Non-hate Crimes and Hate Language

[https://www.prokuraturos.lt/data/public/uploads/2020/04/neapykantos\\_nusikaltimu\\_tyrimo\\_meto\\_dines\\_rekomendacijos.pdf](https://www.prokuraturos.lt/data/public/uploads/2020/04/neapykantos_nusikaltimu_tyrimo_meto_dines_rekomendacijos.pdf)

General Prosecutors Order on the Approval of the Provisions of the Eurojust National Coordination System

<https://www.prokuraturos.lt/data/public/uploads/2015/12/eurojust-nac-koordinav-sistem-nuostatai-2011-10-28.pdf>

General Prosecutors Order on Measures to Protect Detained and Arrested Persons against Torture, Other Cruel, Inhuman or Degrading Treatment or Punishment

[https://www.prokuraturos.lt/data/public/uploads/2015/12/priem-uztikrinim-sulaik-suimt-asm\\_2004-11-18.pdf](https://www.prokuraturos.lt/data/public/uploads/2015/12/priem-uztikrinim-sulaik-suimt-asm_2004-11-18.pdf)

The "Review of Lithuanian Court Practice on Crimes against Humanity and War Crimes (Articles 99, 100 and 102 of the Criminal Code of the Republic of Lithuania)" prepared by the Criminal Cases Chamber of the Supreme Court of Lithuania, which aims to ensure uniform interpretation and application of the law.

<https://www.lat.lt/data/public/uploads/2018/06/ab-37-1.doc>

## **National policies concerning victims of international crimes**

The Centre for Crime Prevention in Lithuania has been founded on July 17, 1997. The founding of the Centre has been initiated by the United Nations Development Programme. The Government of Lithuania has also acknowledged a role the Centre shall play in international arena, the Centre has been vested with a task to coordinate cooperation between the Government of Lithuania and the United Nations' Commission on Crime Prevention and Criminal Justice. According to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, Lithuania had to transfer this directive into national law.

General Prosecutors Order on Measures to Protect Detained and Arrested Persons against Torture, Other Cruel, Inhuman or Degrading Treatment or Punishment

[https://www.prokuraturos.lt/data/public/uploads/2015/12/priem-uztikrinim-sulaik-suimt-asm\\_2004-11-18.pdf](https://www.prokuraturos.lt/data/public/uploads/2015/12/priem-uztikrinim-sulaik-suimt-asm_2004-11-18.pdf)

## **State institutions supporting victims of international crimes**

Genocide and Resistance Research Center of Lithuania

<http://genocid.lt/>

## **NGOs working in relation to international crimes in general**

There are currently no active NGOs or INGOs in the Republic of Lithuania which focus specifically on issues related to international crimes but there are active NGOs which focus on issues related to criminal offences at general level, which also includes international crimes.

Human Rights Monitoring Institute (HRMI) is a non-governmental, not-for-profit public advocacy organisation. Since its establishment in 2003, HRMI has been advocating for full compliance of national laws and policies with international human rights obligations and working to ensure that rights are real and effective in practice. The team of HRMI lawyers and social and political sciences experts carries out research, drafts legal and policy briefings, compiles reports to international human rights bodies, undertakes strategic cases before domestic and international courts, provides expert consultations and legal services, engages in various national and international projects, delivers conventional and distance trainings to law enforcement officers and other professionals.

Fields of activity:

1. rights of crime victims (domestic violence, human trafficking and other victims of crime);
2. prohibition of discrimination (on the grounds of disability, gender, sexual orientation, ethnic origin and other);
3. rights of suspects and accused (right to a lawyer, information and translation, pre-trial detention);
4. rights of people in closed facilities (in prisons, psychiatric establishments, care homes);
5. protection of privacy and digital rights (protection of private data online)
6. freedom of expression (free speech, right to information).

<https://hrmi.lt/en/>

## **NGOs working in relation to victims or perpetrators of international crimes**

There are currently no active NGOs or INGOs which focus on issues related specifically to victims of any international crimes, but there are a few NGOs which focus on the issues of victims related to specific international crimes, mainly the USSR's aggression against the Republic of Lithuania

(committed on 13th of January, 1991), 1940-1941 genocide, committed by USSR against Lithuanians and crimes committed by the Nazi Germany.

- Community of the Relatives of the Dead on January 13th, 1991 „Bičiulyste“  
<http://www.pliaterytes.lt/sausio13/>
- Society of Victims of January 13th, 1991  
(website not available)
- Lithuanian Union of Political Prisoners and Deportees  
<https://www.lpkts.lt/>
- Union of Soldiers of the Lithuanian Armed Forces Victims of the Soviet and Nazi Genocide  
(website not available)
- Lithuanian Jewish Community  
<https://www.lzb.lt/en/>

## **Museums related to international crimes**

### **Museum of Occupation and Freedom Fights (MOFF)**

The museum is situated in the former KGB building, where the crimes of the Soviet regime were planned and executed for fifty years. Visitors can visit: the former KGB prison, the premises where death sentences were implemented, modern exhibitions telling about the loss of independence in the middle of the 20th century, repressions by Soviet authorities, and the self-sacrificing and persistent fight for independence. The aim of the museum is to gather, research and propagate historical documentary material that reflects the physical and spiritual forms of genocide performed by the Soviet occupiers against the Lithuanian inhabitants, demonstrates the methods and extent of resistance to the occupying regime, and commemorates genocide victims and freedom fighters. More than 100,000 exhibits are presently housed in the archives of the museum. They are being researched, digitised and filed into a computer database. The museum constantly arranges rotating exhibitions on historical themes, and mobile exhibitions prepared by the employees of the museum are successfully displayed not only in Lithuanian cities and towns but also in foreign countries. The museum offers a variety of services: thematic or introductory excursions are available; headphones with the guide's voice in English can be obtained; books published by the Genocide and Resistance Research Centre of Lithuania are sold; and visitors can make copies of exhibits, take photographs, and record video for an additional fee. The museum provides historical consultations, methodological help, materials for publications, and exhibits from the museum for exhibitions. The museum has over 80,000 visitors a year, the majority being tourists from various countries around the world.

<http://genocid.lt/muziejus/en/708/c/>

### **Museum of Kaunas fortress IX Fort**

The Ninth Fort of Kaunas fortress, built in 1903, reestablished in 1918 as Hard Labour Prison. In 1940, when Lithuania was incorporated into the Soviet Union, the People's Commissariat for Internal Affairs of the Soviet Union (NKVD) became the owner of the Ninth Fort instead of the Ministry of Justice. The Fort was transformed into an intermediary station of transferring mainly political prisoners. Here the people from prisons in Kaunas and the surrounding areas were collected before sending them to Gulag camps in the depth of the Soviet Union. The Fort was the only common prisoner transfer point in Lithuania as all other prisons in the country sent prisoners at their own discretion. Later, in the Ninth Fort, people were massively murdered from October, 1941 to August, 1944, when the Red Army of the Soviet Union occupied Lithuania. The October of 1941 was exceptional in the scope of mass murder: on October 4, 1,845 Jews and on October 29 – 9,200 Jews

were killed. Before this, never in history such a large number of people in one day were killed in Lithuania. During mass murders, not only men, but also women, children, and old people were shot. In addition to locals, people from other European countries were imprisoned and killed in Kaunas Ninth Fort: Austria, Poland, France, the Soviet Union, and Germany. On the basis of provisional data, around 50,000 people were killed in the Ninth Fort during the WWII.

<https://www.9fortomuziejus.lt/>

### **Memorials for international crimes**

According to the data of Genocide and Resistance Research Centre of Lithuania

(<http://genocid.lt/centras/lt/810/c/>), there are more than 1,600 memorials (monuments) and about 200 memorial locations to instances of various aspects of international crimes in Lithuania. Examples of these memorials (monuments) and memorial locations were selected and provided in subsequent sections specific to victims and perpetrators.

#### **Kaunas fortress VII Fort**

Monument in memory of 3000 Kaunas city residents (mostly Jews) killed in this fort from 4 July, 1941 to 19 July, 1941.

#### **Macikai village**

German prisoners of war camps which operated in 1941-1944, Soviet prisoners of war camps which operated in 1945-1948 and territory of the GULAG unit which operated in Lithuania in 1945-1955. Various monuments in memory of murdered or dead prisoners of war and political prisoners who were held in German prisoners of war camps which operated in this territory from 1941 to 1944, Soviet prisoners of war camps which operated in this territory from 1945 to 1948 and GULAG unit which operated in this territory from 1945 to 1955; Macikai village concentration camp (lager) sauna; Cross in memory of Belgian and German prisoners of war; Memorial plaque for 2500 allies imprisoned in German prisoners of war camps from 1934 to 1944 and three murdered American aviators Sergeants George Walker; Graves of political prisoners who died due to unbearable working and living conditions or were murdered in the GULAG unit from 1946 to 1955 etc.

#### **Klaipeda district municipality, Gargzdai city.**

The place of massacre and burial of Gargzdai Jews. In this place on June 24, 1941 201 Jewish man from Gargzdai including several Lithuanian communists, were killed and buried during the execution organized by the Nazi German authorities and carried out by baltaraisciai (Germ. hiwi (Eng. auxiliary volunteers)), Tilzè Gestapas, Tilzè SD, Klaipeda Border Police Commissariat, Klaipeda Security Police and Lithuanian Police.

<https://kvr.kpd.lt/#/static-heritage-detail/a4ec1efc-e01a-41e4-9a62-7bfea9ff955d>

#### **Sculpture park (Ablinga and Zvaginiai)**

A sculpture park in memory of the massacre when on June 23, 1941 (the second day of the Nazi invasion of Soviet Union) Nazi punitive squadron executed 42 villagers from Ablinga and nearby Zvaginiai (28 men and 14 women) and burned down the houses.

#### **Rainiai location**

The Rainiai massacre was the mass murder of between 70 and 80 Lithuanian political prisoners by the NKVD, with help from the Red Army, in a forest near Telsiai, during the night of June 24–25, 1941.

## Memorials for specific victims of international crimes

### Memorial Complex of the Tuskulėnai Peace Park

On February 2, 1998, the Government of the Republic of Lithuania formed the Commission for Immortalization of Memory of Tuskulėnai victims. At its proposal, by Resolution No. 932 of 19 June 2002 and Resolution No. 322 of 28 March 2007 of the Government of the Republic of Lithuania (the previous resolution was amended by supplementing it with new items), a programme for the creation of the Tuskulėnai Peace Park and its implementation measures were approved. A decision was taken to establish the Memorial Complex of the Tuskulėnai Peace Park (the Tuskulėnai Memorial or the Tuskulėnai Peace Park), its main objects being: the manor structures and the chapel-columbarium, where the victims of 1944–1947 NKVD–KGB repressions are buried. The territory of 4.9 ha in area was allocated to the Memorial. It sites the principal palace of the former Tuskulėnai Manor and officina, a manor park and its confines, where the chapel of St. Theresa and a small white manor (F. Walicki's villa) have survived. On December 31, 2008, the Ministry of Culture of Lithuania passed over under the auspices of the Genocide and Resistance Research Centre of Lithuania (GRRCL) the Tuskulėnai Peace Park and all the buildings within its confines.

At present the Memorial Complex of the Tuskulėnai Peace Park is the subdivision of the Museum of Genocide Victims of the Memorial Department of this Centre. According to the museum and educational centre concept developed by a group of the LGRRRC staff in 2004, an exposition "Project Homo Sovieticus" is planned to be arranged in the principal Tuskulėnai manor palace. The ground floor will house expositions dedicated to five themes, and the first floor will locate the educational-information centre. In the basement of the former white small manor, it is foreseen to stage an exposition "The Tuskulėnai Manor, Massacres in 1944-1947, Victims, Investigation" and to exhibit the 17th-century stove, detected by archeologists. The objective of expositions is not only to present the historical documents to the museum visitors, but also to make an emotional impact on them.

The Tuskulėnai Park is the place where in 1944 – 1947 the persons imprisoned and tortured in the KGB (NKGB – MGB) inner prison basements on which a death penalty was imposed were buried secretly. From September 28, 1944 to April 16, 1947, in the KGB (NKGB–MGB) inner prison, in Vilnius (Aukų Str. 2A), according to sentences of USSR military tribunals and special councils, death sentences were executed to 767 persons (another 7 died before the execution of a death sentence). The majority of them (613 people) were charged and sentenced under Article 58 of the RSFSR Criminal Code "High Treason". Death penalties were executed by a special group formed of Department A of the KGB (NKGB–MGB) staff. After the executions, victim corpses were buried secretly in the mass graves of the former Tuskulėnai manor territory. As a mass grave Tuskulėnai was used until the spring of 1947, when by Order of 26 May 1947 of the USSR Supreme Soviet, a death sentence was commuted to 25 years of imprisonment, suspending its execution until 1950. In the park territory in 1994 – 1996 and 2003, after carrying out archeological investigations, the remains of 724 people were found. The remains of seven people were passed over for burying to their relatives, the Telšiai diocese, and the remains of other 717 Soviet terror execution victims were placed in the chapel-columbarium on November 2, 2004.

<http://genocid.lt/tuskulenai/en/>

### Tuskulėnai chapel-columbarium

From September 28, 1944 to April 16, 1947, in the KGB (NKGB–MGB) inner prison, in Vilnius (Aukų Str. 2A), according to sentences of USSR military tribunals and special councils, death sentences were executed to 767 persons (another 7 died before the execution of a death sentence). Most of them (613 people) were accused and sentenced under Article 58 of the RSFSR Criminal Code "High Treason". Death penalties were executed by a special group formed of Department A of the KGB

(NKGB–MGB) staff. After the executions, victim corpses were buried secretly in the mass graves of the former Tuskulėnai manor territory. Pits were excavated in advance, some of them being used even several times. In such cases, after throwing the victim corpses, pits were filled with lime, diesel fuel and covered with a layer of tar-paper, and victims of later executions were thrown on top. The Tuskulėnai mass grave was used until the spring of 1947, when by Order of 26 May 1947 of the USSR Supreme Soviet, a death sentence was commuted to 25 years of imprisonment, suspending its execution until 1950. The Tuskulėnai victims included 206 participants in the resistance, 43 participants in the 1941 June Uprising, 32 fighters of the Polish Armia Krajowa and others. In 1944, 45 were killed, 479 in 1945, 185 in 1946, 58 in 1947. The days with the largest number of executions carried out are March 2, 1945 (42 people) and March 21, 1945 (45 people). People of different nationalities were killed: 559 Lithuanians, 56 Russians, 52 Poles, 38 Germans, 32 Belarusians, 18 Latvians, nine Ukrainians, three Jews, and one Estonian, Uzbek, Tartar, Osetin, Chuvash, Armenian and Udmurt each.

<http://genocid.lt/tuskulenai/en/447/c/>

#### Tuskulėnai mass grave

The process of sentencing to death by the courts of the Soviet Occupation Regime is revealed; and how the place of burial was kept secret is presented. An exhibition of archeological findings; the personal belongings of the executed donated by their relatives.

<http://genocid.lt/tuskulenai/en/622/c/>

#### Lithuanian Partisan Memorial in Kryzkalnis

The idea behind this memorial is to commemorate all 20,000 partisans who have sacrificed their lives for their country's freedom in an unequal fight against the Soviet occupants in the post-war period.

#### Memorial Site of Paneriai

The memorial, inter alia, includes: an obelisk in memory of the victims shot by Nazis during the mass killings in this territory from 1941 to 1944; monumental composition in memory of the Poles shot by Nazis during the mass killings in this territory from 1941 to 1944; monument in memory of the Jews shot by Nazis during the mass killings in this territory from 1941 to 1944; monument in memory of 84 Lithuanian local national team soldiers volunteers shot by Nazis in this territory on May 17-21, 1944; monument in memory of the Poles shot by Nazis in this territory from 1941 to 1944.

#### Monument "Mother of Suffering" (Exile)

In memory of the deportees of Alytus city and district.

#### Monument "Silenced Bell"

Dedicated to the memory of Lithuanian rebels, partisans of Dainava district, political prisoners and deportees on June 22-28, 1941.

#### Cross in Vilnius

Dedicated to the memory of Lithuanian citizens who died on January 13, 1991 in defense of the Vilnius Television Tower and the Lithuanian National Radio and Television Committee.

#### Monument "Mother of Pirčiupiai"

In memory of the massacre when on June 3, 1944, Nazi Germans sent a punishment squadron and burned alive almost all inhabitants – 119 people (including 49 children under age of 16) of Pirčiupiai.

## Memorials for perpetrators of international crimes

Perpetrators are only memorialised indirectly. For example, in “The Grutas Park Exposition”. The absolute majority of memorials aim to honor victims of international crimes, but not perpetrators. The Grutas Park exposition discloses the negative content of the Soviet ideology and its impact on the value system. The aim of this exposition is to provide an opportunity for Lithuanian people, visitors coming to Lithuania as well as future generations to see the “naked” Soviet ideology which suppressed and hurt the spirit of Lithuanian nation for many decades.

The wooden building of the museum of Grutas Park resembles a cultural house like ones that were built in the 1940's and 50's. The sound, cinema and photo documentaries collected and displayed at the information centre and museum, show and denounce the ideologized Soviet propaganda culture, pseudo-science, the aims, mechanism and forms of the Soviet ideology and propaganda, and disclose the genocide of the Lithuanian nation.

[http://grutoparkas.lt/en\\_US/outdoor-exposure/](http://grutoparkas.lt/en_US/outdoor-exposure/)

[http://grutoparkas.lt/en\\_US/museums/](http://grutoparkas.lt/en_US/museums/)

## Other mnemonic activities (e.g. memorial days and events)

- 12-13 January - Defenders of Freedom Day. On January 13, 1991, while the Soviet army and special units occupied the Lithuanian Radio and Television Building, the Television Tower, 14 freedom defenders were killed, and nearly a thousand more were injured or otherwise injured
- 27 January - International Holocaust Remembrance Day. On January 27, 1945, the Auschwitz concentration camp was liberated in Poland.
- 16 February - Day of Restoration of the State of Lithuania. On February 16, 1918, the Council of Lithuania signed the Act of Independence of Lithuania. On February 16, 1949, in the bunker of the headquarters of the Resurrection District in Mikniai homestead, the declaration of the Council of the Lithuanian Freedom Fighting Movement (LLKS) was published - a document of constitutional significance, testifying to the continuity of the Lithuanian state under conditions of occupation.
- 11 March - the Day of Restoration of Lithuania's Independence. Thirty years ago, on March 11, 1990, the Supreme Council of Lithuania adopted the Act of Restoration of the Independent State.
- 11 April - International Day for the Release of Prisoners of Concentration Camps. On April 11, 1945, Buchenwald's prisoners were released in Germany.
- 26 April - on April 26, 1990, in protest against the economic blockade of Lithuania by the Soviet Union, Stanislovas Žemaitis set himself on fire in Moscow.
- 8 May - Remembrance Day for the Victims of the Second World War. On May 8, 1945, Germany capitulated against the anti-Hitler coalition.
- 14 May - Day of Civil Resistance. On May 14, 1972, Romas Kalanta burned down in Kaunas in protest against the Soviet regime.
- 19-20 May (Day of Honor of Partisans, Unity of the Army and Society).
- The third Sunday in May - a day of respect for partisans, unity of the army and society.
- 14 June - Day of Mourning and Hope. On June 14, 1941, the first mass deportation of the Lithuanian population began (about 18 thousand people were deported).
- 15 June - Day of Occupation and Genocide. 80 years ago, on June 15, 1940, the Soviet Union occupied Lithuania. More than 132 000 people were deported from Lithuania, of which more than 28 000 died.
- 23 June - June Rebellion Day. On June 22-28, 1941, the June Rebellion took place.



- 2 August - International Roma Holocaust Remembrance Day. 1944 August 2 the gypsy camp at the Auschwitz-Birkenau concentration camp in Poland was destroyed. About 3,000 Roma people were killed.
- 23 August - European Day of Remembrance for the Victims of Stalinism and Nazism and Baltic Way Day. The secret protocols of the treaties between the USSR and Germany, signed on August 23, 1939, drew the line of division between the states of Central and Eastern Europe. On August 23, 1989, the Lithuanian Restructuring Movement, together with the Estonian and Latvian people's fronts, organized a "Baltic Way" campaign, during which 2 million people, demanding independence, joined forces in a continuous chain from Vilnius to Tallinn.
- 31 August - Freedom Day. On August 31, 1993, the Russian army was withdrawn from Lithuania. 17. September 23 - Lithuanian Jewish Genocide Remembrance Day.
- 28 September - Remembrance Day of Tuskulėnai Victims. On September 28, 1944, the first victims were killed in the KGB building in Vilnius. Their remains are buried in the territory of the former Tuskulėnai manor.
- 16 October - Genocide Day of the Population of Lithuania Minor. In October 1944, genocide of the population began in the main part of Lithuania Minor - over 300,000 people were killed and 100,000 deported.
- 17 November - on 17 November 1940, the Lithuanian Activist Front (LAF), an anti-Soviet resistance organization, was established in Berlin, Germany.

## Related cultural activities

### Mobile exhibitions prepared by MOFF

- Lithuanians in the Kengyra uprising. From 16 May to 26 June 1954
- Repressed in 1918–1940. Members of the Cabinet of Ministers of the Republic of Lithuania
- Hawk with Hawks
- In order not to happen again, to never happen again
- Persecution of Lithuanian Roma during the Nazi Occupation (1941–1944)
- Wolf children: bread on the way from East Prussia to Lithuania 1945-1948
- 12th KILOMETER: 1942-1943 Lithuanian citizens shot in Sverdlovsk
- The death of the partisans of the Genius group of Dainava district. May, 1952
- Witness to the Nation and History
- Rebirth Rallies: A Look from the Other Side of the Barricades
- 1939-1940 Poles interned in Lithuania
- ON THE PARTISAN ROAD. Juozas Paliūnas-Rytas (1915–1952), Commander of the Resurrection District
- GULAG. The history of one camp
- UNDER FOREIGN SKIES: Lithuanians in Soviet Camps and Exile in 1940–1958
- CHRONICLE OF VIOLENCE: Lithuania in 1939–1941
- WAR AFTER THE WAR: Armed Anti-Soviet Resistance in Lithuania in 1944–1953
- BASKETBALL IN SOVIET CAMPINGS AND EXIT
- AND THEY PAY TO ENJOY...
- FOR URAL, THE END OF THE EARTH ...

### Photography exhibitions

- Exhibition of photographs by Jonas Augustauskas "ARMENIC GENOCIDE. YEAR 1915"

- Exhibition of photographs „Kardo rinktinės partizanų takais“ (Eng. By Trails of Partisans from Sword Team). Gargždai Region Museum.
- Exhibition of photographs recreated by Stanislovas Bagdonavičius „Panevėžio krašto partizanai: 1945–1953 metai“ (Eng. Partisans of Panevėžys region: 1945–1953). Presented in Kiiv, Ukraine.
- Exhibition of archive photographs, collected by Jonas Stasevicius. „Atmintis gyva, nes liudija: Vyčio apygardos Žaliosios rinktinės partizanai“ (Eng. The memory is alive because it bears witness: Partisans of the Vytis District Green Team). Panevėžys library, 2019.
- Exhibition of photographs by Klaudijaus Driskiaus „Laisvųjų testamentai“ (Eng. Wills of the Free Ones). Vilnius.

#### MOFF virtual exhibitions

- Methods and means of the KGB tracking
- Hopeful “Alleluia!” From afar
- History of the KGB building in Vilnius during the Sajudis
- Oflag 60
- President of Fighting Lithuania
- LLKS Council 1949 February 16 Declaration and signatories
- Exhibition of photographs by priest Jonas Augustauskas
- The Way of Life and Death  
<https://www.vilkovaikai.lt/>

#### Other exhibitions

Designer Giedrius Paulauskas. Exhibition of reconstructed partisan uniforms „Laisvės kariai“ (Eng. Freedom Warriors), 2020.

#### Movies created by GRRCL orders

- June Ice, 2001.
- Exile in 1941 through the eyes of children, 2011.
- Give the Homeland what you have to, 2015.
- Grave 27/3. The Return of the Hawk, 2019.

#### Other Films

- The film 'Invisible Front' presents the resistance movement in the Baltic States from 1944 to 1953, which brought together groups of young men who were not afraid to die to fight the communist world - the Soviet Union.
- The film 'Lithuania and the collapse of the USSR'. The action time of the film is 1989-1991, Lithuania's struggle for secession from the USSR and the restoration of independence.
- The film 'Children from an American hotel'. 1972, Kaunas. A small group of teenagers secretly listening to Luxembourg radio, dreaming. They all live in the same house that used to be a hotel called America. Their innocent activities are of interest to the KGB. Security agents secretly read children's letters sent to Luxembourg radio. Together with the militia, they tear up a rally of teenagers. The authors of the film reveal how they live in a past that is not old, but which is no longer understood by today's youth - the so-called Soviet years, when every dream could end in the militia unit.
- The film 'Forest of the Gods'. It tells the story of a professor of exceptional personality who was imprisoned in a Nazi German concentration camp during World War II and sarcastically describes Stuthof.

- The film "Owl Hill" presents a story about the political and historical events in Lithuania in 1947-1952, a journey of partisan determination and knowledge, shed blood, love and relations between heroes, the post-war generation, fear of being punished, deported or killed, but also without suppressing the call for independence. This is a story of hope. On the reckless risk of resisting in the name of freedom, in the name of national, social and, ultimately, simple human happiness.
- The film series 'The Price of Freedom. Volunteers'. The series tells the story of February 16, 1918. The signing of the Act of Independence of Lithuania and other historical events that followed this important event for Lithuania before the occupation of Lithuania in 1940.
- The film series 'The price of freedom. Partisans'. The series tells about the three occupations and mass deportations that took place in the middle of the last century, the Holocaust, terror, and the attempt to crush Lithuania physically and spiritually.
- The film series 'The price of freedom. Dissidents'. The action of the series takes place in Soviet Lithuania in the period of 1956-1986, when after the suppression of the partisan movement, resistance to the occupation took other forms of unarmed resistance. The series focuses on dissidents of Catholic clergy and laity (especially the underground chronicle of the Catholic Church, which began in 1972).
- The film 'Emilia from Freedom Alley'. The action of the film is related to the turbulent events that took place in Kaunas in 1972 after the burning of Roma Kalanta.
- The film 'The Excursionist' is based on the true facts of an eleven-year-old girl who escaped from exile and seeks a way home to her homeland.
- The film "Purpurinis rūkas" (The purple mist). 2019. Director: R. Banionis. Synopsis: 19-year-old Josef returns home, hoping to find his parents. However, the atmosphere of war is still there: the central part of his native small town is controlled by the Soviets, while the surroundings are controlled by partisan fighters. Josef gets trapped between those two forces: Soviets demand him to become their agent, and partisans – their double agent. In order to survive, he has to agree with both. Josef's relationship with the chief partisan fighter, Vlad, is particularly complex. They've known each other since childhood. Vlad was never pleasant or kind, but Josef once saved Vlad's dog and that's how he's earned Vlad's favor.  
[https://www.imdb.com/title/tt10017454/?ref=nm\\_ov\\_bio\\_lk3;](https://www.imdb.com/title/tt10017454/?ref=nm_ov_bio_lk3)  
[http://www.lfc.lt/lt/Page=MovieList&ID=15676&GenreID=454&Y=&C=?fbclid=IwAR00cw1BX8\\_vAPlrKisf-HalLqFYlgLNT\\_O461rBBH776WwVIB1Q3nxPY](http://www.lfc.lt/lt/Page=MovieList&ID=15676&GenreID=454&Y=&C=?fbclid=IwAR00cw1BX8_vAPlrKisf-HalLqFYlgLNT_O461rBBH776WwVIB1Q3nxPY)
- The film "Sutemose" (At Dusk), 2019. Director: Šarūnas Bartas. Synopsis: A historical drama set in Lithuania in 1948, story focuses partisan family and their 18 year old son Unte, a boy who experiences passion and violence after joining a group of partisans resisting the Soviet occupation.  
[https://www.imdb.com/title/tt9799640/?ref=nm\\_fimg\\_dr\\_2;](https://www.imdb.com/title/tt9799640/?ref=nm_fimg_dr_2)  
[http://www.lfc.lt/lt/Page=MovieList&ID=16217&GenreID=454&Y=&C=?fbclid=IwAR00cw1BX8\\_vAPlrKisf-HalLqFYlgLNT\\_O461rBBH776WwVIB1Q3nxPY](http://www.lfc.lt/lt/Page=MovieList&ID=16217&GenreID=454&Y=&C=?fbclid=IwAR00cw1BX8_vAPlrKisf-HalLqFYlgLNT_O461rBBH776WwVIB1Q3nxPY)
- The film "Izaokas", 2019. Director: Jurgis Matulevičius. Synopsis: Kaunas, Lithuania, 1941, Lithuanian activist Andrius Gluosnis kills a Jew Isaac in Lietukio garage massacre. Years after the incident Gluosnis is haunted by the guilt.  
[https://www.imdb.com/title/tt5537378/?ref=nm\\_knf\\_t1](https://www.imdb.com/title/tt5537378/?ref=nm_knf_t1)  
[http://www.lfc.lt/lt/Page=MovieList&ID=15084&GenreID=454&Y=&C=?fbclid=IwAR3fVpNogO23B9Jfm8qT3i0YUrYFrRh6\\_fmROY858PzdruFgoZy1YEWJ4so](http://www.lfc.lt/lt/Page=MovieList&ID=15084&GenreID=454&Y=&C=?fbclid=IwAR3fVpNogO23B9Jfm8qT3i0YUrYFrRh6_fmROY858PzdruFgoZy1YEWJ4so)

- Documentary “Paskutinis” (The last one), 2010. Director: Algimantas Maceina. Synopsis: the documentary tells a story about one of the last Lithuanian partisan Antanas Kraujelis. Memories of the partisan are shared by the relatives of the partisan, relatives and local historians.  
<http://www.lfc.lt/lt/Page=MovieList&ID=7894&GenreID=455&Y=2001&C=?fbclid=IwAR1vdP0V5cKiDZO7rmAZK4M4kzUhnzj5IbwvvyolFR8dreEmaPxSd6xB3YOg>
- The film “Vilniaus Getas” (Ghetto), 2005. Director: Audrius Juzėnas. Synopsis: This feature film is based on the real events of the war years. The place of action is the Vilnius ghetto (1942–1943) during the Nazi occupation.  
<http://www.lfc.lt/lt/Page=MovieList&ID=1245&GenreID=454&Y=&C=?fbclid=IwAR1ZmxnMhp1l9hgq3yZdv5rPxElqF-MPA7GWg3ulZrswuGGAdm02IkZwdc>
- The film “Mėnulio Lietuva” (The Lunar Lithuania), 1997. Director: Gytis Lukšas. Synopsis: A tragicomedy about postwar life in small Lithuanian town with mythological elements.  
[https://www.imdb.com/title/tt2345639/?ref=nm\\_film\\_dr\\_3](https://www.imdb.com/title/tt2345639/?ref=nm_film_dr_3)  
[http://www.lfc.lt/lt/Page=MovieList&ID=1290&GenreID=454&Y=&C=?fbclid=IwAR3fVpNogO23B9Jfm8qT3i0YUrYFrRh6\\_fmROY858PzdruFgoZy1YEWJ4so](http://www.lfc.lt/lt/Page=MovieList&ID=1290&GenreID=454&Y=&C=?fbclid=IwAR3fVpNogO23B9Jfm8qT3i0YUrYFrRh6_fmROY858PzdruFgoZy1YEWJ4so)
- The feature film “Vienai vieni” (Utterly alone), 2004. Director: Jonas Vaitkus. Synopsis: The basis of the film's events is a tragic and hopeful period in Lithuanian history, when the resistance movement resisted the Soviet invasion. The film tells the story of the famous Lithuanian partisan Juozas Lukša-Daumantas and his family.  
[http://www.lfc.lt/lt/Page=MovieList&ID=1257&GenreID=454&Y=&C=?fbclid=IwAR2JCdRDsr\\_r\\_VcV-Rktm5RPF2HmTAKuELiCj4nHAs7YXC5sVzhTfjSygXs](http://www.lfc.lt/lt/Page=MovieList&ID=1257&GenreID=454&Y=&C=?fbclid=IwAR2JCdRDsr_r_VcV-Rktm5RPF2HmTAKuELiCj4nHAs7YXC5sVzhTfjSygXs)

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- Julija Sukys (2012). Epistolofilija. Užrašytas Onos Šimaitės gyvenimas (Eng. Epistolophilia. The recorded life of Ona Simaite).
- Julija Sukys (2017). Siberian Exile: Blood, War, and a Granddaughter's Reckoning.

- Vykintas Vaitkevičius, Aiste Petrauskiene (2019). Lietuvos partizanų valstybė (Lithuanian Partisan State). Vilnius: Alma littera. ISBN: 9786090139479.
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#### Literature: Articles

- Buchaveckas S. The Holocaust in Vilkauskis County: the Fate of Pilviskiai Jewish Community in 1941. (Genocidas ir rezistencija, 2011 No. 2(30).
- Ruksėnas A. Motives of the Soldiers of Kaunas Self-defence Battalions for Participation in the Killing of Jews and Other groups of People during the Nazi Occupation (1941–1944).
- Pocius M. Anti-Soviet Resistance in Kaunas 1946–1947.
- Okuliciute L. Preventive Measures for Society – a KGB Psychological Impact Tool.
- Bubnys A. (2005), Lithuanian priests - the saviors of the Jews. Yearbook of the Lithuanian Catholic Academy of Sciences, No. 27, Vilnius.
- Brandisauskas V. (1999). The Holocaust in Lithuania: historiographical situation and main problems. Yearbook of the Lithuanian Catholic Academy of Sciences, No.14, Vilnius, 1999.
- Bubnys A. (Ed.) (2011). The Holocaust in Lithuania 1941 - 1944. Collection of articles, Vilnius.

#### Recommended media sources

##### Television

- Lithuanian national television and radio (Lithuanian, English, Russian, Polish, Ukrainian): <https://www.lrt.lt/>
- LNK (Free and independent channel, including sister channels Info TV, Baltic channel, etc. Lithuanian): <https://lnk.lt/>
- TV3 channel (including sisters channels TV6, TV8, etc. Lithuanian): <https://www.tv3.lt/>
- Lietuvos rytas TV (Lithuanian): <https://tv.lrytas.lt/>

##### Online portals

- Delfi (Lithuanian, Russian, English): <https://www.delfi.lt/>
- Lietuvos rytas (Lithuanian, English): <https://www.lrytas.lt/>
- 15min.LT (Lithuanian): <https://www.15min.lt>
- LRT (Lithuanian, English, Russian, Polish, Ukrainian): <https://www.lrt.lt/>

##### Newspapers and journals

- Lietuvos rytas (Lithuanian, English): <https://www.lrytas.lt/>
- Kauno diena (Lithuanian): <https://kauno.diena.lt/>
- Respublika (Lithuanian): <https://www.respublika.lt>
- Vakarų ekspresas (Lithuanian): <https://www.ve.lt>

##### News portals

- ELTA (Lithuanian, English, Russian): <https://www.elta.lt/lt>
- BNS (Lithuanian, English, Russian): <https://www.bns.lt/>

## **Nigeria**

*Oriola Oyewole\* and Martha Emasealu, September 2023*

### **Specific laws and regulations concerning perpetrators of international crimes**

Anti-Torture Act 2017 prohibits acts of torture in times of war or threat of war. It makes provision for acts of torture and other cruel, inhuman and degrading treatment or punishment, and prescribes penalties for commission of such acts.

The Nigerian Police Force (NPF) is the primary law enforcement agency. The establishment of the police and armed forces in Nigeria is outlined in the 1999 Constitution of the Federal Republic of Nigeria, namely in sections 214(1), 214(2)a and 217(1) and (2). The national security services bear joint responsibility for the prevention of criminal activities and the acquisition of intelligence to identify both internal and external threats against the sovereignty of Nigeria. The Police Act 2020 aims to provide a " framework for the Police and ensure cooperation and partnership between the Police and host communities in maintaining peace, combatting crime, and protecting liberties. Life and property; and for related matters."

See also

- Police Act 2020(Part VI)
- Crimes against Humanity, War Crimes an, Genocide and Related Offences Bill, 2016(pending before the National Assembly)

### **Specific laws relating to victims of international crimes**

Crimes against Humanity, War Crimes, Genocide and Related Offences Bill, 2012. The proposed legislation includes provisions for creating a Special Victims' Trust Fund (SVTF) that would support victims of crimes and their families. (Not passed into law yet)

### **Specific laws regulating speech with regards to international crimes**

National Commission for the Prohibition of Hate Speech bill, 2019, still pending.

### **Laws relating to the implementation of the Rome Statute**

A Bill for an Act to Provide for the Enforcement and Punishment of Crimes Against Humanity, War Crimes, Genocide and Related Offences and to Give Effect to Certain Provisions of the Rome Statute of the International Criminal Court in Nigeria, 2013. It is noteworthy that this Bill has not moved past Second Reading.

### **Foreign policy to promote international criminal justice**

Nigeria participates in activities of the United Nations Office on Drugs and Crime (UNODC)

### **National policies concerning victims of international crimes**

National Action Plan against Human Trafficking in Nigeria

### **NGOs working in relation to international crimes in general**

- Wayamo Foundation
- Cleen Foundation
- CARE
- Nigerian Coalition on the International Criminal Court(NCICC)

## **NGOs working in relation to victims**

HRMIS: This digital platform was developed to allow citizens to report human rights violations by security agencies, especially during counter-terrorism operations. It provides a faster and more affordable means of reporting in line with 21st-century best practices.

<https://hrmis.org/>

National Human Rights Commission: The Commission serves as an extra-judicial mechanism for the respect and enjoyment of human rights. It also provides avenues for public enlightenment, research, and dialogue in order to raise awareness on Human Rights issues.

<https://www.nigeriarights.gov.ng>

## **Related cultural activities**

Literature

Half of a Yellow Sun- Chimamanda Ngozi Adichie (dealing with war in Biafra)

Film

The Hitman's Bodyguard (2017)

## **Recommended media sources**

- Al Jazeera Nigeria  
<https://www.aljazeera.com/where/nigeria/>
- CNN Nigeria  
<https://edition.cnn.com/world/africa/nigeria>
- Channels Television  
<https://www.channelstv.com/live/>

## **Norway**

*Kjersti Lohne\* and Carola Lingaas, September 2023*

### **Domestic laws criminalising international crimes**

Chapter 16 in the Norwegian Penal Code

[https://lovdata.no/dokument/NLE/lov/2005-05-20-28/KAPITTEL\\_2#KAPITTEL\\_2](https://lovdata.no/dokument/NLE/lov/2005-05-20-28/KAPITTEL_2#KAPITTEL_2)

### **Significant parliamentary discussions on international criminal justice**

Question from opposition leader to sitting Minister of Foreign Affairs on whether Norway's policies towards the ICC will change as a result of US sanctions towards ICC staff. November 2020. Document no. 15:2549 (2019-2020)

<https://www.stortinget.no/no/Saker-og-publikasjoner/Sporsmal/Skriftlige-sporsmal-og-svar/Skriftlig-sporsmal/?qid=80935>

Parliamentary Motion from "Rødt" (Communists) on ratification of the Kampala-amendments to the Rome Statute concerning the Crime of Aggression. "SV" (Socialists) supported the motion. February 2021. Representantforslag 63 S (2019–2020) and Innst. 164 S (2020–2021) Not passed.

<https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Innstillinger/Stortinget/2020-2021/inns-202021-164s/>

Parliamentary Question from "Venstre" (the Left) on why Norway has not completed an enforcement of sentences agreement with the ICC, given that it had one with the ICTY. February 2014. Document no. 15:436 (2013-2014).

<https://stortinget.no/nn/Saker-og-publikasjonar/Sporsmal/skriftlege-sporsmal-og-svar/Skriftlig-sporsmal/?qid=59150>

Parliamentary Motion from "FRP" (Progress Party) about a Norwegian initiative to establish an international criminal court for IS terrorists and to prevent that thousands of potential terrorists emigrate to Norway and Europe. May 2021. Dokument 8:207 S (2020–2021) and Innst. 595 S (2020–2021)

<https://www.stortinget.no/nn/Saker-og-publikasjonar/publikasjonar/Innstillinger/Stortinget/2020-2021/inns-202021-595s/?all=true>

Proposal to adopt Rome Statute in Norwegian Law. May 2001. Innst. O. nr. 125 (2000-2001) and Ot.prp. nr. 95 (2000-2001).

<https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Innstillinger/Odelstinget/2000-2001/inno-200001-125/?lvl=0#a13>

### **Laws relating to the implementation of the Rome Statute**

Chapter 16 in the Norwegian Penal Code (as above)

[https://lovdata.no/dokument/NLE/lov/2005-05-20-28/KAPITTEL\\_2#KAPITTEL\\_2](https://lovdata.no/dokument/NLE/lov/2005-05-20-28/KAPITTEL_2#KAPITTEL_2)

### **Nature of support for international courts**

Norway has supported the following courts:

- Extraordinary Chambers in the Courts of Cambodia
- International Criminal Tribunal for Rwanda
- International Criminal Tribunal for Yugoslavia
- Special Court for Sierra Leone (and residual court)
- UN Residual Mechanism for Criminal Trials



## Sentence enforcement

Agreement between the Kingdom of Norway and the International Criminal Court on the enforcement of sentences of the International Criminal Court

[https://lovdata.no/dokument/TRAKTATEN/traktat/2016-07-07-14#KAPITTEL\\_1](https://lovdata.no/dokument/TRAKTATEN/traktat/2016-07-07-14#KAPITTEL_1)

## Foreign policy to promote international criminal justice

The policy of support towards criminal justice is both unilateral and multilateral, as part of the Nordics, and as part of “like-minded states”, or the “coalition of the willing”. Output is both bilateral – in terms of direct funding – but also in international forums such as the UN. The policy aim is to contribute to fight impunity and through international criminal justice contribute to democracy, rule of law and long-term peacebuilding after armed conflict. Policy tools are primarily through financial support to the courts but also through development aid to the victims’ trust fund. There are few personnel transfers to the courts – one judge at the ICTR and interns at the ad hocs and the ICC. There is also financial support to the NGOs supporting the tribunals, such as the CICC. In addition to sentencing agreements, Norway has also taken an active diplomatic role (leading The Hague working groups for instance).

## Situations covered by prosecutions for crimes outside territory of state

- Rwanda
- Former Yugoslavia (Bosnia and Herzegovina, Croatia)
- Syria (ISIS)
- Somalia

## NGOs working in relation to international crimes in general

- Amnesty International Norway – general focus  
<https://amnesty.no/>
- The Norwegian Helsinki Committee – general focus  
<https://www.nhc.no/>

## Museums related to international crimes

Holocaust museum/ Center for Studies of the Holocaust and Religious Minorities

<https://www.hlsenteret.no/english/>

Falstad Center, SS prison camp WWII.

<https://falstadsenteret.no/en/frontpage>

Hjemmefrontmuseet (Norway’s Resistance Museum)

<http://www.forsvaretsmuseer.no/Hjemmefrontmuseet/Information-in-English>

Bergenus festningsmuseum/Resistance Museum Bergen

<http://forsvaretsmuseer.no/Bergenus>

Blood Road Museum/ Blodveimuseet": POW in Norther Norway during WWII

<https://nordlandsmuseet.no/en/blodveimuseet>

Rjukan? (Saboteurs of heavy water production factory in Rjukan; operation ‘Gunnerside’)

<https://nia.no/en/tungtvannskjelleren-afen-i-sommer/>

## Memorials for specific victims

Norway has over 750 Snublesteiner, commemorating Jewish victims of Nazism.

<https://www.snublestein.no/>

### **Other mnemonic activities (e.g. memorial days and events)**

- 8 May, Victory Day
- 9 November, Kristallnacht

### **Recommended media sources**

- Norwegian public broadcaster, includes radio, TV, podcast, website with news, etc.  
[www.nrk.no](http://www.nrk.no)
- Aftenposten (newspaper)  
[www.aftenposten.no](http://www.aftenposten.no)
- Online government portal of Norwegian state  
<https://www.regjeringen.no/en/id4/>

## **Philippines**

*Raymond Andaya\*, August 2023*

### **Domestic laws criminalising international crimes**

Republic Act No. 9851: An Act Defining and Penalizing Crimes against International Humanitarian Law, Genocide and other Crimes against Humanity, Organizing Jurisdiction, Designating Special Courts, and for Related Purposes. (July 27, 2009)

[https://lawphil.net/statutes/repacts/ra2009/ra\\_9851\\_2009.html](https://lawphil.net/statutes/repacts/ra2009/ra_9851_2009.html)

### **Specific laws and regulations concerning perpetrators of international crimes**

Republic Act No. 9851 (above)

CHAPTER IV PENAL PROVISIONS Section 7. Penalties. - Any person found guilty of committing any of the acts provided under Sections 4, 5 and 6 of this Act shall suffer the penalty of reclusion temporal in its medium to maximum period and a fine ranging from One hundred thousand pesos (Php 100,000.00) to Five hundred thousand pesos (Php 500,000.00). When justified by the extreme gravity of the crime, especially where the commission of any of the crimes specified herein results in death or serious physical injury, or constitutes rape, and considering the individual circumstances of the accused, the penalty of reclusion perpetua and a fine ranging from Five hundred thousand pesos (Php 500,000.00) to One million pesos (Php 1,000,000.00) shall be imposed. Any person found guilty of inciting others to commit genocide referred to in Section 5(b) of this Act shall suffer the penalty of prision mayor in its minimum period and a fine ranging from Ten thousand pesos (Php 10,000.00) to Twenty thousand pesos (Php 20,000.00). In addition, the court shall order the forfeiture of proceeds, property and assets derived, directly or indirectly, from that crime, without prejudice to the rights of bona fide third (3rd) parties. The court shall also impose the corresponding accessory penalties under the Revised Penal Code, especially where the offender is a public officer.

CHAPTER V SOME PRINCIPLES OF CRIMINAL LIABILITY Section 8. Individual Criminal Responsibilities.

- (a) In addition to existing provisions in Philippine law on principles of criminal responsibility, a person shall be criminally liable as principal for a crime defined and penalized in this Act if he/she:

- (1) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;
- (2) Orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;
- (3) In any other way contributes to the commission or attempted commission of such a crime by a group of person acting with a common purpose. Such contribution shall be intentional and shall either: (i) be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime defined in this Act; or (ii) be made in the knowledge of the intention of the group to commit the crime.

(b) A person shall be criminally liable as accomplice for facilitating the commission of a crime defined and penalized in this Act if he/she aids, abets or otherwise assists in its commission or attempted commission, including providing the means for its commission. (c) A person shall be criminally liable for a crime defined and penalized in this Act if he/she attempts to commit such a crime by taking action that commences its execution by means of a substantial step, but the crime does not occur because of circumstances independent of the person's intention. However, a person who abandons the effort to commit the crime or otherwise prevents the completion of the crime shall not be liable for punishment under this Act for the attempt to commit the same if he/she completely and voluntarily gave up the criminal purpose.

Section 9. Irrelevance of Official Capacity. - This Act shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a head of state or government, a member of a government or parliament, an elected representative or a government official shall in

no case exempt a person from criminal responsibility under this Act, nor shall it, in and of itself, constitute a ground for reduction of sentence. However: (a) Immunities or special procedural rules that may be attached to the official capacity of a person under Philippine law other than the established constitutional immunity from suit of the Philippine President during his/her tenure, shall not bar the court from exercising jurisdiction over such a person; and (b) Immunities that may be attached to the official capacity of a person under international law may limit the application of this Act, not only within the bounds established under international law. Section 10. Responsibility of Superiors. - In addition to other grounds of criminal responsibility for crimes defined and penalized under this Act, a superior shall be criminally responsible as a principal for such crimes committed by subordinates under his/her effective command and control, or effective authority and control as the case may be, as a result of his/her failure to properly exercise control over such subordinates, where: (a) That superior either knew or, owing to the circumstances at the time, should have known that the subordinates were committing or about to commit such crimes; (b) That superior failed to take all necessary and reasonable measures within his/her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution. Section 11. Non-prescription. - The crimes defined and penalized under this Act, their prosecution, and the execution of sentences imposed on their account, shall not be subject to any prescription. Section 12. Orders from a Superior. - The fact that a crime defined and penalized under this Act has been committed by a person pursuant to an order of a government or a superior, whether military or civilian, shall not relieve that person of criminal responsibility unless all of the following elements occur: (a) The person was under a legal obligation to obey orders of the government or the superior in question; (b) The person did not know that the order was unlawful; and (c) The order was not manifestly unlawful. For the purposes of this section, orders to commit genocide or other crimes against humanity are manifestly unlawful.

### **Specific laws relating to victims of international crimes**

Republic Act No. 9851 (above)

CHAPTER VI Protection of Victims and Witnesses Section 13. Protection of Victims and Witnesses. - In addition to existing provisions in Philippine law for the protection of victims and witnesses, the following measures shall be undertaken: (a) The Philippine court shall take appropriate measures to protect the safety, physical and physiological well-being, dignity and privacy of victims and witnesses. In so doing, the court shall have regard of all relevant factors, including age, gender and health, and the nature of the crime, in particular, but not limited to, where the crime involves sexual or gender violence or violence against children. The prosecutor shall take such measures particularly during the investigation and prosecution of such crimes. These measures shall not be prejudicial to or inconsistent with the rights of the accused and to a fair and impartial trial; (b) As an exception to the general principle of public hearings, the court may, to protect the victims and witnesses or an accused, conduct any part of the proceedings in camera or allow the presentation of evidence by electronic or other special means. In particular, such measures shall be implemented in the case of the victim of sexual violence or a child who is a victim or is a witness, unless otherwise ordered by the court, having regard to all the circumstances, particularly the views of the victim or witness; (c) Where the personal interests of the victims are affected, the court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the court in manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. Such views and concerns may be presented by the legal representatives of the victims where the court considers it appropriate in accordance with the established rules of procedure and evidence; and (d) Where the disclosure of evidence or information pursuant to this

Act may lead to the grave endangerment of the security of a witness for his/her family, the prosecution may, for the purposes of any proceedings conducted prior to the commencement of the trial, withhold such evidence or information and instead submit a summary thereof. Such measures shall be exercised in a manner which is not prejudicial to or inconsistent with the rights of the accused and to a fair and impartial trial. Section 14. Reparations to Victims. - In addition to existing provisions in Philippine law and procedural rules for reparations to victims, the following measures shall be undertaken: (a) The court shall follow the principles relating to the reparations to, or in respect of, victims, including restitution, compensation and rehabilitation. On this basis, in its decision, the court may, wither upon request or on its own motion in exceptional circumstances, determine the scope and extent of any damage, loss and injury to, or in respect of, victims and state the principles on which it is acting; (b) The court may make an order directly against a convicted person specifying appropriate reparations to, or in respect of, victims, including restitution, compensation and rehabilitation; and (c) Before making an order under this section, the court may invite and shall take account of representations from or on behalf of the convicted person, victims or other interested persons. Nothing in this section shall be interpreted as prejudicing the rights of victims under national or international law.

### **Significant parliamentary discussions on international criminal justice**

Ratification of the Rome statute, August 23, 2011, 15th Congress 2nd Regular Session, Session No. 12

<https://legacy.senate.gov.ph/lisdata/1208112583!.pdf>

### **National prosecutorial policies concerning international crimes**

See Republic Act No. 9851, above.

### **National policies concerning victims of international crimes**

See Republic Act No. 9851, above.

### **NGOs working in relation to international crimes in general**

- Amnesty International Philippines – “supporting the efforts of existing international justice mechanisms in demanding accountability for the most serious crimes committed in the country”  
<https://www.amnesty.org.ph/>
- Free Legal Assistance Group – ‘war on drugs’ victims’ legal assistance  
<http://flagfaqs.blogspot.com>
- Philippine Coalition for the International Criminal Court – increasing public awareness of the ICC  
<https://www.coalitionfortheicc.org/pcicc>

### **NGOs working in relation to victims of international crimes**

- Free Legal Assistance Group – ‘war on drugs’ victims’ legal assistance  
<http://flagfaqs.blogspot.com>

### **Related cultural activities**

Aswang (Monster), 2019, Alyx Ayn Arumpac, Documentary film

### **Recommended media sources**

- Manila Bulletin  
<https://mb.com.ph>

- Rappler  
<https://www.rappler.com>
- Philippine Star  
<https://www.philstar.com>
- Inquirer  
<https://www.inquirer.net>
- ABS-CBN News  
<https://news.abs-cbn.com>
- CNN Philippines  
<https://www.cnnphilippines.com>
- GMA News  
<https://www.gmanetwork.com/news/>
- The LawPhil Project  
<https://lawphil.net/>

## **Serbia**

*Stefan Samardžić\*, Branislav Ristivojević, Jelena Radmanović and Nikola Stojanović, November 2020*

### **Domestic laws criminalising international crimes**

Criminal Code, Articles 370-392

<https://www.mpravde.gov.rs/files/CRIMINAL%20CODE%20SERBIA.doc>

(The version translated in English was changed meanwhile several times, but the specific provisions remained unchanged, although “imprisonment of thirty to forty years” is changed to “lifelong imprisonment”)

Current version (in Serbian): <https://www.paragraf.rs/propisi/krivicni-zakonik-2019.html>

### **Specific laws relating to perpetrators of international crimes**

Law on the Organisation and Competences of the Government Authorities in War Crimes Proceedings

Version translated in English was changed meanwhile adding paragraphs 4 and 5 to Article 5, as following: War Crimes Prosecutor will hold the function after fulfilling the conditions for retirement if his mandate has not expired. In a case from paragraph 4 of this article, the function of War Crimes Prosecutor will cease after his mandate expired.

[https://www.mpravde.gov.rs/files/Law%20on%20the%20Organisation%20and%20Competences%20of%20the%20Government%20Authorities%20in%20War%20Crimes%20Proceedings\\_180411.doc](https://www.mpravde.gov.rs/files/Law%20on%20the%20Organisation%20and%20Competences%20of%20the%20Government%20Authorities%20in%20War%20Crimes%20Proceedings_180411.doc)

Law on Cooperation with the International Criminal Court

EN:

[https://www.mpravde.gov.rs/files/Law%20on%20cooperation%20with%20International%20Criminal%20Court\\_180411.doc](https://www.mpravde.gov.rs/files/Law%20on%20cooperation%20with%20International%20Criminal%20Court_180411.doc)

SRB: <https://www.paragraf.rs/propisi/zakon-o-saradnji-sa-medjunarodnim-krivicnim-sudom.html>

Criminal Code, Arts. 46, 108

EN: <https://www.mpravde.gov.rs/files/CRIMINAL%20CODE%20SERBIA.doc>

SRB: <https://www.paragraf.rs/propisi/krivicni-zakonik-2019.html>

### **Specific laws relating to victims of international crimes**

Law on Cooperation with the International Criminal Court

EN:

[https://www.mpravde.gov.rs/files/Law%20on%20cooperation%20with%20International%20Criminal%20Court\\_180411.doc](https://www.mpravde.gov.rs/files/Law%20on%20cooperation%20with%20International%20Criminal%20Court_180411.doc)

SRB: <https://www.paragraf.rs/propisi/zakon-o-saradnji-sa-medjunarodnim-krivicnim-sudom.html>

### **Specific laws regulating speech with regards to international crimes**

Criminal Code, Arts. 375, 387.

Article 375 remain unchanged in English Version. To article 387 has been added paragraph 6, as following: Whoever publicly threatens that he will, against person or the group because of their race, skin colour, religion, nationality, ethnic origin, or some other personal characteristic, commit a crime punishable under law by imprisonment of four or more years, shall be punished with imprisonment of three months to three years.

EN: <https://www.mpravde.gov.rs/files/CRIMINAL%20CODE%20SERBIA.doc>

SRB: <https://www.paragraf.rs/propisi/krivicni-zakonik-2019.html>

## **Significant parliamentary discussions on international criminal justice**

Since the establishment of the ICTY, the concept of the international criminal law and justice, as well as international criminal courts, have been frequent topics of discussed in government institutions such as the National Assembly, the Government of Yugoslavia, and later of the Republic of Serbia. The most significant debates were undertaken in the first days after the establishment of the ICTY, as well in June of 2001, when the former President of FRY, Slobodan Milošević was arrested and extradited to the ICTY.

The most recent debate regarded the sentence and the decision in the Šešelj case due to the fact that defendant was a prominent Serbian politician and, until June 2020, a member of the National Assembly.

Even though discussions about the ICTY were quite frequent and extensive in both Serbian public and National Assembly, there are no digital records of this discussions, except for a few media articles one can find online. However, there wasn't a session of the National Assembly where the question of the ICTY, the processes, judgments and other decision weren't, if even only briefly, the topic of the discussion.

In the Assembly's session on 19 July 2019 a brief discussion was held about the political nature of the ICTY. The full transcript of that session can be found in Serbian at:

<http://www.parlament.gov.rs/%D0%BD%D0%B0%D1%80%D0%BE%D0%B4%D0%BD%D0%B0-%D1%81%D0%BA%D1%83%D0%BF%D1%88%D1%82%D0%B8%D0%BD%D0%B0.115.html>

## **Laws relating to the implementation of the Rome Statute**

Law on Confirmation of the Rome Statute of the International Criminal Court

SRB: <https://www.paragraf.rs/propisi/zakon-o-potvrđivanju-rimskog-statuta-medjunarodnog-krivicnog-suda.html>

Law on Cooperation with the International Criminal Court

EN:

[https://www.mpravde.gov.rs/files/Law%20on%20cooperation%20with%20International%20Criminal%20Court\\_180411.doc](https://www.mpravde.gov.rs/files/Law%20on%20cooperation%20with%20International%20Criminal%20Court_180411.doc)

SRB: <https://www.paragraf.rs/propisi/zakon-o-saradnji-sa-medjunarodnim-krivicnim-sudom.html>

## **Nature of support for international courts**

Aside from the formal cooperation with the ICTY in apprehending fugitives and conducting the criminal procedures that were deferred from the ICTY to the national judiciary, Serbia has not in any way or form supported ICTY or any international criminal court or tribunal other than its financial contributions to the ICC.

## **National prosecutorial policies concerning international crimes**

The proceedings for the international crimes have been regulated with a particular Law, with the aim of specializing the institutions as well as the procedures dealing with those crimes. According to the *Law on the Organization and Jurisdiction of the State's Institutions in War Crimes Proceedings*, the international crimes are being prosecuted by the Office of the Prosecutor for War Crimes before the War Crimes Department of the Higher Court in Belgrade and War Crimes Department of the Appellate Court in Belgrade. Other institutions established under this Law are the Office for the Detection of the War Crimes and the Special Detention Unit of Belgrade County Jail.



National Strategy for Prosecution of War Crimes

<https://mpravde.gov.rs/files/NATIONAL%20STRATEGY%20FOR%20WAR%20CRIMES%20PROSECUTIO%20N%201.pdf>

Official page of the Serbian War Crimes Prosecutor: <https://www.tuzilastvorz.org.rs/en/home>

Reports on National Strategy for Prosecution of War Crimes (EN/SRB):

<https://www.mpravde.gov.rs/sr/tekst/17978/izvestaj-o-sprovodjenju-nacionalne-strategije-za-procesuiranje-ratnih-zlocina.php>

### **National policies concerning victims of international crimes**

National Strategy for Prosecution of War Crimes (sections 3.2 and 3.3)

<https://mpravde.gov.rs/files/NATIONAL%20STRATEGY%20FOR%20WAR%20CRIMES%20PROSECUTIO%20N%201.pdf>

### **Special domestic courts dealing with international crimes**

- War Crimes Department of the Higher Court in Belgrade (9 July 2003)
- War Crimes Department of the Appellate Court in Belgrade (9 July 2003)

### **Situations covered by prosecutions for crimes outside territory of state**

- Bosnia and Herzegovina (51 Cases)
- Republic of Croatia (22 Cases)

### **State institutions supporting victims of international crimes**

- Service for Assistance and Support to Victims and Witnesses within the Higher Court in Belgrade  
<https://www.podrskazrtvama.rs/en/>

### **NGOs working in relation to international crimes in general**

Crveni krst Vojvodine/Red Cross in Vojvodina

<http://www.ckv.org.rs/>

Helsinški odbor za ljudska prava u Srbiji/Helsinki Committee for Human Rights in Serbia

Focus: revisionism (historical), regional normalization with focus on Serbia-Kosovo relations, and the global phenomenon of radicalization and violent extremism.

<https://www.helsinki.org.rs/index.html>

Beogradski centar za ljudska prava/Belgrade Centre for Human Rights

Focus: raising citizens' awareness of the importance and scope of the idea of human rights and individual freedoms and creating a climate for their full respect.

<http://www.bgcentar.org.rs/>

Inicijativa mladih za ljudska prava/Youth Initiative for Human Rights

Focus: peace as a lasting process which means dealing with the past and which results in continuous co-operation between the states and people in the region.

<https://www.yihr.rs/bhs/>

Udruženje porodica kidnapovanih i nestalih lica sa Kosova i Metohije/Association of Families of Kidnapped and Missing Persons in Kosovo and Metohija

Focus: revealing the circumstances and the fate of missing persons in Kosovo and Metohija.

<http://www.udruzenjeporodica.org.rs/>

Fond za humanitarno pravo/Humanitarian Law Center

Focus: establishing the rule of law and responsibility for war crimes and human rights violations during the armed conflict in the former Yugoslavia.

<http://www.hlc-rdc.org/>

### **NGOs working in relation to victims or perpetrators of international crimes**

Centar za zaštitu i pomoć tražiocima azila/Asylum Protection Center

Focus: providing legal, psychosocial and other support and protection to asylum seekers, refugees, displaced persons and any other persons who are in trouble of migrating.

<http://www.apc-cza.org/>

Praxis/Praxis, protection of human rights

Focus: providing legal protection and publicly advocating for the removal of systemic barriers to access to rights.

<http://www.praxis.org.rs/index.php/sr/>

Udruženje porodica kidnapovanih i nestalih lica sa Kosova i Metohije/Association of Families of Kidnapped and Missing Persons in Kosovo and Metohija

Focus: revealing the circumstances and the fate of missing persons in Kosovo and Metohija.

<http://www.udruzenjeporodica.org.rs/>

Fond za humanitarno pravo/Humanitarian Law Center

Focus: establishing the rule of law and responsibility for war crimes and human rights violations during the armed conflict in the former Yugoslavia.

<http://www.hlc-rdc.org/>

### **Museums related to international crimes**

Museum of Genocide Victims

The Museum was established for the purpose of lasting memory of the victims of genocide against Serbs, for collection, processing and use of data on them and fulfilment of obligations under the International Convention on the Prevention and Punishment of the Crime of Genocide -

<https://www.muzejgenocida.rs/?lng=lat>

### **Memorials for international crimes**

- Memorial Park Popina – Štulac, soldiers killed in WWII on 13 October 1941
- Memorial Park Jajinci – Jajinci, prisoners killed in camps Banjica and Sajmište
- Belgrade Liberators Cemetery 1944 – Beograd, soldiers killed in WWII
- Memorial Park Peace Hill – Gornji Milanovac, soldiers killed in WWII
- Memorial Park Kragujevac's October – Šumarice, civilians killed in October 1941
- Memorial Park Kraljevo's October – Kraljevo, civilians killed in October 1941
- Memorial Park for Fallen Soldiers in Liberation Wars 1804-1945 – Knjaževac, 6.000 killed soldiers
- Memorial Complex Bela Crkva – Bela Crkva, first rebellion of 7 July 1941
- Memorial Park Slobodište – Bagdala Hill, fallen soldiers and victims of Fascist terror
- Memorial Park Revolution – Leskovac, fallen soldiers
- Memorial Complex Boško Buha – Jabuka, national hero Boško Buha and fallen pioneers
- Memorial Park Bujanj – Niš, civilians killed in Niš and south Serbia
- Memorial Park Čačalica – Požarevac, fallen soldiers and victims of Fascist terror

- Memorial Complex Prijepoljska bitka – Prijepolje, fallen soldiers of Prijepolje battle of December 1943
- Memorial Complex Kadinjača – Kadinjača, fallen soldiers in November 1941
- Memorial Park of Fight and Victory – Čačak, fallen soldiers and victims of Fascist terror

### **Memorials for specific victims of international crimes**

- Memorial Park Jajinci – Jajinci, prisoners killed in camps Banjica and Sajmište
- Memorial Park Kragujevac's October – Šumarice, civilians killed in October 1941
- Memorial Park Kraljevo's October – Kraljevo, civilians killed in October 1941
- Memorial Park Slobodište – Bagdala Hill, fallen soldiers and victims of Fascist terror
- Memorial Park Bujanj – Niš, civilians killed in Niš and south Serbia
- Memorial Park Čačalica – Požarevac, fallen soldiers and victims of Fascist terror
- Memorial Park of Fight and Victory – Čačak, fallen soldiers and victims of Fascist terror

### **Other mnemonic activities (e.g. memorial days and events)**

- April 22, Memorial Day for the Victims of the Holocaust, Genocide and Other Victims of the Fascism during the World War II
- May 9, Victory Day (Commemorates the surrender of Nazi Germany in 1945)
- October 21, Memorial Day for Serbian Victims of the World War II

### **Related cultural activities**

- Ustanička ulica - Redemption Street (Film, 2012)

### **Recommended media sources**

#### Online portals

- Detektor (based in Bosnia): <https://detektor.ba/ratni-zlocini-tranzicijska-pravda/>
- Al Jazeera Balkans: <http://balkans.aljazeera.net/>
- Nova S: <https://nova.rs/>
- Deutsche Welle: <https://www.dw.com/sr/medija-centar/svi-sadr%C5%BEaji/s-100873>

## **Uganda**

*Tonny Kirabira\*, October 2023*

### **Domestic laws criminalising international crimes**

- Geneva Conventions Act 1964 (It domesticates the four principal Geneva Conventions)  
<https://old.ulii.org/ug/legislation/consolidated-act/363>
- International Criminal Court Act, 2010  
<https://ulii.org/akn/ug/act/2010/11/eng@2010-06-25>
- The High Court (International Crimes Division) Practice Directions, Legal Notice No. 10 of 2011- Under Section 6, the Court has jurisdiction over serious crimes which are; War Crimes, Crimes against Humanity, Genocide, Terrorism, Human trafficking, Piracy and other international crimes.

### **Specific laws relating to perpetrators of international crimes**

- Geneva Conventions Act 1964  
<https://old.ulii.org/ug/legislation/consolidated-act/363>
- International Criminal Court Act, 2010  
<https://ulii.org/akn/ug/act/2010/11/eng@2010-06-25>
- Amnesty Act of 2000 and its Amendments. Under Section 2, Amnesty extends to persons engaged in war or armed rebellion against the government of the Republic of Uganda, regardless of the nature of crimes committed. In essence, perpetrators of international crimes are eligible for amnesty, although this has never happened. One of the Lords Resistance (LRA) mid-level commanders Thomas Kwoyelo was denied amnesty and is currently being tried for war crimes at the International Crimes Division of the Hight Court in Uganda.  
<https://ulii.org/akn/ug/judgment/ugsc/2015/5/eng@2015-04-08>

### **Specific laws relating to victims of international crimes**

- Geneva Conventions Act 1964  
<https://old.ulii.org/ug/legislation/consolidated-act/363>
- International Criminal Court Act, 2010  
<https://ulii.org/akn/ug/act/2010/11/eng@2010-06-25>
- International Crimes Division (ICD) Rules 2016 -provides for victim participation at the Court (the first of its kind in Uganda).
- Prevention of Trafficking in Persons Act, 2009  
<https://old.ulii.org/node/24737>

### **Specific laws regulating speech with regards to international crimes**

- Prevention of Trafficking in Persons Act, 2009- Section 8 criminalises the advisement, publication, broadcasting and distribution, including by use of the internet, any material intended or likely to facilitate trafficking in persons.  
<https://old.ulii.org/node/24737>

### **Significant parliamentary discussions on international criminal justice**

A key debate was on the issue of Amnesty for perpetrators of war crimes, mostly the Lords Resistance Army rebels. A law passed by Parliament in December 1999, and came into force in 2000 (The Amnesty Act 2000). The Act was amended in 2002, 2003, and 2006, and 2008 before its lapse in 2012. It was extended until 2015. Part of the debates related to the exclusion of amnesty for 5 LRA

rebels indicted by the International Criminal Court- Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen and Raska Lukwiya. Media story  
<https://www.newvision.co.ug/news/1150343/kony-deserve-amnesty>

The Parliament passed the International Criminal Court Act in 2010, which domesticated the Rome Statute (<https://www.newvision.co.ug/news/1294489/mps-pass-icc>). MPs were supportive of the International Criminal Court's prosecution of Dominic Ongwen, and also hosted the ICC prosecutor Fatou Bensouda in Uganda during her country visit in 2015.  
<https://www.newvision.co.ug/news/1321648/mps-collecting-evidence-pin-ongwen>

### **Laws relating to the implementation of the Rome Statute**

The International Criminal Court Act, 2010 <https://ulii.org/akn/ug/act/2010/11/eng@2010-06-25>

### **National policies concerning victims of international crimes**

The International Crimes Division (ICD) Rules 2016- These allow for victim participation in trials in this specialised division of the High Court.

The ICC's Trust Fund for Victims is also very active in the post war regions of Northern Uganda through its assistance mandate, offering rehabilitation for victims of the LRA conflict.

The National Transitional Justice Policy (NTJP) 2019 provides for a victim-centred in the design and implementation of justice approaches, in addition to participation in the processes and reparations.  
[https://drive.google.com/file/d/1zbqYZgRVpUpDrQUTM5c\\_GeMsultrB9O2/view](https://drive.google.com/file/d/1zbqYZgRVpUpDrQUTM5c_GeMsultrB9O2/view) (page 16)

### **Special domestic courts dealing with international crimes**

The International Crimes Division, formerly known as the War Crimes Division-established in July 2008  
<http://www.judiciary.go.ug/data/smenu/18/International%20Crimes%20Division.html>

### **NGOs working in relation to international crimes in general**

Ugandan Coalition for the International Criminal Court- It has become largely inactive as it was hosted by local NGOs on a short term basis.

### **NGOs working in relation to victims or perpetrators of international crimes**

Victims

There are several NGOs working with victims within the context of the post war justice in Northern Uganda. The list here is not exhaustive. These are some of the most active NGOs.

- Uganda Victims Foundation
- The ICC Trust Fund for Victims  
<https://www.trustfundforvictims.org/node/33>
- Avocats Sans Frontières  
<https://asf.be/country/ug-en/>
- International Center for Transitional Justice  
<https://www.ictj.org/contact>
- REDRESS  
<https://redress.org/news/victims-of-the-20-year-conflict-in-uganda-mostly-sidelined-from-the-transitional-justice-process-new-report-finds/>  
REDRESS Nederland  
<https://redress.org/>

## Perpetrators

In the last decade, Gulu Support the Children Organisation (GUSCO), a local NGO, operated in the war affected communities of Northern Uganda. Whilst its mandate was not on issues related to perpetrators of international crimes, it was a reception centre for several former child soldiers who escaped from the Lords Resistance Army. The organisation is not active, due to the end of the conflict around 2008.

<https://archive.crin.org/en/library/organisations/gulu-support-children-organisation.html>

## Memorials for international crimes

- Lukodi Memorial Centre in Gulu, Northern Uganda. It was constructed in 2018 by the Foundation for Justice and Development Initiatives (FJDI)-a local NGO. It memorialises one of the massive attacks on an Internally Displaced Peoples Camp (IDP) in May 2004 by the Lord's Resistance Army (LRA) rebels.  
<https://ugandaradionetwork.net/story/pictorial-inside-lukodi-memorial-centre>
- Memorial Site for Victims of the Barlonyo Attack in the Northern Uganda district of Lira, in February 2004 by the Lord's Resistance Army (LRA) rebels.

## Other mnemonic activities (e.g. memorial days and events)

- 19 May, Annual Memorial Prayers for victims of the 2004 Lukodi Internally Displaced Peoples Camp (IDP) attack by the Lord's Resistance Army (LRA) rebels.  
<https://www.ijmonitor.org/2018/05/over-2000-community-members-in-lukodi-attend-annual-memorial-prayers/>

## Related cultural activities

There is plenty of fine arts, performing arts and local literature on the LRA war in Northern Uganda, including war crimes and crimes against humanity by the rebels. A notable movie is *Kony: Order From Above*, directed and produced by local filmmaker Steven T. Ayeny.

<https://www.imdb.com/title/tt7377394/>

## Recommended media sources

- New Vision Newspaper  
<https://www.newvision.co.ug/>
- Daily Monitor Newspaper  
<https://www.monitor.co.ug/>
- The Observer Newspaper  
<https://observer.ug/>
- International Justice Monitor resources on LRA  
<https://www.ijmonitor.org/category/lra-trials/>
- The Conversation  
e.g. <https://theconversation.com/who-is-joseph-kony-the-altar-boy-who-became-africas-most-wanted-man-200361>

## **Ukraine**

*Iuliia Anosova\*, Karolina Aksamitowska, August 2023*

### **Domestic laws criminalising international crimes**

Criminal Code of Ukraine (e.g. Arts 437, 438, 442). “Planning, preparation and waging of an aggressive war” under Article 437 of the Criminal Code of Ukraine corresponds to the crime of aggression, while “Violation of the rules and customs of war” under Article 438 of the Criminal Code of Ukraine and “Genocide” under Article 442 of the Criminal Code of Ukraine reflect, respectively, war crimes and genocide.

### **Specific laws relating to perpetrators of international crimes**

On 10th August 2023, the Verkhovna Rada of Ukraine adopted a draft law on amendments to the Criminal Procedure Code of Ukraine concerning the peculiarities of calculating time limits for pre-trial investigations under conditions of martial law (registration № 9314-d of 4th August, 2023). This draft law excludes the calculation of time limits for pre-trial investigations in criminal proceedings related to war crimes and genocide for which a person has not been notified of suspicion.

Furthermore, it improves the procedure for calculating time limits for pre-trial investigations registered under martial law

<https://pravo.org.ua/en/analytical-materials/weekly-analytics-for-9-15-august/>

Under Article Art. 49(5) of the Criminal Code of Ukraine ‘The statute of limitations shall not apply in case of committing crimes against the foundations of national security of Ukraine provided for by Articles 109–114-1, against the peace and security of mankind provided for by Articles 437–439 and Part 1 of Article 442 hereof’. There are no particular forms of liability or command responsibility (within the meaning of the Rome Statute) specifically applicable to international crimes. General rules of criminal law apply according to the Criminal Code of Ukraine.

### **Specific laws relating to victims of international crimes**

General provisions on victims’ rights, which are also applicable to victims of international crimes, are found in the Ukrainian Code of Criminal Procedure. For instance, Article 56 of the Code of Criminal Procedure of Ukraine stipulates that the victim shall have the right to: produce evidence which support his application; take part in investigatory (search) and other procedural actions in the course of which ask questions, submit his comments and objections with regard to the conduct of procedural action, such comments and objections being put on the record of the procedural action concerned, as well as review the records of the investigatory (search) and other procedural actions conducted with his participation; after the completion of pre-trial investigation, obtain copies of materials which directly relate to criminal offence which has been committed against him’. During the trial, alongside the right to be informed about the criminal proceedings, the victim shall have the right to: participate in direct examination of evidence; prosecute in court if the public prosecutor waives prosecuting on behalf of the State; express his opinion when the issue of imposing a punishment on the defendant as well as express his opinion when the issue of applying compulsory medical or educational measures, is being disposed; review the decision made by the court, journal of court session and technical recording of criminal proceedings in court; challenge court’s decision as prescribed in the present Code’. In addition, Article 56 lists rights to compensation, right to information and translation. However, in practice, victims are not always in the position to be granted access to evidence and to participate fully in the criminal proceedings. The Ukrainian Code of Criminal Procedure is unclear on the issue of status of victims as witnesses in criminal proceedings. Persons who suffered from the sexual offences, torture or cruel treatment during military actions or armed conflict have a right to free legal aid in criminal cases related to these

offences (Art. 14 of the Law of Ukraine “On Free Legal Aid”). The General Prosecutor’s office of Ukraine has adopted the Strategy on victims and witnesses oriented approach in cases of conflict-related sexual violence. Currently (end of August 2023) there are several draft laws concerning the victims of Russian aggression, including “On the registry of persons who suffered from Russian aggression against Ukraine and compensation of damage to their life and health”; “On the legal status of victims of conflict-related sexual violence and interim reparative measures” etc.

### **Specific laws regulating speech with regards to international crimes**

Criminal Code of Ukraine art. 436 provides that “Public incitement to an aggressive war or an armed conflict, and also production of materials inciting to commit any such actions for distribution purposes or distribution of such materials shall be punishable by correctional labour for a term of up to two years or arrest for a term of up to six months, or restriction of liberty for a term of up to three years”.

### **Significant parliamentary discussions on international criminal justice**

Parliamentary debates related to the adoption of Law 2689 (e.g. introducing crimes against humanity into the Ukrainian Criminal Code). The relevance of the full implementation of the norms of international criminal and humanitarian law in the Criminal Code of Ukraine regarding prosecution for international crimes was discussed at a round table in the Committee on Law Enforcement Activities of the Verkhovna Rada of Ukraine

<https://www.rada.gov.ua/news/Novyny/188526.html>

During the round table, a presentation of the main provisions of the draft law on amendments to some legislative acts of Ukraine regarding the implementation of norms of international criminal and humanitarian law No. 2689 took place. The participants of the meeting emphasized the necessity of adopting the draft law and discussed the issue of its practical implementation.

On 20 May 2021, the Verkhovna Rada (Parliament of Ukraine) adopted the Bill no. 2689 “On amendments to certain legislative acts on the Enforcement of International Criminal and Humanitarian Law”, with 248 votes in favour out of 363 Members present.

<https://www.pgaction.org/news/ukraine-bill-2689.html>

The law has not been signed yet. In March 2023 The Verkhovna Rada has adopted a statement on the need to ensure accountability of those responsible for the most serious crimes under international law on the territory of Ukraine by a constitutional majority.

<https://www.rada.gov.ua/en/print/234681.html>

### **Rationale for not ratifying the Rome Statute**

On 17 April 2014 and 8 September 2015 Ukraine lodged two declarations under Art. 12 of the Rome Statute, accepting the jurisdiction of the International Criminal Court over alleged crimes committed on its territory since 21 November 2013. To date, the Rome Statute has not been ratified. Initially this did not happen due to constitutional obstacles, which were later resolved. Ultimately, political disagreements and disagreements over accountability (of Ukrainian armed forces) for the crimes committed during the ongoing Russian aggression prevent the ratification of the Rome Statute.

See f.e. <https://www.radiosvoboda.org/a/news-maluska-ukraina-rymskyy-statut/31880061.html>

### **Nature of support for international courts**

- Extraordinary Chambers in the Courts of Cambodia (No support)
- International Criminal Tribunal for Rwanda (Financial support through the UN budget, and peacekeeping budget)



- International Criminal Tribunal for Yugoslavia (Information not found)
- Special Tribunal for Lebanon (Staff support 1-3 persons, no financial support)
- Special Court for Sierra Leone (Staff support 1-3 persons, no financial support)
- Special Panels of the Dili District Court (Information not found)
- UN Residual Mechanism for Criminal Trials (Staff support)

#### Sentence enforcement

Sentence enforcement (ICTY, 7 Aug. 2007)

### **Foreign policy to promote international criminal justice**

Ukraine pursues both unilateral and multilateral policies aimed at promoting accountability for international crimes. These wide-scale policies, branded as 'lawfare' include: seeking accountability for international crimes and human rights violations related to the armed conflict through international justice avenues (International Court of Justice, International Criminal Court, European Court of Human Rights), promoting cooperation and information sharing (e.g. membership in regional initiatives such as the Eurojust Joint Investigation Team into alleged core international crimes committed in Ukraine, International Centre for the Prosecution of the Crime of Aggression) as well as the campaign aimed at the establishment of a special tribunal for the Russian aggression.

### **National prosecutorial policies concerning international crimes**

Ukraine pursues a national prosecutorial strategy of complete accountability for the crimes committed over the course of the Russian invasion. The first war crimes prosecutions took place in Ukrainian courts after the outbreak of the war in Eastern Ukraine (2014) and continued after the full-scale Russian invasion in February 2022. The Office of the Prosecutor General has identified over 94,000 instances of war crimes, over 115,000 objects of civilian infrastructure destroyed and over 10,500 civilians killed and communicated on 8th July 2023 that "no crime will go unpunished!" <https://twitter.com/AndriyKostinUa/status/1677679646328889347>

The policy has to date resulted in over 353 suspects, 219 indictments and 53 sentences by Ukrainian courts (some of the trials take place in absentia). Currently (end of August 2023) the General Prosecutor's Office is developing a strategy on prosecution of international crimes (2023-2025), where it is planned to include separate sections on ensuring structured approach to prosecution, strengthening capacity of the national system of prosecution, proper protection and support of survivors and witnesses, developing partnerships with international organisations and civil society

### **National policies concerning victims of international crimes**

Since Russian invasion in February 2022 there have been adopted plenty of policies and instruments on the treatment of victims of violence related to the armed conflict. Many of them were the extension of the existing legislative framework aimed at the victims of domestic and gender-based violence. Thus, for example on 9 December 2022 there was adopted a Resolution № 1372 of the Cabinet of Ministers of Ukraine (<https://zakon.rada.gov.ua/laws/show/1372-2022-n#Text>), which modified the legislative acts regulating the work of special support services of victims of domestic and gender-based violence. The new target category of such services became 'victims of violence, in particular sexual, related to armed conflict'. In addition, at the initiative and active participation of the government, and in partnership with international stakeholders, there were launched so called 'survivors support centers' and the accompanying online platform (<https://www.help-platform.in.ua>), whose main target audience are victims of any types of violence related to the war. As of summer 2023 the centers covered all the regions in Ukraine at the government controlled

territory, with a planned launch of at least one center abroad (Czech Republic) assisting those victims who were forced to leave the country.

Some significant steps were taken specifically in relation to treatment of victims of conflict-related sexual violence. To name only a few, it is the adoption of the Victim and Witness-Oriented Strategy for the Prosecution of Conflict-Related Sexual Violence Crimes by the Office of the Prosecutor General of Ukraine, Framework on cooperation between the Government of Ukraine and the UN on prevention and response to conflict-related sexual violence (<https://reliefweb.int/report/ukraine/framework-cooperation-between-government-ukraine-and-un-prevention-and-response>) and its implementation plan, which include support of CRSV victims as one of the central points, respective amendments to the National Action Plan 1325 “Women. Peace. Security” (<https://zakon.rada.gov.ua/laws/show/1544-2020-p#Text>) etc. Since the adoption of UN General Assembly Resolution A/RES/ES-11/5 ‘Furtherance of remedy and reparation for aggression against Ukraine’ on 14 November 2022 and the Council of Europe Resolution CM/Res(2023)3 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine, Ukrainian government actively advocates internationally and develops national legal framework for launching of the registry of damages caused by the war, including damages to life and health, and the subsequent mechanisms for compensations and reparations for such damages.

### **State institutions supporting victims of international crimes**

There is a network of special support services, whose function before the full-fledged Russian invasion was to provide support to victims of domestic and gender-based violence. Since then their functions were extended to include assistance to all victims of violence related to war, internally displaced persons etc. (for example, shelters, mobile teams of social and psychological support, day centers of the social and psychological support, consultation services, hotlines, centers for free legal aid etc.). The work of most of these services is coordinated by the National Social Service of Ukraine within the Ministry of Social Policy of Ukraine (<https://nssu.gov.ua>).

The government actively supports other services, operated by NGOs and international organizations. The comprehensive list of all available services in every region can be found on the GBV Subcluster webpage: <https://response.reliefweb.int/ukraine/gender-based-violence>.

Apart from these services, in summer 2022 there were also launched Survivors support centers (<https://www.help-platform.in.ua/>), which focus specifically on the victims of war-related violence. Centers of free legal aid provide free legal assistance to people, whose rights were violated by Russian aggression, including victims of international crimes and internally displaced persons. The work of the centers is coordinated by the Coordination center of free legal aid within the Ministry of Justice of Ukraine (<https://legalaid.gov.ua/>).

### **NGOs working in relation to international crimes in general**

A preliminary and non exhaustive list of NGOs: -

- Global Rights Compliance: investigation and documentation of international crimes, legal research, reforms (ICL and IHL Reform in Ukraine <https://globalrightscompliance.com/project/positive-complementarity-in-ukraine/>)
- Strengthening Ukraine’s Capacity to Investigate and Prosecute International Crimes <https://globalrightscompliance.com/project/matra-ukraine-project/>

- Ukrainian Conflict-Related Sexual Violence Integrated Support Mechanism  
<https://globalrightscompliance.com/project/ukrainian-conflict-related-sexual-violence-integrated-support-mechanism/>
- Truth Hounds: documentation and investigation of international crimes in Ukraine  
<https://truth-hounds.org/en/homepage/>
- Center of Civil Liberties: advocacy for justice for victims of international crimes in Ukraine, documentation of war crimes  
<https://ccl.org.ua/en/about-the-ccl/>
- Human Rights Center “Zmina”: monitoring and documentation of human rights violations, including in the occupied Crimea  
<https://zmina.ua/en/>
- Ukrainian Helsinki Human Rights Union: documentation of international crimes, transitional justice  
<https://www.helsinki.org.ua/>
- The Kharkiv Human Rights Protection Group: documentation of international crimes in Ukraine, advocacy  
<https://khpg.org/>
- Educational home on human rights - Chernihiv (documentation of international crimes and human rights violations) <https://ehrh.org/my-dokumentuyemo/>

#### Coalitions of Ukrainian NGOs:

- “Ukraine. 5 AM” (documentation of war crimes and crimes against humanity in Ukraine, informing, advocacy)  
<https://www.5am.in.ua>
- “Tribunal for Putin” (documentation of international crimes in Ukraine, advocating for international justice for the crimes committed by Russia)  
<https://t4pua.org/en/1084>

#### Preliminary and non exhaustive list of INGOs:

- EUAM Ukraine: enhancing capacities of Ukrainian agencies, institutions, courts to investigate and prosecute international crimes  
<https://www.euam-ukraine.eu/our-mission/our-priorities/>
- UN Human Rights Monitoring Mission in Ukraine: documenting international crimes  
<https://www.ohchr.org/en/countries/ukraine>

### **NGOs working in relation to victims of international crimes**

Humanitarian issues are coordinated by the United Nations Office for the Coordination of Humanitarian Affairs(OCHA), which coordinates the work of numerous clusters and subclusters specializing on different aspects of humanitarian aid. Thus, different aspects of harm caused by the war, as well as different categories of direct and indirect victims are covered

<https://response.reliefweb.int/ukraine>.

#### Preliminary and non exhaustive list of the organizations:

- Healthright International: social and medical services to victims of torture, both combatants and civilians, internally displaced people and families affected by the war in Ukraine  
<https://www.healthright.org.ua/en/pro-nas/>
- Charity foundation “Right for Protection”: legal, humanitarian and psychological assistance to people who suffered from the war, internally displaced people, refugees, stateless

persons in Ukraine

<https://r2p.org.ua/>

- Blue bird: psychological, social and legal support and rehabilitation of victims of torture, cruel treatment, illegal arrests, enforced disappearance  
<http://hostage.org.ua/about-project/3003/>
- Ukrainian Women Lawyers Assosiation “Jurfem”: free legal aid to survivors of conflict-related sexual violence  
<https://jurfem.com.ua/en/home-page-2/>
- IOM Ukraine: internally displaced people, people who had to flee the country, migrants, victims of human trafficking and conflict-related sexual violence  
<https://ukraine.iom.int/>
- UNFPA Ukraine: support of victims of gender-based violence, including conflict-related sexual violence  
<https://ukraine.unfpa.org/en/node/9302>

### **Museums related to international crimes**

- National Museum of the Holodomor-Genocide (Kyiv): a state research, cultural, educational and scientific-methodical institution. The mission of the Museum is to warn the society from repeating the crime of genocide by accumulating and spreading of knowledge about the Holodomor  
<https://holodomormuseum.org.ua/en/about-the-museum/>
- Memorial museum of totalitarian regimes “Territory of Terror” (Lviv): municipal institution whose task is to explore, comprehend and present the tragic pages of the history of the mid-twentieth century (Nazi and Soviet violence) in the context of modern challenges  
<https://museumterror.com/en/home-2/>
- The Museum “Jewish Memory and Holocaust in Ukraine” (Dnipro): spreading knowledge about Holocaust in Ukraine, and in Dnipro region in particular, ruining stereotypes and rebuilding Jewish-Ukrainian relationships through objective historical analysis  
<https://jmhum.org/en/about/history>
- Holocaust museum (Odessa): promoting knowledge about Holocaust, with a focus on Transnistria Governorate region  
<https://ujew.com.ua/objects/odesskaya-oblast/odessa/muzej-holokosta3>
- Kharkiv Holocaust Museum (Kharkiv): spreading knowledge about Holocaust for the purpose of preventing genocides in the future  
<http://holocaustmuseum.kharkov.ua/index.php/kharkovskij-muzej-kholokosta/o-nas>

### **Memorials for international crimes**

- Holocaust Memorial Center “Babyn Yar” (Kyiv): acquire, study and disseminate knowledge about the tragedy of 1941-1943 happening in Babyn Yar, where Nazis shot between 70,000 and 100,000 people, including almost the entire Jewish population of Kyiv. The memorial is still in the process of development, planning to bring together a museum, research institutes, a library, an archive and an online multimedia platform  
<https://babynyar.org/en/about>
- Memorial complex of the National Museum of the Holodomor-Genocide, consisting of a number of monuments, including ‘Angels of Sorrow’, ‘Millstones of Destiny’, ‘Bitter Memory of Childhood’, central 30 m high monument ‘Candle of Memory’, Hall of Memory, Black Board Alley etc.  
<https://holodomormuseum.org.ua/en/>

- National Memorial Complex to the Heavenly Hundred Heroes (Kyiv, Maidan Nezalezhnosti). It includes:
  - Memorial to the heroes of the Revolution of Dignity (who fell victims of crimes against humanity of the president Yanukovich political regime). The project of the memorial was approved in 2018, however the construction is delayed. Currently at the place there is a permanent exhibition “Maidan: Landscapes of Memory”, dedicated to events during the Revolution of Dignity and its participants. Nearby there was installed a Bell of Dignity commemorating personally each of Heavenly Hundred Heroes.  
<https://maidanmuseum.org/uk/node/1291>
  - National Museum of the Revolution of Dignity (Kyiv), planned. Dedicated to the fight of Ukrainian nation for freedom, democratic values and human rights. Currently, before the construction of the museum, the respective exhibitions are held at Information-Exhibitory center of the Maidan Museum, based at one of the central locations of the Revolution of Dignity – Trade Unions Building (Budynok Profspilok).  
<https://maidanmuseum.org/uk/storinka/muzey-maydanu>

### **Memorials for specific victims of international crimes**

- National Museum-Memorial of the victims of occupational regimes (Lviv): aimed for new generations of Ukrainians, not as a reminder of the tragedy, but as a symbol of resilience and the fight for freedom of Ukrainian nation. The museum is based at the premises of the former prison used by Polish, German and Soviet regimes, where these regimes committed crimes against humanity. Focus is on the tragedy of Western Ukraine and its interconnection with the rest of Ukraine and other peoples that ever suffered from occupational powers  
<http://www.lonckoho.lviv.ua/muzej/misiya>
- Memorial to victims of Lviv ghetto (or Holocaust victims memorial) (Lviv)
- Memorials (monuments) at the territory of Babyn Yar (Kyiv) constructed at different times commemorating numerous events associated with Babyn Yar tragedy (“Monument to the Soviet citizens and POWs of the Soviet army shot by Nazi fascists in Babyn Yar” (1976), “Menora” (monument to the shot Jews) (1991); monuments to the shot OUN members (1992); Monument to the shot children (2001); Memorial stone commemorating shot Roma people (2016) etc.).
- Memorial of memory of Heavenly Hundred Heroes (Lviv): memorial to the heroes of the Revolution of Dignity (who fell victims of crimes against humanity of the president Yanukovich political regime).
- Platform of Memory “Memorial” (online): commemorating all the victims (civilians and soldiers) who died in Russian-Ukrainian war by publishing their life stories and the circumstances of death  
[https://www.victims.memorial/?fbclid=IwAR05YevM9W9DA-GiGEcAuorbFbQ\\_3CsMP4Nhv8Rgb8xW\\_ua\\_Wu02\\_86AvDA](https://www.victims.memorial/?fbclid=IwAR05YevM9W9DA-GiGEcAuorbFbQ_3CsMP4Nhv8Rgb8xW_ua_Wu02_86AvDA)

### **Memorials relating to international criminal justice**

- Commemorative plaque to Hersch Lauterpacht, who used to live and study in Lviv. Location: Lviv, Teatralna street 6.
- Commemorative plaque to Raphael Lemkin, who used to live and study in Lviv. Location: Lviv, Zamarstynivska street 21.
- Commemorative plaque to Louis B. Sohn, who was born and studied in Lviv. Location: Lviv, Hnatiuka street 18.

- Volodymyr Koretskyi, a renowned Ukrainian international legal scholar, was a member of International Law Commission and a judge of the International Court of Justice:
- Institute of the state and law of the National Academy of Sciences of Ukraine (one of the leading scientific legal research institutions in Ukraine) is named after V. Koretskyi  
[http://idpnan.org.ua/zagalna\\_informacija.html](http://idpnan.org.ua/zagalna_informacija.html)

There is a room-museum of the international law commemorating V. Koretskyi based in the Kyiv university of law of the National Academy of Sciences of Ukraine

<https://www.nas.gov.ua/UA/Messages/Pages/View.aspx?MessageID=6483>

- A commemorative coin (2 hryvnas) was issued by the National bank of Ukraine in 2020  
<https://bank.gov.ua/ua/uah/numismatic-products/souvenir-coins?page=1&perPage=5&search=корецький&category%5B%5D=Coin&from=&to=>

### **Other mnemonic activities (e.g. memorial days and events)**

8 May, Day of memory and victory over Nazism in the second world war, commemorating all the victims of the Second world war.

18 May, Day of memory of victims of genocide of Crimean Tatars.

23 August, Day of memory of victims of Stalinism and Nazism.

29 September, Day of memory of victims of the Holocaust (Day of memory of the tragedy in Babyn Yar). Ceremonial events with participation of higher state officials at the Babyn Yar memorial -

First Sunday of November, Day of memory of victims of political repressions.

20 November, Day of the Heroes of the Heavenly Hundred. Ceremonial events take place all over the state, near local monuments to the Heroes of the Heavenly Hundred.

21 November, Day of Dignity and Freedom. Commemorating the Revolution of Dignity and Orange Revolution

Fourth Saturday of November, Day of memory of victims of Holodomor (Day of memory of victims of Holodomor – genocide of Ukrainian nation and mass manmade famines). Ceremonial events with participation of higher state officials near the monument ‘Candle of Memory’ in Kyiv, people commemorate the victims in churches and at homes by lighting candles of memory at home.

### **Related cultural activities**

- Docudays.ua: international annual film festival of documentaries about human rights, including different aspects of international crimes. Takes place annually since 2003  
<https://docudays.ua/>
- Annual winter marathon of letters for political Kremlin prisoners ( Ukrainians who were unlawfully arrested and detained by occupying Russian powers). Within the infocampaign “Let my People Go” (“Prisoners Voice”). Organized by Center of Civil Liberties and Euromaidan Press since 2014  
<https://ccl.org.ua/en/tools/prisoners-voice-3/>
- Ukraine War Archive – informational platform collecting all multimedia materials, related to the war and crimes of Russia against Ukraine  
<https://ukrainewararchive.org>

List of some documentaries about war crimes committed by Russia in Ukraine

“20 Days in Mariupol” (documentary about first days of occupation of the city of Mariupol in February-March 2022)

[https://www.youtube.com/watch?v=9H\\_Fg\\_5x4ME](https://www.youtube.com/watch?v=9H_Fg_5x4ME)

“Iron Butterflies” (documentary about MH17 crash)

<https://www.youtube.com/watch?v=69Zu70ezOFY>

“Mariupolis 2” (Mariupol occupation through the eyes of several families)

[https://www.youtube.com/watch?v=v\\_2fmntO4ho](https://www.youtube.com/watch?v=v_2fmntO4ho)

“Witnesses” (documentary about temporary Russian occupation of Kyiv region)

<https://www.youtube.com/watch?v=HVAVtHiy6j8>

“Chornobyl 22” (documentary about Russian occupation of Chornobyl nuclear station)

“Children for Putin” (“Uprooted: An investigation into Russia’s abduction of Ukrainian children”) journalist investigation on deportation of Ukrainian children to the occupied territories of Ukraine and Russia

<https://www.youtube.com/watch?v=cq2gEMhuDps&t=35s>

“Escape from Russians” (story of two forcibly deported girls who were saved by Ukrainian journalists)

<https://www.youtube.com/watch?v=zPyWA9ZK4Qs>

“I call him by his name”(documentary about temporary occupation of Bucha)

<https://www.bbc.co.uk/programmes/m0019jm6>

“The diary of a survivor” (journalist investigation about Russian crimes committed during temporary occupation of Chernihiv region)

[https://www.youtube.com/watch?v=pacMw4oo\\_Zc](https://www.youtube.com/watch?v=pacMw4oo_Zc)

“Civilians under attack” (documentary about war crimes of Russia in Kharkiv region and documentation of these crimes)

<https://www.youtube.com/watch?v=oQZQRZ0nBQ8>

“Sexual crimes of the Russian army in Ukraine” (documentary)

Part. 1: <https://www.youtube.com/watch?v=XPcTk5dRhFU>

Part. 2: <https://www.youtube.com/watch?v=ljiNQXrleGA>)

### **Recommended media sources**

- The Kyiv Independent  
<https://kyivindependent.com>
- “Ukrinform”  
<https://www.ukrinform.ua>
- Radio Svoboda  
<https://www.radiosvoboda.org>
- “Suspilne Novyny”  
<https://suspilne.media>
- “Hromadske radio”  
<https://hromadske.radio>
- Ukrainska Pravda  
<https://www.pravda.com.ua>

- National telemarathon “United news”
- (available at <https://www.youtube.com/live/WY8sDvZdWEA?app=desktop&feature=share>)



## **United Kingdom (England and Wales)**

*Andy Aydin-Aitchison\*, December 2022*

### **Domestic laws criminalising international crimes**

- International Criminal Court Act (2001), part 5  
<https://www.legislation.gov.uk/ukpga/2001/17/part/5>
- Geneva Conventions Act (1957) (no outstanding effects)  
<https://www.legislation.gov.uk/ukpga/Eliz2/5-6/52/contents>
- Genocide Act (1969) (repealed 2001 after International Criminal Court Act 2001)  
<https://www.legislation.gov.uk/ukpga/1969/12/contents>
- War Crimes Act (1991) (no outstanding effects)  
<https://www.legislation.gov.uk/ukpga/1991/13/introduction>

### **Specific laws relating to perpetrators of international crimes**

- Section 6, Overseas Operations (Service Personnel and Veterans Act) 2021, Part 6 and accompanying schedule of excluded offences, excludes international crimes from those with a presumption against prosecution 5yrs or more after relevant conduct.  
<https://www.legislation.gov.uk/ukpga/2021/23/contents/enacted>
- Crimes under International Criminal Court Act 2001 are included in Schedule 18 of Sentencing Act (2020) with regards to extended sentences (see para 61 and 306)  
<https://www.legislation.gov.uk/ukpga/2020/17/contents/enacted>
- International crimes are covered in the Schedule (4) of the Criminal Justice Act 2003 regarding prosecutors' appeals on evidentiary rulings  
<https://www.legislation.gov.uk/ukpga/2003/44/contents>
- Provisions under the Extradition Act 2003 (art 196) application of act for valid requests  
<https://www.legislation.gov.uk/ukpga/2003/41/part/5/crossheading/genocide-etc>

### **Specific laws relating to victims of international crimes**

- The International Criminal Court Act 2001 Section 57 applies victim protections from: The Sexual Offences (Amendment) Act 1976; Sexual Offences (Amendment) Act 1992; Youth Justice and Criminal Evidence Act 1999; Sexual Offences (Protected Material) Act 1997.

### **Significant parliamentary discussions on international criminal justice**

- 19 March 1990 War Crimes Bill  
<https://hansard.parliament.uk/Commons/1990-03-19/debates/de887e4e-f9dc-440e-a37f-b9522ec5ee50/WarCrimesBill>
- 25 April 1990 War Crimes Bill  
<https://hansard.parliament.uk/Commons/1990-04-25/debates/3c5e6527-b865-4674-b082-8cb3d3209731/WarCrimesBill>
- 18 March 1991 War Crimes Bill  
<https://hansard.parliament.uk/Commons/1991-03-18/debates/78592ad5-53a2-4999-9ec7-f4542e46d80f/WarCrimesBill>
- 9 July 1992 War Crimes Act  
<https://hansard.parliament.uk/Commons/1992-07-09/debates/86becc93-6994-462a-8ee6-6d829ada3931/WarCrimesAct1991>

- 12 July 1996 War Crimes Tribunal  
<https://hansard.parliament.uk/Commons/1996-07-12/debates/f540c1a0-526d-4430-bf43-94986fededf/WarCrimesTribunal>
- 5 March 1997 War Crimes  
<https://hansard.parliament.uk/Commons/1997-03-05/debates/d15f73b7-1d5c-4021-bf0f-b08871c21ffc/WarCrimes>
- 3 April 2001 International Criminal Court Bill  
<https://hansard.parliament.uk/Commons/2001-04-03/debates/b676c492-2078-4b45-bad8-5c8b09f9120a/InternationalCriminalCourtBillLords>
- 10 May 2001 International Criminal Court Bill  
<https://hansard.parliament.uk/Commons/2001-05-10/debates/0521cef4-6167-460f-933b-4d029ed49716/InternationalCriminalCourtBillLords>
- 14 January 2003 International Criminal Court  
<https://hansard.parliament.uk/Commons/2003-01-14/debates/a8c13aa6-c8ad-4666-9dff-b7c3b8fa7b8a/InternationalCriminalCourt>
- 7 June 2006 Recognition of Genocide (Armenia and Assyria)  
[https://hansard.parliament.uk/Commons/2006-06-07/debates/06060755000004/Genocide\(ArmeniaAndAssyria\)](https://hansard.parliament.uk/Commons/2006-06-07/debates/06060755000004/Genocide(ArmeniaAndAssyria))
- 28 January 2010 UK Arrest Warrants (Alleged War Crimes), Private Prosecutions  
[https://hansard.parliament.uk/Commons/2010-01-28/debates/10012863000001/UKArrestWarrants\(AllegedWarCrimes\)](https://hansard.parliament.uk/Commons/2010-01-28/debates/10012863000001/UKArrestWarrants(AllegedWarCrimes))
- 16 June 2010 Alleged War Crimes (Sri Lanka)  
[https://hansard.parliament.uk/Commons/2010-06-16/debates/10061670000002/AllegedWarCrimes\(SriLanka\)](https://hansard.parliament.uk/Commons/2010-06-16/debates/10061670000002/AllegedWarCrimes(SriLanka))
- 28 February 2013 Kurdish Genocide  
<https://hansard.parliament.uk/Commons/2013-02-28/debates/13022853000002/KurdishGenocide>
- 9 October 2013 International Criminal Court (Kenya)  
[https://hansard.parliament.uk/Commons/2013-10-09/debates/13100951000001/InternationalCriminalCourt\(Kenya\)](https://hansard.parliament.uk/Commons/2013-10-09/debates/13100951000001/InternationalCriminalCourt(Kenya))
- 20 April 2016 Daesh: Genocide of Minorities  
<https://hansard.parliament.uk/Commons/2016-04-20/debates/16042036000001/DaeshGenocideOfMinorities>
- 9 April 2019 Urgent Question on domestic proceedings in UK against 5 accused in relation to Rwandan genocide  
<https://hansard.parliament.uk/Commons/2019-04-09/debates/C4C2C2C3-4687-4F3B-8ABD-BDAC8D24F502/RwandanGenocideAllegedPerpetrators>
- 9 November 2021 Recognition of Armenian Genocide  
<https://hansard.parliament.uk/Commons/2021-11-09/debates/AEFD429A-450D-41A4-A66F-9BDAB7583AB4/RecognitionOfArmenianGenocide>
- 8 February 2002 Yazidi Genocide  
<https://hansard.parliament.uk/Commons/2022-02-08/debates/8B374BA6-F90E-4273-B728-69824B97A382/YazidiGenocide>

### **Laws relating to the implementation of the Rome Statute**

- International Criminal Court Act 2001  
<https://www.legislation.gov.uk/ukpga/2001/17/contents>

## **Nature of support for international courts**

- ECCC – financial
- ICTR – personnel and financial
- ICTY – personnel, material and financial
- STL – financial
- SCSL – personnel, financial, and training
- UNRMCT – financial

## **Regulations concerning cooperation with international courts or tribunals**

### **ICC**

- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Criminal Court on the Enforcement of Sentences imposed by the International Criminal Court, 8 November 2011  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/243109/7306.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/243109/7306.pdf)

### **ICTR**

- 2009, MoU on exchange of information ICTY, 1997, agreement to accept witnesses for protective relocation

### **ICTY**

- 2004, agreement on enforcement of sentences  
[https://www.icty.org/x/file/Legal%20Library/Member\\_States\\_Cooperation/enforcement\\_agreement\\_uk\\_11\\_03\\_04\\_en.pdf](https://www.icty.org/x/file/Legal%20Library/Member_States_Cooperation/enforcement_agreement_uk_11_03_04_en.pdf)

## **Media interest in enforcement of international sentences**

Media coverage around the time of transfers of detainees focused on the crimes themselves and the detention in the UK. The assault on Radoslav Krstić in prison was covered. Generally answers pertain to the UK and England and Wales jurisdictions. In the case of Ahmad Al Faqi Al Mahdi, he is detained in Scotland, which has a separate criminal justice system, but under an agreement between the UK government and ICC.

## **Foreign policy to promote international criminal justice**

The statement from Ambassador Jonathan Allen, UK Chargé d’Affaires to UN on 2 Nov 2020 points towards matters of financial support and enforcement covered elsewhere in survey. Beyond this it gives broadly defined support and highlights participation in institutions including e.g. the Assembly of States Parties and the nomination of a UK judge to the ICC (now serving).

## **National prosecutorial policies concerning international crimes**

### **War Crimes/Crimes against Humanity Referral Guidelines**

A set of guidance agreed between the relevant police authorities (Metropolitan Police Counter Terrorism Command) and Crown Prosecution Service Special Crime and Counter Terrorism Division.  
<https://www.cps.gov.uk/publication/war-crimescrimes-against-humanity-referral-guidelines>

There are further guidelines for private applications for arrest warrants in a limited range of circumstances.

<https://www.cps.gov.uk/sites/default/files/documents/publications/War-Crimes.pdf>

## **Situations covered by prosecutions for crimes outside territory of state**

- Holocaust
- Iraq
- Afghanistan
- Sierra Leone
- Nepal

## **NGOs working in relation to international crimes in general**

- Amnesty International – focus on Human Rights Abuses, including widespread abuses covered by ICJ - <https://www.amnesty.org.uk/>
- Aegis Trust – genocide prevention - <https://www.aegitrust.org/>
- Human Rights Watch – defending human rights - <https://www.hrw.org/>
- Remembering Srebrenica – memorialisation and education - <https://srebrenica.org.uk/>
- Holocaust Education Trust – educating young people on the Holocaust and lessons for today - <https://www.het.org.uk/>

## **NGOs working in relation to victims or perpetrators of international crimes**

- Redress – working with/for victims of torture, pursuing legal claims - <https://redress.org/>
- Reprieve – pursuing justice in human rights abuse cases - <https://reprieve.org.uk/>
- Freedom from Torture – working with and for survivors - <https://www.freedomfromtorture.org/>

## **Museums related to international crimes**

Beth Shalom National Holocaust Centre and Museum, Nottinghamshire

The only national museum in the UK dedicated to teaching and learning the lessons from the Holocaust. Statement of Purpose: to provide a permanent memorial to the victims of the Holocaust; offer an understanding of the causes and events of the Holocaust through a range of age-appropriate exhibitions and survivor testimonies and to present programmes of learning, based on the Holocaust, that encourage personal responsibility and the promotion of fairness and justice but also challenge learners to take positive action. <https://www.holocaust.org.uk/>

## **Memorials for international crimes**

- Beth Shalom National Holocaust Centre and Museum, Nottinghamshire
- Holocaust Galleries, at the Imperial War Museum, London
- Memorial for Holodomor, Calton Hill, Edinburgh
- Memorial to Victims of Persecution, Bellingham Lane, Rayleigh

## **Memorials for perpetrators of international crimes**

This is a complex and controversial question. There are no memorials to perpetrators who have been prosecuted for their role in international crimes of the kind prosecuted under the Rome Statute. There is a statue of Sir Arthur Harris, the head of Bomber Command responsible for the fire bombing of Dresden. There are countless statues to those implicated in Colonialism and Slavery.

## **Other mnemonic activities (e.g. memorial days and events)**

Holocaust Memorial Day is marked publicly (services, parliamentary remarks).

The Srebrenica Genocide is regularly a focus for events around 7 July.

## **Related cultural activities**

Too numerous to list, but examples include:

- Crime novels, e.g Val McDermid’s Skeleton Road handles investigation into the apparent assassination of PIFWCs as well as massacres in the course of the Yugoslav Wars
- Television, e.g, Black Earth Rising was an 8 part mini-series handling the prosecutions arising from the Rwandan genocide
- Art, e.g. The Imperial War Museum has a section on artists’ responses to the Holocaust

### **Recommended media sources**

BBC news (web, television and radio), public broadcaster with national and regional versions):

<https://www.bbc.co.uk/news>

The following will give a good range of broadsheet coverage:

- Financial Times: <https://www.ft.com/>
- Guardian: <https://www.theguardian.com/uk>
- The Times: <https://www.thetimes.co.uk/>

The following represent the Tabloid press with the widest reach:

- Daily Mirror: <https://www.mirror.co.uk/>
- Metro: <https://metro.co.uk/>
- Sun: <https://www.thesun.co.uk/>

## **United States of America (USA)**

*Emma Brandon\*, November 2020*

### **Domestic laws criminalising international crimes**

- 18 USC § 1091: Genocide
- 18 USC § 2340A: Torture
- 18 USC § 2442: Recruitment and Use of Child Soldiers
- 18 U.S.C. 2441: War Crimes
- 18 U.S.C. § 2339(a): Providing material support to terrorists, organizations involved in torture, or the recruitment of child soldiers
- 18 U.S.C.: 116 Female Genital Mutilation

Entire US Code available here: <https://uscode.house.gov/browse/prelim@title18&edition=prelim>

### **Specific laws relating to perpetrators of international crimes**

- 18 U.S. Code § 1425 Procurement of citizenship or naturalization unlawfully: provides for the arrest, imprisonment, denaturalization, and deportation of naturalized citizens who are found to have acquired citizenship unlawfully by, inter alia, failing to disclose their prior perpetration of international crimes.

*(Note: this law has been frequently used by the Human Rights Violators and War Crimes Unit of Immigration and Customs Enforcement)*

Entire US Code available here: <https://uscode.house.gov/browse/prelim@title18&edition=prelim>

### **Specific laws relating to victims of international crimes**

28 U.S.C. § 1350: Alien Tort Statute

Allows non-US citizens to bring civil claims in US federal courts in certain limited circumstances against individuals who commit torts by violating certain international law.

28 U.S.C. § 1350: Torture Victim Protection Act

Allows US citizens and non-citizens to bring civil claims in US federal courts against persons who committed torture or extra-judicial killings while acting under the authority of a foreign state.

<https://www.govinfo.gov/content/pkg/USCODE-2011-title28/pdf/USCODE-2011-title28-partIV-chap85-sec1350.pdf>

### **Significant parliamentary discussions on international criminal justice**

- Senator Specter discussing recent symposium on the creation of an international criminal court, 18 June 1990, Senate, Vol. 136, Part 10, p. 14365  
<https://www.congress.gov/bound-congressional-record/1990/06/18/senate-section?q=%7B%22search%22%3A%5B%22%5C%22international+criminal+court%5C%22%2%5D%7D&s=5&r=31>
- Testimony of Secretary of State Baker before House Foreign Affairs Committee, 4 September 1990 (see reference to it by Senator Specter in 25 October 1990, Vol. 136, Part 23, p. 33973  
<https://www.congress.gov/bound-congressional-record/1990/10/25/senate-section?q=%7B%22search%22%3A%5B%22%5C%22international+criminal+court%5C%22%2%5D%7D&s=5&r=35>
- Testimony of Under Secretary of State Robert Kimmitt before House Foreign Affairs Committee, 10 September 1990 (see M. Cherif Bassiouni, *The Time Has Come for an International Criminal Court*, 1:1 *Ind. Int'l & Comp. L. Rev.* 1 (1991))

- Debate on amendment to Foreign Operations Appropriations Bill asking President to report on progress in creating international criminal court (note: the amendment passed and was signed into law), 19 October 1990, Senate, Vol. 136, Part 22, p. 31315  
<https://www.congress.gov/bound-congressional-record/1990/10/19/senate-section?q=%7B%22search%22%3A%5B%22%5C%22international+criminal%5C%22%22%5D%7D&s=7&r=208>
- Prosecution of Iraqi violations of international law (discussing creation of international criminal court to prosecute them), 24 October 1990, Senate, Vol. 136, Part 23, p. 33521  
<https://www.congress.gov/bound-congressional-record/1990/10/24/senate-section?q=%7B%22search%22%3A%5B%22%5C%22international+criminal%5C%22%22%5D%7D&s=7&r=209>
- The Need for an International Criminal Court, 25 October 1990, Senate, Vol. 136, Part 23, p. 33973  
<https://www.congress.gov/bound-congressional-record/1990/10/25/senate-section?q=%7B%22search%22%3A%5B%22%5C%22international+criminal+court%5C%22%22%5D%7D&s=5&r=35>
- Foreign Operations, Export Financing, and Related Programs Appropriations Act, 27 October 1990, House of Representatives, Vol. 136, Part 25, p. 36870  
<https://www.congress.gov/bound-congressional-record/1990/10/27/house-section?q=%7B%22search%22%3A%5B%22%5C%22international+criminal%5C%22%22%5D%7D&s=7&r=212>
- Creation of an international criminal tribunal to prosecute Saddam Hussein and other Iraqis for crimes committed during the First Gulf War, 6 March 1991, Senate, Vol. 137, Part 4, p. 5201  
<https://www.congress.gov/bound-congressional-record/1991/03/06/senate-section?q=%7B%22search%22%3A%5B%22%5C%22international+criminal%5C%22%22%5D%7D&s=7&r=221>
- “Sense of the Senate” resolution supporting the establishment of an international criminal court, 13 March 1991, Vol. 137, Part 5, p. 5952  
<https://www.congress.gov/bound-congressional-record/1991/03/13/senate-section?q=%7B%22search%22%3A%5B%22%5C%22international+criminal%5C%22%22%5D%7D&s=7&r=225>
- Passing of the “Sense of the Senate” resolution supporting the establishment of an international criminal court, 14 March 1991, Vol. 137, Part 5, p. 6270  
<https://www.congress.gov/bound-congressional-record/1991/03/14/senate-section?q=%7B%22search%22%3A%5B%22%5C%22international+criminal%5C%22%22%5D%7D&s=7&r=226>
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### **Rationale for not ratifying the Rome Statute**

Concerned that nationals of non-state parties could be under the ICC's jurisdiction; concerned that members of the US military might be targeted by the ICC because the US has the largest international deployment of troops; concerned that the Prosecutor had too much discretion and the UNSC did not have absolute power over the choice of investigations.

### **Nature of support for international courts**

- Third largest financial donor to ECCC
- Financial donor to ICTR, ICTY, STL, SCSL
- One judge at the Special Panels of Dili District Court came from the US
- One US judge on Residual Mechanism
- Unclear if US gave financial support to Special Panels or Residual Mechanism

## **Situations covered by prosecutions for crimes outside territory of state**

- World War II
- Vietnam War (1955-1975)
- US war in Afghanistan (2001-2021)
- US war in Iraq (2003-2011)

## **State institutions supporting victims of international crimes**

- United States Victims of State Sponsored Terrorism Fund  
<https://www.justice.gov/criminal-mlars/usvsst>

## **NGOs working in relation to international crimes in general**

Centre for Justice and Accountability

“CJA’s mission is to deter torture, war crimes, crimes against humanity, and other severe human rights abuses around the world through innovative litigation, policy, and transitional justice strategies.”

<https://cja.org/>

Open Society Justice Initiative

“We work to strengthen the system of international criminal justice”

<https://www.justiceinitiative.org/>

AMICC

Advocates for “strong participation by the US in the ICC”

<https://www.amicc.org/>

American Bar Association’s ICC Project

“Mission is to strengthen, regularize, and broaden U.S. engagement with the ICC”

<https://www.aba-icc.org/>

The Ferencz International Justice Initiative at the United States Holocaust Memorial Museum

“Our work aims to help to provide justice, truth, and redress for victims, to hold perpetrators accountable, and to end impunity for the worst crimes. We do this by bringing together coalitions of change-agents—from affected communities and from the halls of power—to incubate new strategies to advance justice. Through education, research, and outreach, we empower and equip these change-agents to press for justice over the long term”

<https://www.ushmm.org/genocide-prevention/simon-skjodt-center/work/ferencz-international-justice-initiative>

Simon-Skjodt Center for the Prevention of Genocide at the United States Holocaust Memorial Museum

“The mandate of the Simon-Skjodt Center is to alert the United States’ national conscience, influence policy makers, and stimulate worldwide action to prevent and work to halt acts of genocide or related crimes against humanity, and advance justice and accountability”

<https://www.ushmm.org/genocide-prevention/simon-skjodt-center>

International Center for Transitional Justice

“ICTJ works across society and borders to challenge the causes and address the consequences of massive human rights violations. We affirm victims’ dignity, fight impunity, and promote responsive

institutions” – headquartered in New York but focuses much of work outside of the US

<https://www.ictj.org/>

## **NGOs working in relation to victims or perpetrators of international crimes**

REDRESS Trust

“we use the law to seek justice and reparation for survivors of torture, to combat impunity for governments and individuals who perpetrate torture, and to develop and promote compliance with international standards” - based in Europe but has been active in the US.

<https://redress.org/>

## **Museums related to international crimes**

- United States Holocaust Memorial Museum: <https://www.ushmm.org/>
- 9/11 Memorial and Museum: <https://www.911memorial.org/>

## **Memorials for international crimes**

- 9/11 Memorial, Terrorist Attacks of September 11, 2001, New York  
<https://www.911memorial.org/>
- The National Memorial for Peace and Justice, contains memorials to slavery, lynching, segregation, and police brutality, Montgomery, Alabama  
<https://museumandmemorial.eji.org/memorial>
- The National Museum of African American History and Culture, contains memorials to the slave trade, slavery, segregation etc., Washington, DC  
<https://nmaahc.si.edu/>

## **Memorials for international criminal justice**

- Robert H. Jackson Center and Statue, Jamestown, New York, commemorating Chief US Nuremberg Prosecutor Robert H. Jackson

## **Other mnemonic activities (e.g. memorial days and events)**

- Second Monday in October: Indigenous Peoples’ Day, many states now mark Indigenous Peoples’ Day in place of Columbus Day to highlight the struggle of First Americans against the atrocities perpetrated by European settlers like Christopher Columbus
- 19 June: Juneteenth, commemorating the final emancipation of all slaves held in the US

## **Related cultural activities**

Films

- Taxi to the Dark Side (documentary about torture and extrajudicial detention by US soldiers at Bagram Air Base)
- Hotel Rwanda (genocide in Rwanda)
- Blood Diamond (war crimes in Sierra Leone and the international diamond trade)

(this is only a very, very small selection of the many, many, many films made in the United States)

## **Recommended media sources**

- The New York Times (newspaper): <https://www.nytimes.com/>
- NPR (National Public Radio, radio station and news website): <https://www.npr.org/>
- CNN (TV channel): <https://edition.cnn.com/>