



TRANSITIONAL JUSTICE AND THE BALKAN CONFLICT (FORT IMPERIAL ON MOUNT SRĐ)

By Wolfgang Form



Transitional Justice



- 1. truth-seeking
- 2. prosecution initiatives
- 3. lustration
- 4. reparations / reconciliation
- 5. various measures to prevent the recurrence of new violations



various measures to prevent the recurrence of new violations including:

- I. constitutional, legal and institutional reform
- II. the strengthening of civil society
- III. memorialization efforts
- IV. cultural initiatives
- V. the preservation of archives
- VI. the reform of history education



Transitional justice aims to provide

- **recognition to victims**
- **enhance the trust of individuals in State institutions**
- **reinforce respect for human rights and promote the rule of law, as a step towards reconciliation**
- **the prevention of new violations**



TJ = Situation based

can be implemented:

- during the conflict
- in the aftermath of mass violence
- even many years after an incident



International criminal Law

- genocide
- war crimes
- crimes against humanity
- the crime of aggression

**SREBRENICA
GENOCIDE
DENIAL
REPORT 2022**

Srebrenica - 2022

**80,000
war crimes**

Russia has potentially
committed in Ukraine

Source: Office of the Prosecutor General of Ukraine



International Criminal Tribunal for the former Yugoslavia (ICTY)

161 Individuals indicted

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graph TD; A[161 Individuals indicted] --> B[93 sentenced]; A --> C[13 referred to national jurisdictions]; A --> D[37 indictments withdrawn or accused died]; A --> E[18 Acquitted];
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The diagram is a flowchart starting with a central box at the top labeled '161 Individuals indicted'. A horizontal line extends from this box, with four vertical arrows pointing down to four separate boxes below. Each box contains a number and a description of the outcome. The boxes are color-coded: red for '93 sentenced', green for '13 referred to national jurisdictions', blue for '37 indictments withdrawn or accused died', and purple for '18 Acquitted'.

93

sentenced

13

**referred to
national
jurisdictions**

37

**indictments
withdrawn or
accused died**

18

Acquitted

Cultural Heritage



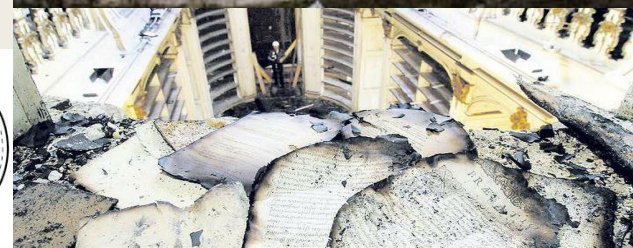
Haque Convention 1907

Article 56

The property of municipalities that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of destruction or wilful damage done to institutions of this character, historic monuments, works of art and science is forbidden, and should be made the subject of legal proceedings

Has this been of any use?



United Nations Educational, Scientific and Cultural Organization (UNESCO)

Article 5

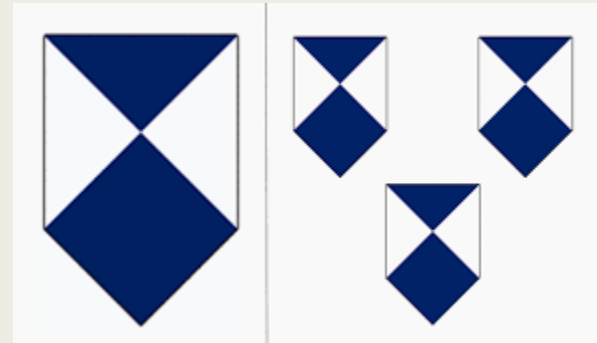
OCCUPATION

preserving cultural property

by military operations

Article 6

DISTINCTIVE MARKING OF CULTURAL PROPERTY



Thiomir Blaškić

unlawful attack on civilians

**unlawful attack on civilian
objects**

**wanton destruction not justified by military
necessity**

plunder of public or private property

**destruction or wilful damage to institutions
dedicated to religion or education**





damage
building











Miodrag Jokić

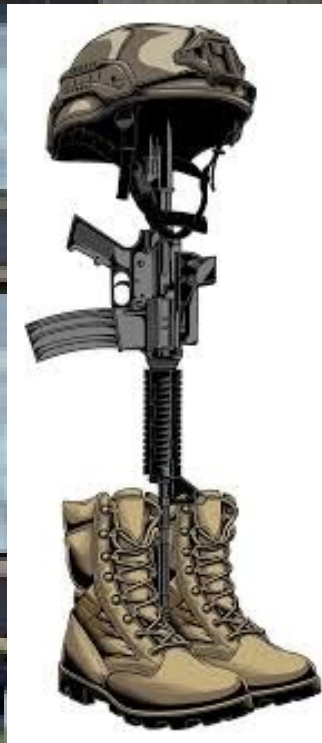
- Soldiers under Miodrag Jokić's command shelled the Old Town of Dubrovnik
- civilians were killed and wounded
- six buildings were destroyed and many more buildings suffered damage
- Institutions dedicated to religion, charity, education, and the arts and sciences, historic monuments were damaged or destroyed
- As a commander, he failed to take the necessary measures to prevent or stop the shelling



Pavle Strugar

- he had legal and effective control of the Yugoslav people's army forces who the attack on Mount Srđ, and military action on Dubrovnik shelling of the Old Town
- civilians were killed and injured, and protected buildings were damaged and destroyed
- he failed to act to stop the attack on 6 December 1991 when he could and should have done so, and afterwards he failed to ensure the perpetrators were punished.



















Thank you for your attention

TRANSITION, PEACE AND THE BALKAN
(FORT IMPERIAL AND THE SRĐ)

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