

Research Brief

Transitional Justice and DDR: The Case of Bosnia and Herzegovina

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Research Project

Transitional Justice and DDR

This project examines the relationship between disarmament, demobilization, and reintegration (DDR) programs and transitional justice measures. It explores the manifold ways in which DDR programs may contribute to, or hinder, the achievement of justice-related aims. The project seeks not only to learn how DDR programs to date have connected (or failed to connect) with transitional justice measures but to begin to articulate how future programs ought to link with transitional justice aims. The project is managed by Ana Patel, Deputy Director of the Policymakers and Civil Society Unit at the ICTJ.

The disarmament, demobilization, and reintegration (DDR) process implemented in Bosnia and Herzegovina (BiH) following the 1992–1995 war helped facilitate the transition to peace: first, by decreasing the chance that violence would recur and, second, by taking significant steps toward security sector reform (SSR). Only limited funding, however, was committed to reintegrating former soldiers into civilian life. The almost total failure of international and domestic authorities to support demobilized combatants in post-conflict BiH impeded the progress of justice for civilian war victims. Politically powerful veterans' associations undermined civilian victims by empowering ethnically based authorities, breaking the cohesiveness of victims' groups, and competing with war victims for government funding.

Background

As communist regimes started to collapse in Eastern Europe in the late 1980s, Serbia began to pursue political dominance over other Yugoslav republics, including Slovenia, Croatia, and Bosnia and Herzegovina. Slovenia and Croatia proclaimed their independence in 1991. In response, Serbia and Montenegro, with sole control over the Yugoslav National Army (YNA), first attacked Slovenia and later Croatia. Bosnia proclaimed independence in 1992, and a month later erupted into war. The 1992–1995 war brought about the killing of approximately 200,000 people, as well as mass rape, genocide, and ethnic cleansing, mostly of the Bosnian civilian population.

DDR

The fragile ceasefire reached in the 1995 Dayton Peace Agreement (DPA) focused on securing an immediate cessation of violence with few long-term recommendations. In addition, the agreement lacked a detailed treatment of DDR and provided no institutional capacity to aid DDR efforts. As a result, no assistance was provided to the estimated 300,000 combatants who voluntarily disarmed in 1996.

Demobilization and Disarmament

During the war, 264,500 soldiers fought on the side of the Bosnian Army while another 154,500 fought with Serbian forces. The DPA mandated the reduction of ethnic armies. In 1998, under pressure from the international community, the Bosnian government agreed to cut the military budget nearly 40 percent. Further spending cuts in 2002 and 2004 initiated the demobilization of approximately 9,000 and 4,000 soldiers, respectively. With the assistance of the International Organization for Migration (IOM), Bosnia carried out a final wave of demobilization in 2006 and 2007.

Reintegration

Phase I. Ex-combatants who voluntarily demobilized in 1996 re-entered Bosnian society unprepared for the transition and without reintegration assistance. Many lacked education and employable skills, and most suffered from post-traumatic stress disorder. Few jobs remained in the war-devastated economy. Many former combatants became involved in organized crime, human trafficking, and the black markets that continue to plague the country. In response, the World Bank's International Development Agency initiated a short-term reintegration program, the Emergency Demobilization and Reintegration Project, which assisted ex-soldiers as well as refugees, war victims' widows, the unemployed, and disabled civilians. A total of US\$8.5 million was distributed to 23,323 individuals in the form of short-term training, educational services, subsidized employment, and job search assistance.

Phase II. In contrast to the first phase of demobilization, combatants who disarmed in the 2002–2004 phase were provided with a severance package. Soldiers who demobilized in 2002 received 10,000 KM (US\$7,900), while those leaving the army in 2004 were entitled to 6,000 KM (US\$4,740), with some variation depending on rank. Ex-combatants further benefited from access to IOM's Transitional Assistance to Former Soldiers Program (TAFS Program) which was designed to fit the specific needs of each participant. The packages provided ex-combatants with livestock; basic kits to establish businesses or start agricultural production; vocational training; or employment. Former soldiers also received a three-hour civic education course addressing human rights, democracy, and civil society. In total, the TAFS Program assisted 2,000 ex-combatants from the 2002 demobilization wave and accepted 5,000 more in 2004.

Phase III. The Bosnian government, with assistance from IOM, conducted a final demobilization phase in 2006–2007. The TAFS reintegration program provided severance packages to recently demobilized soldiers as well as those excluded from the 2002–2004 program. Although the original TAFS Program is now expired, IOM remains active through support from the NATO Trust Fund. As of June 2008, IOM had 2,834 registered participants—2,558 who demobilized in 2004, and an additional 276 former combatants who demobilized in 2007.

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Transitional Justice

Prosecutions

The International Criminal Tribunal for Former Yugoslavia (ICTY), the Bosnian War Crimes Chamber, and the second instance courts of Bosnia together handle several thousand cases involving more than 13,000 accused. The ICTY, established in 1993, has indicted 161 persons and conducted 115 proceedings. Out of the completed cases, fifty-six were sentenced, ten acquitted, thirteen transferred to local courts, and the final thirty-six either died before appearing before the tribunal or had their indictments withdrawn. Although forty-six proceedings remain ongoing, the ICTY is phasing out its activities and transferring its functions to newly established or recently reformed Bosnian courts. The ICTY is scheduled to cease operations by the end of 2010.

Bosnia was initially encouraged not to prosecute past abuses in domestic courts, as these were largely mono-ethnic and lacked independence from the dominant nationalistic political parties. In 2003, a special War Crimes Chamber was established to handle war crimes, crimes of genocide, and crimes against humanity. In September of 2005, the court opened its first trial and, by the end of 2007, thirty-eight indictments were confirmed against fifty-seven persons, while investigative activities were ongoing in 613 additional cases.

Truth-Seeking

The country remains bitterly divided by differing accounts of the past. The fear of the potentially destabilizing effects of truth-seeking continues to impede efforts to establish an official truth commission. Other initiatives have emerged as a means to mediate accounts of the past, including the lawsuit submitted to the International Court of Justice by Bosnia and Herzegovina against Serbia and Montenegro for violations of the Convention on the Prevention and Punishment of the Crime of Genocide.

Reparations

Victims of serious human rights violations have yet to receive sufficient support in post-conflict BiH. At the state level, there are no reparations laws aiding civilian victims of war. Although a 2004 state law called for financial support to the relatives of missing persons, funding is insufficient to implement the policy. Property restitution laws do exist, however, to facilitate the return of displaced persons and refugees.

Institutional Reform

In response to a lack of progress on integrating the various political sub-units, the international community increased its involvement in BiH from 1998 onward by establishing the Bonn Powers. Though highly controversial, the Bonn Powers successfully consolidated central institutions and initiated a comprehensive review and reappointment processes in the police and judiciary sectors.

About the Authors

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Institutional vetting played a key role in BiH efforts to establish trustworthy governing authorities. Vetting began with a large-scale certification process of the police forces after UN Security Council Resolution 1088 mandated the UN Mission to BiH (UN-MIBH) to investigate abuses committed by local police forces. In total, 23,751 police officers were reviewed, out of which 15,786 were granted full certification, 481 were denied certification, and 228 cases remained pending at the end of the UN mission. Similar to the SSR initiative, the international community also designed and implemented vetting of the judiciary. Reforms included the dismissal of all judges followed by a reapplication process for their former positions.

UNMIBH initiated a campaign to increase gender representation in Bosnia with a particular focus on SSR. As a result, 450 policewomen were recruited into the police academy while another 170 policewomen were in training when UNMIBH ended operations in 2002. In 2003, the Law on Gender Equality was passed in the Federation of BiH as an initial attempt at promoting gender equality in private and public spheres.

Conclusions

The Bosnian case exemplifies the complex challenge of balancing the needs of ex-combatants with those of victims. A lack of post-conflict support for ex-combatants empowered ethnically based veterans' associations which, in turn, indirectly hindered efforts to find justice for victims of war crimes. Even today, the lack of support made available to former combatants continues to impede the transitional process in BiH by empowering ethnically based political authorities that promote impunity and prevent cohesiveness amongst civilian war victims.

An attempt must be made to educate ex-combatants on justice and truth-related issues. Not doing so will contribute to the continuation of a divided society with separate, ethnically based accounts of the past and notions of just resolution. These divisions preclude the country from solidifying institutions, building a cohesive society, and moving towards EU membership.

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