

REPORT RELEASE

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At the Crossroads: Transitional Justice Developments in Bosnia and Herzegovina, Serbia and Montenegro

NEW YORK, November 3, 2004—An analysis of transitional justice developments in Bosnia and Herzegovina, and Serbia and Montenegro, suggests that a lack of political will, local capacity, and social trust, combined with the absence of a comprehensive and effective approach to transitional justice issues, have stymied both countries' progress in addressing the past and laying the foundations for a future based on justice and the rule of law.

In its 13-page Case Study Series report, "Serbia and Montenegro: Selected Developments in Transitional Justice," the ICTJ acknowledges that certain developments, such as the election of a reformist president and the recent emergence of a dynamic NGO movement, are hopeful. However, it cautions that national and regional long-term stability are under threat unless significant advances are made in the areas of truth-seeking, prosecutions, institutional reform, and reparations.

In its 14-page Case Study Series report, "Bosnia and Herzegovina: Selected Developments in Transitional Justice," the ICTJ recognizes the efforts the country has made in the areas of prosecutions and vetting, but urges the development of a more comprehensive approach to transitional justice, particularly in the areas of truth-seeking and reparations, as well as an increased reliance on domestic institutions.

"The countries and entities of the former Yugoslavia have reached a critical juncture in their histories," said Mark Freeman, the author of both reports and manager of the ICTJ's work in the former Yugoslavia. "In one direction lies the path of denial and conflict; in another, the path of transitional justice and European integration. The choices each country makes in the next few years are critical. While the regional nature of the past wars is a complicating factor for everyone, governments in the region must take greater responsibility for bringing war criminals to justice and for repairing the harm inflicted on civilian populations. With the work of the International Criminal Tribunal for the former Yugoslavia coming to a gradual close, the time for greater local accountability efforts has arrived."

The ICTJ in the former Yugoslavia

The ICTJ has been involved in transitional justice in the former Yugoslavia since 2001. The Center has provided advice to truth-seeking and regional reconciliation initiatives; conducted research on issues such as the completion strategy of the International Criminal Tribunal for the former Yugoslavia, domestic trials, vetting processes, reparations programs, and efforts to document war crimes in the region; and provided support to local NGOs and victims groups.

About the ICTJ

The International Center for Transitional Justice (ICTJ) assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved.

In order to promote justice, peace, and reconciliation, government officials and nongovernmental advocates are likely to consider a variety of transitional justice approaches including both judicial and nonjudicial responses to human rights crimes. The ICTJ assists in the development of integrated, comprehensive, and localized approaches to transitional justice comprising five key elements: prosecuting perpetrators, documenting and acknowledging violations through non-judicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and facilitating reconciliation processes.

The Center is committed to building local capacity and generally strengthening the emerging field of transitional justice, and works closely with organizations and experts around the world to do so. By working in the field through local languages, the ICTJ provides comparative information, legal and policy analysis, documentation, and strategic research to justice and truth-seeking institutions, nongovernmental organizations, governments and others.