

# Justice Unknown, Justice Unsatisfied?

Bosnian NGOs Speak about the International Criminal Tribunal  
for the Former Yugoslavia

By

Kristen Cibelli and Tamy Guberek

A Project of



Education and Public Inquiry and

International Citizenship

at Tufts University

# Justice Unknown, Justice Unsatisfied?

---

*Bosnian NGOs Speak about the International Criminal Tribunal for the Former Yugoslavia*

By

Kristen Cibelli and Tamy Guberek

## *Table of Contents*

Executive Summary .....	5
I. Introduction .....	7
II. Summary of Research .....	9
Methodology .....	9
The Local NGO Community .....	10
Map of Local NGOs Interviewed in Bosnia and Herzegovina .....	11
Findings and Observations .....	14
International Criminal Tribunal for the Former Yugoslavia .....	14
ICTY Outreach Programme .....	17
III. Conclusions .....	19
IV. Additional Research .....	20
V. Recommendations .....	21
ICTY Outreach Programme .....	21
Suggestions for Existing Outreach Programme .....	21
Suggestions to Expand the Outreach Programme .....	23
Other International and Local Initiatives .....	24
Non-Governmental Organizations In BiH .....	25
Epilogue .....	26
About the Authors .....	27
About EPIIC .....	28
Board of Advisors .....	29
Acknowledgements .....	30

## Executive Summary

In 1993, the United Nations Security Council created the International Criminal Tribunal for the Former Yugoslavia to bring to justice persons who had committed atrocities during the recent war. By prosecuting individuals responsible for mass killings, systematic detention and rape, and other serious violations of humanitarian law, they believed that the ICTY would through its trials establish individual accountability and contribute to the "restoration and maintenance of peace" in the former Yugoslavia.<sup>1</sup>

This report will show that local non-governmental organizations (NGOs) in Bosnia and Herzegovina - which work on a daily basis with issues related to the Tribunal - are not well informed about the process of international justice and have many misconceptions about it. The Tribunal, rather than being seen as bringing individual accountability, is inadvertently reinforcing the same divisions that divided the country during the war.

This is the first project to measure systematically the impact of the ICTY at a local level from the perspectives of local NGOs in Bosnia and Herzegovina. We interviewed a proportionally stratified random sample of 54 NGOs involved with social reconstruction in both entities of BiH, the Federation of Bosnia and Herzegovina (Bosniak-Croat entity) and Republika Srpska (Serb entity).<sup>2</sup> The interview questions addressed the group's perceptions of the ICTY, information they have received and need about the ICTY, and their opinions about the proposed Truth and Reconciliation Commission.

Faced with insufficient funds during the first several years of its existence, the ICTY did not undertake, until recently, measures as basic as translating its Statute or decisions into Bosnian/Serbian/Croatian. This left all education about its work and cases in the region to the local media. Consequently, our research indicates that the lack of direct, consistent and basic information in BiH has left the ICTY vulnerable to misrepresentation and misunderstanding.

For example, over 60 percent of the local NGO representatives we interviewed did not know what laws govern war crimes. Over half of the groups did not understand that the Stabilization Force (SFOR) - comprised of NATO troops, tasked with enforcing peace in Bosnia and arresting alleged war criminals - did not work directly for the Tribunal. Furthermore, two-thirds of the groups felt that SFOR is damaging the Tribunal's reputation either because of its failure to make arrests or the way in which it makes arrests. And 60 percent do not think the Tribunal is even a credible legal institution.

Yet all groups in both entities, whether they support the ICTY or not, recognize that the Tribunal is the one international institution mandated to hold trials and deliver punishment for war crimes. One conclusion from these interviews is that in order to make a contribution to lasting peace in Bosnia and Herzegovina and throughout the region, a full-scale effort must be

---

<sup>1</sup> Resolution 827, UN Security Council S/RES/827, 25 May 1993.

<sup>2</sup> The 1995 Dayton peace agreement partitioned Bosnia and Herzegovina into two entities: the Federation of Bosnia and Herzegovina and Republika Srpska. General Framework Agreement for Peace in Bosnia and Herzegovina A/50/790, S/1995/999, Annex 2, 30 November 1995.

made to inform the entire population about the ICTY's laws, its trial procedures, its ongoing cases, and rulings.

In 1999, the Tribunal created an Outreach Programme to establish closer contact with the region by improving public information. But the Outreach Programme, given only a small budget, has up until now primarily targeted local politicians and the legal community. As the findings of the research and ensuing discussions at an expert working group<sup>3</sup> meeting show, this is only doing half the job. It is as important to include NGOs, community organizations and victims groups in outreach efforts.

Firstly, the research results of this study lead to the following recommendations for the Outreach Programme. The current Programme can be maximized by - 1) announcing the existence of the Outreach Programme, 2) presenting ICTY information clearly, 3) addressing questions and clearing up misconceptions, and 4) disseminating information extensively. Furthermore, we recommend that the scope and the priorities of the Outreach Programme be re-evaluated and expanded to take into account the needs of the local NGO community and the Bosnian public. Detailed recommendations for this are enclosed.

To enhance its activities, the Outreach Programme must have adequate resources. We urge the UN, and those international organizations and governments dedicated to peace in Bosnia and Herzegovina, to allocate the necessary funds and support to the Outreach Programme. The ICTY cannot fulfill its commitment to the region without making its work accessible and transparent to the people of BiH and the other former republics of Yugoslavia.

After the Outreach Programme has provided a foundation by making the work of the ICTY accessible throughout the region, it is also recommended that international and local groups enhance the work of the Outreach Programme through their own projects. The Tribunal cannot do the job alone. For justice to be understood and to be meaningful, citizens of the region must be engaged in public discourse about the implications of the ICTY's decisions. For example, in Bosnia, the nature of the war is still controversial - some claiming it was solely a civil war and others a war of aggression. Yet, it was determined in the Tadic trial that the war in BiH had international components. Also, the Foca case is among the first international trials centered on rape as a war crime. These issues should not be solely debated among international lawyers and legal scholars. These serious topics could serve to generate discussion among the people of Bosnia and Herzegovina and aid them in confronting their history and experience.

Local NGOs also have a significant contribution to make in bridging the work of the ICTY with their members and communities. In the interest of helping victims, facilitating the return of refugees and internally displaced persons, engaging in communication across entities, and leading social reconstruction in general, local NGOs should seek information about the ICTY. Select local NGOs also should provide information and help educate about the ICTY.

---

<sup>3</sup> A working group composed of the project Board of Advisors, several local NGO representatives from both entities in BiH, local media experts, and the ICTY regional Outreach Programme Coordinators was held on July 1-3, 2000 in Sarajevo to discuss the results of the research.

## Introduction

In 1993, the United Nations Security Council created the International Criminal Tribunal for the Former Yugoslavia<sup>4</sup> to bring to justice persons who had committed atrocities during the recent war. By prosecuting individuals responsible for mass killings, systematic detention and rape, and other serious violations of humanitarian law, they believed that the ICTY would contribute to the "restoration and maintenance of peace" in the former Yugoslavia.<sup>5</sup> Supporters of the ICTY who strongly advocated for its establishment clearly saw bringing suspected war criminals to justice as vital to ending collective blame and the cycle of wars in the Balkans.

The ICTY has overcome incredible odds since it was first established. In fact, skeptics predicted that the ICTY would not last beyond its first couple of years. As the first international criminal tribunal since the Nuremberg and Tokyo trials following World War II, the Tribunal could rely on few precedents in the interpretation of the laws under its jurisdiction or the rules and procedure for how it should operate. In the first couple of years, the ICTY struggled to assert its authority and obtain funds to cover basic operational needs. The budget allotted the first year was a meager \$276,000.<sup>6</sup> This amount had to support the construction of the three separate parts of the Tribunal: the Judges Chambers, the Office of the Prosecutor, and the Registry. The building in The Hague itself was unprepared and had only one courtroom.

In 1994, the Office of the Prosecutor began investigating crimes and gathering evidence for indictments in the midst of an ongoing war. Indictments were met with a lack of political will on the part of the countries whose troops had been mandated to arrest those indicted by the Tribunal. In 1997, two years after the war in BiH,<sup>67</sup> alleged war criminals publicly indicted by the ICTY remained at large, including the former Bosnian Serb leader Radovan Karadzic and his top general, Ratko Mladic, both of whom have been indicted for genocide.<sup>7</sup> Finally, the ICTY had courtrooms and judges, lawyers and translators, but very few indictees to fill the dock. In the hope of expediting arrests, the Office of the Prosecutor began to issue sealed indictments whereby the indictment of an alleged war criminal is kept secret until he or she is arrested.<sup>8</sup> The purpose of sealed indictments is to prevent indictees from going into hiding or arming themselves and posing a greater threat to international military forces. Since then, the total number of arrests by international forces has increased ten-fold.<sup>9</sup>

Currently, the ICTY has publicly indicted 94 individuals. As many as forty-five indictees have been or are currently at the prison in The Hague: Twenty-seven Bosnian Serbs or Serbians, fourteen Bosnian Croats, three Bosniacs or Muslims, and one Macedonian with Croatian citizenship.

---

<sup>4</sup> In this document, will be referred to as ICTY or Tribunal

<sup>5</sup> Resolution 827, UN Security Council S/RES/827, 25 May 1993

<sup>6</sup> ICTY at a Glance, [www.un.org/icty](http://www.un.org/icty)

<sup>7</sup> Making Justice Work: the report of The Century Foundation/Twentieth Century Fund Task Force on Apprehending Indicted War Criminals, The Century Foundation Press, New York, 1998.

<sup>8</sup> ICTY Latest Rules of Procedure and Evidence, Section 1, Indictments, Rule 53, Non-Disclosure of Indictments

<sup>9</sup> ICTY at a Glance, [www.un.org/icty](http://www.un.org/icty)

The Tribunal has issued fourteen convictions and two acquittals.<sup>10</sup> ICTY Judges have set ground-breaking precedents in the application of international humanitarian law, particularly as it pertains to sexual assault.

Yet, faced with insufficient funds during the first several years, the ICTY was not in the best position to publicize its work to the population ultimately the most affected by its activities and decisions. Little attention was paid to the Tribunal's impact on the citizens of the former Yugoslavia or how they understood the judicial process. Until recently, the Tribunal did not prioritize measures as basic as translating its Statute or decisions into Bosnian/Serbian/Croatian (BCS). This has left all education about its cases in the region to the local media. But the media, along with other institutions in Bosnia and Herzegovina, is still maturing - in transition from war to peace and from a socialist past to a more democratic present. Organs of nationalist propaganda during the war, the media institutions and the journalists and editors that staff them are now struggling to learn to be independent and objective. Much of the media coverage of the Tribunal in Bosnia and Herzegovina has been skewed, selective, and biased.<sup>11</sup>

This project is the first to measure systematically the impact of the ICTY at a local level from the perspective of local NGOs in BiH. A proportionally stratified (by region and sector) random sample of 54 NGOs active in social reconstruction in both entities of BiH, the Federation of Bosnia and Herzegovina (Bosniak-Croat entity) and Republika Srpska (Serb entity) were interviewed.<sup>12</sup> Nearly all of the NGOs were formed either during the war or in response to it, and many have received Western aid to help reconstruct Bosnia and Herzegovina, from providing psychological assistance to helping build democracy. There are more than an estimated 550 local NGOs working broadly for social reconstruction and reintegration throughout BiH.<sup>13</sup> This report will show that many NGOs, working daily with issues related to the Tribunal, have misconceptions about the ICTY and have not been able to incorporate the progress of the ICTY into their own ongoing efforts.<sup>14</sup>

In a recent breakthrough, due to the dedication of Judge Gabrielle Kirk McDonald and other key individuals at The Hague, the Tribunal created an Outreach Programme in 1999 to establish closer contact with the region by improving public information. To date, the Programme has already overseen the essential task of translating the bulk of key documents into BCS so that the citizens of the former Yugoslavia can read about the laws and rules of the ICTY in their own language. Other activities of the Programme include: the maintenance of a comprehensive web site in BCS; facilitation of live audio broadcasts of public court sessions on

---

<sup>10</sup> The Coalition for International Justice, [www.cij.org](http://www.cij.org).

<sup>11</sup> Over 60 percent of the NGOs interviewed in both entities felt media coverage of the Tribunal is politically manipulated or nationally colored. 18 groups in the RS and 26 groups in the Federation responded to this question.

<sup>12</sup> General Framework Agreement for Peace in Bosnia and HerzegovinaA/50/790,S/1995/999,30 November 1995

<sup>13</sup> This figure is estimated from a compiled list from different sources of local NGOs in BiH that named one or more of the following as their area of activity: reintegration, civil society, human rights, legal aid, education, democracy. This database does not include purely social or recreational organizations.

<sup>14</sup> For in-depth quantitative and qualitative results of the research interviews and full appendix, please see the Project Research Report. The Project Research Report is forthcoming in English and B/S/C at [www.epiic.com](http://www.epiic.com) and [www.hrc.uni-sa.biharnet.ba](http://www.hrc.uni-sa.biharnet.ba) or printed copies by request.

the Internet; supporting SENSE (South East News Service Europe) for the recording and broadcasting across the region of a 15-minute television program of the work of the ICTY in the BCS language; funding travel of key public opinion-shapers to The Hague and Tribunal officials to the region to participate in seminars, workshops, and conferences; establishing archives of Tribunal material at libraries and other institutions in the region; and producing an informational Tribunal video.

The Outreach Programme, with only a small budget, will primarily target the professional community, legal community, and other authorities. The Outreach Programme Coordinator, particularly in BiH, will also devote time to serving as a liaison between the ICTY Registry and the local government. As the findings of the research and ensuing discussions at an expert working group show<sup>15</sup>, this is doing only half of the job. It is as important to include NGOs, community organizations, and victims groups in these discussions, as it is to target higher-level decision-makers.

The research results reaffirm the critical importance of the Outreach Programme's task. No other institution has the mandate to tackle the needs identified in this study. For this reason, the Programme requires full support in achieving its goal of promoting greater transparency and public understanding of the ICTY, the means for which are currently lacking. The research results are presented in order to draw attention to the current impact and perceptions of the Tribunal, to offer recommendations for the Outreach Programme, and to bolster support for its expansion.

From its inception, the Tribunal was seen as essential in providing the foundation for peace. The fulfillment of this goal requires that the work of the ICTY be known and understood. For how can justice be satisfied for citizens of a society that have little or no access to the proceedings that exist for them, rely on them for evidence and testimony, and ultimately mete out justice on their behalf?

## **Summary of Research**

### *Methodology*

The study followed standard survey methodology in order to make inferences about all NGOs based on the responses given to us by groups in the sample. A combination of qualitative and quantitative methods was used to quantify the interviews and also to examine the subjective opinions expressed by respondent NGOs.

Initially, a master list of all NGOs in BiH from different sources was composed. Then, NGOs working broadly for reconstruction and development of civil society were selected to include

---

<sup>15</sup> A working group composed of the project Board of Advisors, several local NGO representatives from both entities in BiH, local media experts, and the ICTY regional Outreach Programme Coordinators was held on July 1-3, 2000 in Sarajevo to discuss the results of the research.



in the interviewing universe. From those NGOs, a proportionally stratified random sample was drawn where the strata were defined by the organizations' social sector, their location (either in Republika Srpska or the Federation), and whether they were in a capital city or the rest of the entity. The Project Directors conducted interviews with the Directors of the NGOs in the sample, or with someone who could represent the NGO in cases where the Director was not available. Each of the NGOs were asked a core set of questions about their perceptions and sources of information about the ICTY, and how they felt about the TRC. The interviews were held in BCS with the help of interpreters or in English with English-speaking respondents. The results of the interviews were then summarized by coding them into categories derived from the content of the responses. These codes allowed the results to be analyzed statistically.<sup>16</sup>

### *The Local NGO Community*

Nearly all NGOs in Bosnia and Herzegovina were created in an effort to mitigate the effects of the recent war. Most of these NGOs were formed under daunting circumstances in a country with a collapsed infrastructure and with little or no assistance from government institutions. Since the signing of the 1995 Dayton Peace Agreement, NGOs have been largely tasked with continuing to help their communities cope with the consequences of the armed conflict. At the same time, they have also begun looking forward to repairing the damage of the past and reconstructing society to meet the needs of the future. Many NGOs have and continue to work directly with citizens that were particularly vulnerable and therefore the most brutally affected by the war. They provide assistance to victims, refugees and displaced persons, women, children, and the elderly. It is these community members, who have suffered the most serious consequences, who have the most significant stake in the work of the ICTY.

---

<sup>16</sup> The standard error of any estimated proportion can be approximated by the binomial formula:

$$SE = \sqrt{\frac{p \cdot (1 - p)}{(n - 1)}}$$

Where: p = the proportion for which to estimate the error  
n = the number of groups that responded to the question

The true error will be less than this estimate because the sample was stratified, and because the sample represents more than 10 percent of the entire universe of groups. The binomial does not take into account either the stratification or the finite population corrections, but it will provide a first approximation of the sampling error. Throughout the research results, footnotes will provide the total number of groups that responded to each question so approximate error can be calculated.

# MAP BOSNIA & HERZEGOVINA



- Towns where multiple NGOs were interviewed
- Towns where only one NGO was interviewed

The NGO community, as defined in the interviewing universe, can be broken down into the following sectors of activity:

- **Civil Society Organizations** - 33%

Humanitarian, cultural, mixed marriage associations, alternative citizens groups, and human rights organizations.

- **Women's Organizations** - 28%

Work primarily for the empowerment of women and the development of their participation in politics and society. Many are also engaged in other activities such as psycho/social aid to victims and refugees, education and training in computers, foreign languages, and income-generating skills, among others.

- **Return of Refugees and Displaced Persons Aid Organizations** - 13%

Engaged in helping return and reconstruction by providing legal and humanitarian aid or assisting displaced persons.

- **Information/Legal Aid Organizations** - 13 %

Maintain centers for information, legal aid and/or training, or independent radio stations.

- **Youth Organizations** - 7%

Focus on employment assistance and computer training, but also serve as youth community centers.

- **Victims Refugee Aid Organizations** - 7%

Offer rehabilitation and psycho-social help to victims and refugees.

The NGOs work publicly in local communities and have experience in bringing people together for meetings and roundtables, educating and providing information, building civil society. They have usually provided some type of institutional consistency throughout the war and post-war period and consequently, have credibility among their constituents. Most of the NGOs participate in city-wide or regional forums and conduct a variety of activities in conjunction with other groups. Significant lines of communication now exist between local NGOs, even across the Federation and RS. The number of citizens they reach varies. Two of the NGOs interviewed, for example, were independent radio stations that reach up to thousands of daily listeners, while another organization, in Zenica, on the other hand, had a relatively small number of members that met consistently at their center.

NGOs have particular perspectives that reflect the intensity of their experiences during and in the aftermath of the war. They often had strong opinions about crimes and the events of the war and relayed stories and examples from first-hand experience with members of the community. Many NGOs have also worked toward social reconstruction and rebuilding. They, particular-

ly NGOs that work for democratization, should be among the first to be targeted by an ICTY Outreach Programme. Local NGOs are leading reintegration efforts and cross-entity/border activities. They are a valuable sector to bring together to speak about the impact of the Tribunal and its decisions on their communities and the region as a whole.

## **Summary of Research Findings and Observations**

### ***International Criminal Tribunal for the Former Yugoslavia***

All NGOs in the Federation and in Republika Srpska, whether they support the ICTY or not, recognize that the Tribunal is the one institution mandated to hold trials and deliver punishment for war crimes. They also maintain that accountability is important and agree that war criminals should be brought to justice. One group in Gornji Vakuf/Uskoplje, for example, maintained, "Every criminal has to be punished," regardless of ethnicity. The representative continued by saying that individuals must be held accountable so that their entire ethnic group is not accused collectively for the crimes committed.<sup>17</sup>

### ***Information about the ICTY***

Nearly every NGO admitted that it does not completely understand the work and procedure of the ICTY. They see the Tribunal as mysterious and the subject of it as taboo, especially in the RS. Almost three quarters of the NGOs interviewed both in Republika Srpska and in the Federation did not feel comfortable with their level of knowledge about the ICTY.<sup>18</sup> Many said there was a severe "lack of information." When asked, 66 percent of the organizations had not received information about the kind of crimes for which one can be indicted by the ICTY. The figure in the RS was even higher, where 83 percent of the groups did not have information on the crimes prosecutable by the ICTY.<sup>19</sup> An organization in Visegrad explained, "The Hague is some distant thing that is not understood at all."

Most of the organizations rely on the media as their primary source of news about the ICTY. But they are frustrated with media coverage of the ICTY. Several NGOs said local television, radio, and newspapers do not provide background information about how the Tribunal works. Instead, they focus on isolated events about the ICTY. Often, the reporting is on contentious events, such as arrests, while providing no meaningful context. Similarly, if there is coverage of a sentencing the focus is on the length of the punishment and not the crimes for which the punishment is being granted. One NGO representative from Tuzla said, "[I] only hear about it when something happens. There is no information about the rules, structure or who does what."

---

<sup>17</sup> The names of the NGOs in the interview sample and the representatives who spoke on their behalf will not be disclosed for the security and confidentiality of the organizations.

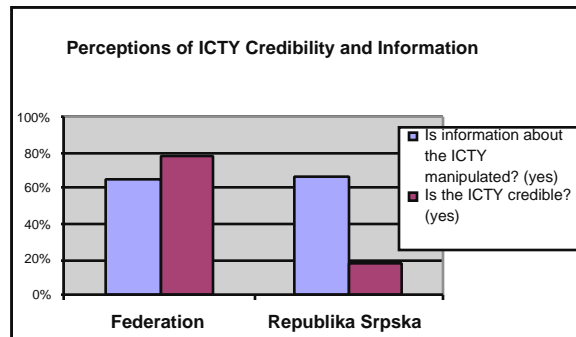
<sup>18</sup> 23 groups in the RS and 27 groups in the Federation responded to this question.

<sup>19</sup> 23 groups in the RS and 24 groups in the Federation responded to this question.

Over 60 percent in both entities felt media coverage of the Tribunal is politically manipulated or nationally colored.<sup>20</sup> "People's opinions are shaped by the media and local political parties", said one representative of a youth organization. By providing insufficient or selective information and/or presenting events in a way that benefits their interests, people in power influence local images of the Tribunal. Furthermore, in some areas, media sources alone are difficult to access. For example, one group explained that information is so bad that they cannot tell if it is manipulated or not. A considerable number of groups in both entities felt that it is the lack of basic information and education about the Tribunal that "allows manipulation to happen."

Figure 1

Almost all groups agree that they have not received accurate and comprehensible information about the ICTY. A majority of groups also believe that what they have heard through the media is biased. Yet, in respect to the Tribunal, they hold the same collective divisions that partition the country:



Groups in the RS a have very negative view of the Tribunal while groups in the Federation have generally positive perspectives (see figure 1).

*Divided Perceptions and Misconceptions*

In Republika Srpska and the Federation, significant differences persist in the kinds of perceptions or in the accuracy of the information NGOs have about the court. When the Tribunal was established, NGOs in the Federation generally expected faster work. Groups in the RS expected "equal justice" from the Tribunal, that it would try "all war criminals" no matter what their ethnicity. In both entities, however, groups implied that the Tribunal had not met these expectations.

**Credibility**

Striking divisions characterize the way groups view the Tribunal's work. NGOs in the Federation in large part view the ICTY as credible because it has the "authority to punish." In the Republika Srpska, NGOs saw the ICTY as a "political institution" that disproportionately targets their side. They see the Tribunal as accusing all Serbs - and only Serbs. In Banja Luka, one group asserted, "It has to prove that it is a court for everyone - not just a sword for one nation."

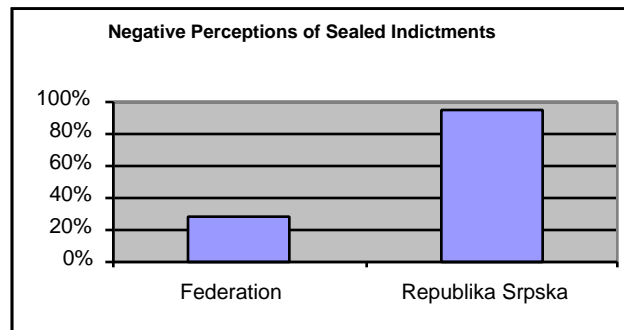
<sup>20</sup> 18 groups in the RS and 26 groups in the Federation responded to this question.

## Strategy

Overall, 70 percent of the groups across the two entities perceive the ICTY's strategy with disdain, yet for different reasons.<sup>21</sup> In the Federation, most organizations think that the Tribunal "needs to be more efficient" and focus on getting the top criminals or "big fish." Groups in the RS largely repeated that the Tribunal is political and "unbalanced." But in the RS, the main problem is the distrust of the sealed indictments<sup>22</sup> (see figure 2).

Figure 2

In the RS, groups said that the sealed indictments have kindled suspicion and fear. Over three times more often, groups in the RS felt targeted by them. One group in Banja Luka stated, "Those under sealed indictment are only from this entity." Many mentioned that



people are unsure about why and who can even be put on the "secret lists." With no information about the criteria for an indictment - opened or sealed - it is unclear to many that there must be sufficient evidence of the crimes within the Tribunal's jurisdiction: genocide; crimes against humanity; violations of the laws and customs of war; and grave breaches of the Geneva Conventions of 1949, for a person to be placed on the "secret list." In the Federation, sealed indictments are generally supported as a way to "catch criminals" and because people suspected of war crimes "should be afraid."

## Arrests

A misconception damaging to the credibility of the Tribunal is the confusion that SFOR, in particular, and also the International Police Task Force (IPTF) work directly for the Tribunal. About half of the NGOs interviewed were not clear on the fact that the Tribunal and the SFOR troops work separately and have two different mandates.

Almost two-thirds of the groups had doubts about the Tribunal, either because of the way SFOR makes arrests or because of its failure to do so. Groups in the RS tended to cite the way that SFOR makes arrests as affecting the credibility of the Tribunal. In Banja Luka, for example, one group expressed anger that, "SFOR killed a man in Prijedor while making an arrest." Conversely, in the Federation, the misunderstanding that SFOR works for the Tribunal has a discrediting effect on the Tribunal because SFOR is not seen as making enough arrests. One of the main frustrations that organizations repeatedly highlighted is the fact that Radovan Karadzic and Ratko Mladic, the two most notorious alleged war criminals from the war in BiH, have not been brought

<sup>21</sup> 15 groups in the RS and 22 groups in the Federation responded to this question.

<sup>22</sup> ICTY Latest Rules of Procedure and Evidence, Section 1, Indictments, Rule 53, Non-Disclosure of Indictments.

to face justice at The Hague. Yet, the Tribunal indicted both of these men back in 1995. Although SFOR's failure to make arrests may be a reflection of the lack of political will of countries sponsoring SFOR, or their unwillingness to risk casualties, it does not have a direct accountable link back to the Tribunal's failure to carry out its mandate.

### *Broader Goals of the ICTY in the Aftermath of the War*

"Crimes must be punished if we want justice and reconciliation," said an organization in Bijeljina. The research also explored how local NGOs view the ICTY's contribution to reconciliation. Generally speaking, half of all of the groups in both entities believe that the Tribunal can contribute positively to establishing a foundation for reconciliation.

Security and meting out punishment are among the concrete ways that groups in both entities felt that the Tribunal's work could help at a local level. Victim's groups, particularly ones that work with women victims of sexual assault crimes, explained: women "only wish for the criminals to be punished." Approximately half the groups emphasized that there needs to be prosecution and punishment for suspected war criminals. As one NGO representative stated, "The most important thing is to collect evidence and hold trials." Yet, an equal number of groups felt that the symbolic nature of accountability is more important.

Several groups mentioned that by removing alleged criminals from the community, and often from positions of power, the Tribunal can "make relations between entities closer and help (refugees or internally displaced persons) return." A group in Central Bosnia said, "When the Tribunal [does] their job, they will help us reconcile - everyone, Croats, Serbs, Bosnians - it doesn't matter. It will be easier and a warning not to do it again. It is important that everyone, regardless of side, is punished." Overall, the research reveals that three-fourths of all the groups felt the Tribunal has further implications, as of now unrealized, for their society, including improving conditions for refugee and internally displaced person return, establishing and solidifying rule of law, and helping to deter future atrocities in the region.

### **ICTY Outreach Programme**

Research interviews with NGOs also focused in part on specific questions about ICTY outreach. The respondents communicated key concerns and recommendations on the kind of information needed and how to make that information accessible to local communities.

Until now, most groups did not know how to access information about the Tribunal. Even though the majority of groups interviewed did not concentrate any of their activities directly on the Tribunal, 84 percent believed that NGOs could be involved with disseminating information about it. The majority of the organizations said NGOs should be partners for outreach, and those that did not want to help directly thought they could at least disseminate further materials about the Tribunal provided to them.

However, notably in Republika Srpska, a few groups felt strongly that helping the Tribunal educate people about its work might pose a threat to the NGO or jeopardize its credibility with

the local community. One group in Bijeljina explained that it would risk threats by extremists if it had any connection with the Tribunal. Others were not sure if it would be a prudent decision because "we work with citizens so we can't take sides."

### ***Information Needs***

A large number of NGOs said that they need general information about how the Tribunal works and about current cases. A few groups wanted to know how to go about participating as a witness or providing information to the Tribunal. Groups also asked for many different specific details, such as case decisions, why the Tribunal has made certain decisions, its strategy, the criteria for an indictment, etc. For the most part, groups expressed genuine curiosity and interest in having more information and explanation about the Tribunal.

Several aspects of the ICTY repeatedly unclear to respondents were:

- The separate mandates and duties of SFOR, IPTF and the Tribunal
- Whether those indicted by the Tribunal are innocent until proven guilty
- The treatment of witnesses at the Tribunal

Other requests for information were more prevalent depending on the part of the country. In the RS, concerns were mainly directed toward confirming the legitimacy and credibility of the court.

- Are the sources used by the Tribunal for evidence legitimate?
- How can someone be a witness or give information to the Tribunal?
- Why is the Tribunal disproportionately targeting Serbs for prosecution?
- What is the purpose and criteria of sealed indictments?

In the Federation, concerns more commonly centered on the efficiency of the court, such as:

- Why does the Tribunal work at such a slow pace?
- Why are arrests not being made?
- Why is the Tribunal not focusing on the higher-level suspects?

### ***Making Information Accessible***

Most organizations throughout BiH agreed that information coming directly from the Tribunal itself would be more credible. They frequently suggested using local media outlets or written materials that are concise, understandable, and easy to read.

The Outreach Programme plans to use the Internet as a main avenue to make information accessible about the ICTY. We therefore also asked the NGOs if they have Internet access and if



they used it or intended to use it to get information about the ICTY. Slightly over half of the NGOs interviewed have access, yet they had almost never used it for Tribunal updates. Furthermore, most groups mentioned technical problems with computers or connections in BiH. The recently established Outreach Programme provides support to SENSE (South East News Service Europe) to broadcast 15-minute television programs about the ICTY once a week. Over 60 percent of the organizations felt broadcasts of the trials going on at the ICTY would be helpful in providing a "clear picture" instead of the collective ethnic perspectives consistently shown on TV. However, several others suggested that summaries or excerpts might be more interesting since the trials are long and complicated.

Just over half of all the groups felt people would be willing to go ask questions about the Tribunal or provide information at local ICTY Outreach Offices. Yet, the other half did not think it is the best idea. They cited security concerns for the people working and/or visiting the offices. Other groups, mainly in more rural areas, were concerned they would not have access to information because ICTY outreach offices, like other international offices, would be located in the main cities.

### ***Public Discourse About The War***

Less than half the organizations felt that there has been enough public discussion about the war. A closer look across entity lines reveals that in the Federation, almost 60 percent said people do talk about it. But in Republika Srpska, less than 20 percent said there is discussion about the war. Some NGOs in the RS described a reluctance and even danger in speaking out about it. The representative of one organization said, "Groups that were involved in war crimes are still powerful - military, paramilitary, police etc... These people believe that these crimes should have been committed.... If people spoke out against them, they could provoke an attack."

In the Federation, there appeared to be more openness for dialogue, especially informally. The president of a women's organization said, "Three years ago, people started talking and just blamed everyone else. Now, people ask themselves, 'Why did we have this war?'" Another group stated that there is much public discourse, "But everyone dyes it the color they want." The respondent added that NGOs are instrumental in breaking down the barriers between the two entities.

### **Conclusions**

The research indicates that seven years after its establishment, many NGOs remain uninformed about the Tribunal's Statute; have rarely seen a trial or had access to any Tribunal issued documents; and have fundamental misconceptions about how international justice at The Hague operates. They are generally not well informed about the process of international justice and from their perspective, the Tribunal remains distant and daunting. Among NGOs, instead of

bringing individual accountability, the image of the Tribunal's work is only reinforcing ethnic solidarity.

The societies under its jurisdiction must understand the legal standards enforced by the ICTY under which their leaders and/or perpetrators are being held accountable. In order to make a contribution to lasting peace in Bosnia and Herzegovina and throughout the region, the ICTY must show clearly who committed which crimes, so citizens can disassociate themselves from the atrocities that were committed on behalf of their ethnic groups.

The NGO sector in BiH, in particular, has been at the forefront in working with citizens in communities and often with people brutally affected by war crimes. They should be targeted specifically for outreach. Furthermore, most NGOs expressed that they are willing recipients of Tribunal information and will engage in dialogue about it. NGOs are among the local leaders for social reconstruction after the war. The ICTY can make a meaningful contribution to the peace process by engaging local NGOs as recipients and facilitators for outreach about its work.

## **Additional Research**

### ***Truth and Reconciliation Commission***

The idea for a Truth and Reconciliation Commission (TRC) for Bosnia and Herzegovina, initiated by the Inter-religious Council, an organization of leaders from the major religions in BiH, became public in 1997. Its purpose is "to examine and report on the nature of the abuses suffered, and the societal, political, and historical elements," which allowed the patterns of abuses possible in Bosnia and Herzegovina in the recent war. Still in the establishment phase, many important questions about the TRC remain under debate, namely, how it can work in conjunction with the ICTY, its time frame, the selection and make-up of the Commissioners, and its title.

When this research was conducted in November and December 1999, the local NGOs were also asked for their general reactions to a Truth and Reconciliation Commission. Only half of the NGOs had heard of the idea for a TRC. A brief description of the idea and purpose of the TRC was given during the interview. Seventy-eight percent supported the idea and felt it could be helpful for Bosnia and Herzegovina by "getting the truth out."<sup>23</sup> NGOs in the Federation, in particular, voiced overwhelming support for the TRC. Many of the groups spoke about the importance of a TRC in gathering facts for a national historical record and collecting positive stories from the war. For example, one group in Travnik said, "There should be a recorded history. It is not good that different people are hearing different histories. It is bad for future generations." Groups in the RS also responded positively to the TRC, yet not to the same degree as in the Federation. Groups in the RS were less specific about the ways in which they felt the TRC could contribute positively to the country.

Groups in both entities also voiced concerns and possible challenges that a TRC might encounter. Several groups, mainly in the Federation, worried about the security of persons who

---

<sup>23</sup> 26 groups in the RS and 28 groups in the Federation responded to this question.

decide to testify at the TRC. Many felt that people would not be willing to come forward to share their stories because of fear. Some groups worried that the TRC would reach conclusions based simply on people's stories and not on other sources of information that would corroborate such stories. Many stressed that the TRC needs to gather accounts from all sides. Another prevalent feeling is that the TRC would not be able to work because the "political conditions are not right."

We urge all those dedicated to the establishment of the TRC to consider the concerns voiced by the NGO community during the research interviews and to use this information as a springboard for further investigation into the public's views on the project.

## **Recommendations**

On July 1-3, 2000, a working group composed of the project Board of Advisors, several local NGO representatives from both entities in BiH, local media experts, and the ICTY regional Outreach Programme Coordinators was held in Sarajevo to discuss the results of the research. The group spent three days discussing the findings. These recommendations reflect the results of the research and the public dialogue that followed.

### ***ICTY Outreach Programme***

Firstly, the research results of this study lead to the following recommendations for the Outreach Programme. The current Programme can be maximized by- 1) announcing the existence of the Outreach Programme, 2) presenting ICTY information clearly, 3) addressing questions and clearing up misconceptions, and 4) disseminating information extensively. Recommendations for the expansion of the Programme are also proposed to address the urgent needs of the NGO sector and the broader public.

#### *Maximize the Current Outreach Programme*

##### **1) Announce the existence of the Outreach Programme**

- *Publicize the resources available through the Programme.* Firstly, the Outreach Programme must announce its presence so that people are aware of the new resources now available. It should publicize the different channels for accessing information such as the new section of the ICTY web site in Bosnian/Croatian/Serbian.

##### **2) Present Information Clearly**

The Outreach Programme must provide ICTY documents and information in an understandable and accessible manner. Specific attention should be given to the following:

- *Avoid flawed translation.* Direct translations of terms that do not exist in Bosnian/Serbian/Croatian makes the information lose its meaning and/or clarity.

- *Make easy-to-read brochures.* Basic information about the laws applied by the ICTY and its structure should be communicated through brochures and fact-sheets. It would be even more helpful to include illustrations.
- *Provide a glossary of terms.* Unfamiliar technical and legal terms particularly need defining. A glossary would serve as a ready resource for those without a legal vocabulary.

For example:

Jurisdiction<sup>24</sup>: The power, right, or authority to interpret and apply the law; the limits or territory within which authority may be exercised.

Acquittal<sup>25</sup>: Setting free from a charge or an offense by a legal decision or sentence.

### **3) Address Questions and Clear Up Misconceptions**

The Outreach Programme plans to translate all relevant ICTY documents. Besides merely making these documents available in local languages, we urge the Programme to specifically address the concerns expressed by the NGOs that were discussed in this report. A brochure is suggested to guide people through the Tribunal process, from how information is gathered for an investigation, through the trial, to the verdict. It is important to explain for example, the rights of the defendants, or the separate chambers of the ICTY. It is also recommended that this brochure address the most common misconceptions about how the Tribunal works. This could be done in a question and answer form. (Please see pages 9-14 for questions NGOs needed addressed)

For example:

Q: Why does it take the Tribunal take so long to bring a case to trial?

A: Because the process includes ...

A similar format could be used to explain the crimes within the ICTY's jurisdiction.

For example, what are Grave Breaches of the Geneva Conventions of 1949? What are crimes against humanity? What proof is necessary to try and convict someone for these crimes?

### **4) Disseminate Information Extensively**

It is not always easy to reach NGOs. Particular attention must be paid to remote towns and villages where electronic forms of information and even media sources are limited. The experience of the war was commonly the most brutal in these areas and divisions remain acute.

---

<sup>24</sup> Merriam-Webster online dictionary, [www.m-w.com](http://www.m-w.com)

<sup>25</sup> Merriam-Webster online dictionary, [www.m-w.com](http://www.m-w.com)

To facilitate dissemination to NGOs, the following are recommended:

- *Use existing NGO networks.* For example, the International Council of Voluntary Agencies (ICVA) Directory of Humanitarian and Development Agencies in Bosnia and Herzegovina and the Center for Information and Support for NGOs (CIP) are two organizations that coordinate a significant portion of the NGO community in BiH. They also have regular forums where information could be made accessible and/or a large group of NGOs could be addressed at the same time.
- *Use existing field offices.* Ask leading international groups with significant field staff throughout the country to help. For instance, information about the ICTY could be made available through the network of the Organization for Security and Cooperation in Europe (OSCE)'s field offices and Democracy Centers.
- *Use Media.* Information can be made accessible in the form of local press releases or airtime purchased by the Outreach Programme.

#### *Expand the ICTY Outreach Programme*

The priorities and scope of the Outreach Programme as a whole must be re-evaluated and expanded. Clearly, to enhance its activities, the Outreach Programme must have adequate resources. It is strongly recommended that funds be specifically allocated for outreach to the NGO community and the general public. Currently, one Outreach Coordinator is responsible for all of Bosnia and Herzegovina, in addition to Montenegro. The Outreach Programme requires more personnel in order to do more than liaison work between the ICTY and local politicians, judges and prosecutors. At first, more personnel or consultants need to be hired to develop materials and the strategy for a public information campaign. The following is a series of recommendations for immediate consideration:

- *Public information campaign.* A comprehensive information campaign, aimed at the general public, should be undertaken. Existing media outlets should be used to inform the public of the basic legal justification and structure of the ICTY. This should also include explaining as simply as possible the nature of the crimes individuals have been charged with, the procedure applied by the court, the criteria for sentencing, and other issues.
- *Work with local NGOs.* NGOs can be very valuable partners to educate communities about the ICTY. Besides recipients of outreach materials, local NGOs should be engaged to make materials on the ICTY available to organization members and the community at centers that are open to the public. The Outreach Programme can enlist select local NGOs to host events to further inform and educate about the ICTY in communities.
- *Present at related organizations and events.* The Outreach Programme should take advantage of related events held by organizations that currently work in the country. Regularly scheduled meeting of lawyers, professors and/or NGOs are an opportunity for the Outreach Programme Coordinator to present the Programme and provide materials.

Local NGO forums in different parts of the country, for example, have regular meetings where many organizations could be addressed and/or given information about the ICTY.

- *Lead special events.* Organize roundtables and other events in more remote areas where information sources, such as print media and Internet are limited. The experience of the war was often the most brutal in these areas and divisions remain acute. In order to integrate society and diffuse hostility, an urban/rural split must not become a new fault line in the post-war period.
- *Incorporate follow-up channels.* The Outreach Programme needs to have effective channels for responding to requests for information and answering questions. To facilitate this communication, we suggest augmenting staff to fulfill this task via telephone, mail, and e-mail.
- *Improved press relations.* As part of the Public Information Unit, it is critical, especially in the event of an arrest or sentence, that the ICTY respond proactively to head off local misrepresentations. The ICTY Press Officer in The Hague should have a more pronounced presence in the region or a special liaison with the press in the region should be appointed. Another option could be to coordinate with the UN Spokesperson at the UN Missions in the region. This would greatly complement the Outreach Programme's efforts to have more reliable and consistent communication in the region.
- *Take advantage of existing resources.* Other international and local organizations have already produced materials about the ICTY that could be helpful as models or as resources to which people can be directed. For example, the International War and Peace Reporting (IWPR), a London-based non-governmental organization, produces the "Tribunal Update", a free weekly update available on the Internet or directly through e-mail. This could be useful to those who speak English or it could be translated and made more accessible by fax. Existing publications and manuals already in Bosnian/Croatian/Serbian such as "Haski Tribunal" written and produced by the Humanitarian Law Center in Belgrade are valuable resources.

### ***Other International and Local Initiatives***

After the Outreach Programme has provided a foundation, by making the work of the ICTY accessible throughout the region, additional initiatives must be taken to bridge justice with reconstruction efforts for lasting peace. It is vital that all relevant international and local sectors dedicate themselves to understanding how the ICTY works and its relevance in the peace process. It is essential to engage citizens of the region in public discourse and debate about these issues and the relevance of the judicial process in rebuilding their society. These projects should be funded independently, but should coordinate and cooperate with the ICTY Outreach Programme.

- *Legal and academic communities.* Lawyers, judges, and professors should incorporate the ICTY, its relevance and decisions, in discussion and debate in the legal and academic fields. These leaders in society are strongly encouraged to raise the issue at universities, conferences, and other forums.
- *International organizations.* Organizations involved in bringing people together from different sides should consider the ICTY's work as a powerful platform for dialogue. For example, that the Foca case centered on rape as a war crime and that the war in BiH had international components as determined in the Tadic trial should not be issues solely debated among international lawyers and legal scholars. These serious topics could serve to generate discussion among the people of Bosnia and Herzegovina and aid them in facing their history and experience. Conflict resolution and conflict management groups could lead these sessions. Besides existing organizations, an independent organization may need to be formed, or a new project solicited by foundations supporting the peace-building process in Bosnia and Herzegovina.
- *Special projects.* Special projects should focus on making ICTY decisions more known and integrated in public discourse about what crimes were committed during the war and who is responsible. Decisions should be taken to the very communities affected by ICTY cases. For example, an independent group could be commissioned to make a documentary film about the specific area involved and the facts determined about the events that took place.

### ***Non-Governmental Organizations in BiH***

Local NGOs themselves have a significant contribution to make in bridging the work of the ICTY with their members and communities. In the interest of helping victims, facilitating return, starting communication across entities, and social reconstruction in general, local NGOs should be well informed and, in turn, provide information about the ICTY.

- *Seek information.* Local NGOs should seek information now available through the ICTY Outreach Programme and other resources. They can contact the Outreach Programme local offices located in Sarajevo and Banja Luka. NGOs can request materials about the ICTY to make available to their members or to use in the organization's activities. If the Internet is available, organizations should also access the new web site in Bosnian/Serbian/Croatian at [www.un.org/icty](http://www.un.org/icty) as a resource.
- *Integrate activities on the ICTY.* Furthermore, with their valuable experience in bringing people together and organizing events, local NGOs can be a safe space to organize seminars/forums around a particular case relevant to the area. They can also call upon the Outreach Programme Coordinators in the region to present information about the ICTY and address questions at organized meetings and seminars. Some groups could also propose projects along the lines of the outreach mission to be trained to educate about the ICTY.

## ***Epilogue***

The purpose of this report is to draw attention to the current impact of the ICTY in BiH and to make recommendations to address the needs assessed in the research. We hope that this report will serve as a resource for the Outreach Programme and other relevant local and international actors working for lasting peace in BiH. It will be followed by a longer research report including more detailed analysis of the interview results and full appendices. The research report will be available on the EPIIC web site at [www.epiic.org](http://www.epiic.org), the Human Rights Center web site at [www.hrc.uni-sa.biharnet.ba](http://www.hrc.uni-sa.biharnet.ba), and by request.

We hope that the lessons learned in Bosnia and Herzegovina will be applied to other countries affected by the ICTY in the region. We offer this project as a model for follow-up studies in Bosnia and Herzegovina and/or subsequent studies in other countries in the region to further assess the impact of the ICTY and the effectiveness of efforts to communicate its work to the region.



### ***About the Authors***

Tamy Guberek is an honors third-year student at Tufts University, majoring in International Relations and a candidate for the Peace and Justice Studies Certificate. She took a leave-of-absence to conduct and coordinate this project and will now return to Tufts. Kristen Cibelli is a magna cum laude graduate from Tufts University, with a major in International Relations and a Certificate in Peace and Justice Studies. Tamy and Kristen were active members in EPIIC's 1998-99 Colloquium on "Global Crime, Corruption and Accountability." They helped organize the 1999 International Symposium and served as mentors for local high school students with the EPIIC Inquiry Program.

Tamy and Kristen began this project as an independent research initiative during the 1998-99 EPIIC Colloquium. Conducting research at the ICTY in March 1999 in The Hague, it became clear that effective channels for information did not exist between the court and the region of the former Yugoslavia. They were concerned that, given the current situation, the potential impact of the ICTY was severely limited. They set out to investigate existing sources of information and current perceptions of the ICTY in the region. They have since coordinated experts in the field of human rights, international law, and the Balkan region in the academic, non-governmental and inter-governmental sectors to carry out this project.

### ***About Education for Public Inquiry and International Citizenship (EPIIC)***

EPIIC at Tufts University is an integrated multidisciplinary program. Through its innovative and rigorous curricula and projects, EPIIC prepares young people to play active roles in their communities, whether at the local, national or global level. EPIIC promotes the linkage of theory to practice and encourages moral responsibility, life-long learning and engaged citizenship. In the public realm, its programs are dedicated to presenting a continuum of viewpoints, EPIIC contributes to civil discourse and substantive debate. From its inception, its non-polemical setting has helped to move forward policy discussions at both the national and international levels. EPIIC's main components are: a year-long academic colloquium, a global research and internship program, individual programming, an international symposium, professional workshops, a media forum for editors and reporters, Inquiry, a national high school global issues simulation program, and public service initiatives. Diverse practitioners such as senior intelligence experts, human rights activists, journalists, and government officials, have noted that EPIIC affords them an open forum, critical to developing new ways of thinking and new initiatives.

### ***The Project Board of Advisors***

- Dr. Patrick Ball - Deputy Director, Science and Human Rights Program, American Association for the Advancement of Science. Advisor, large-scale human rights data collection on truth commissions, non-governmental organizations, and UN human rights monitoring missions in El Salvador, Guatemala, Turkey, Haiti, Albania and South Africa. Ph.D, 1998, Sociology, University of Michigan.
- Jakob Finci - Executive Director, Soros Foundation, Bosnia and Herzegovina. Founder, "La Benevolencija", humanitarian aid organization. Elected President, Jewish Community, Bosnia and Herzegovina. Vice-President, FONDEKO-Foundation. Member, Association of Free Intellectuals- Circle 99. Corporate Lawyer, Energoinvest, Sarajevo. Law Faculty, University of Sarajevo.
- Judge Richard Goldstone - Former Chief Prosecutor, International Criminal Tribunals for the Former Yugoslavia and Rwanda. Justice, Constitutional Court of South Africa. Chairperson, Commission of Inquiry Regarding Public Violence and Intimidation, later known as the Goldstone Commission. Judge, Appellate Division of the Supreme Court. Advocate, Johannesburg Bar. Senior Counsel and Judge, Transvaal Supreme Court. LL.B, University of Witwatersand.
- Karmen Jelincic - Co-director of international Emmy award-winning film, Calling the Ghosts. Special Advisor, Mission of Bosnia and Herzegovina to the United Nations, Bosnia and Herzegovina vs. Yugoslavia case before the International Court of Justice for Violations of the Genocide Convention. Consultant, Center for Constitutional Rights, International Docket. Freelance television and print journalist tracking Bosnian war criminals in U.S. Master of International Affairs, Columbia University School of International and Public Affairs, Human Rights;BFA Film and Television, New York University.
- Elizabeth Neuffer - Reporter, Boston Globe since 1987. Author, forthcoming, Beyond Hatred. Fellow, Council on Foreign Relations. European Bureau Chief, Boston Globe 1994-98. Press Secretary, US Senator Christopher J. Dodd. Courage in Journalism Award, 1998. BA, European History, Cornell University, MA, Political Philosophy, London School of Economics.
- Dr. Zoran Pajic - Research Project Director, International Crisis Group, Sarajevo. Member, Board of Governors, Institute of Human Rights, King's College, University of London. Associate Professor, Director of Research Project, Royal Institute for International Affairs (Chadham House). University Lecturer, Great Britain, United States, Belgium and Hungary. LL.M and Ph.D, International Law and Crimes Against Humanity, University of Sarajevo.
- Sherman Teichman - Executive Director, Institute of Global Leadership and the founding Director of Education for Public Inquiry and International Citizenship Program at Tufts University. Lecturer in the Social Sciences and International Relations, Tufts University. Former Founding Editor, Leviathan, a journal of Middle East Politics and Culture. Lecturer, Boston University and Emerson College. Case worker, Amnesty International.MA, Hebrew University, Jerusalem.

## ***Acknowledgements***

This project would not have been possible without the ongoing contributions and guidance of the Board of Advisors, and many other friends and supporters. The project quickly became, as one Board Member put it, "larger than the sum of its parts."

We are extremely grateful to Karmen Jelincic, Elizabeth Neuffer, and Jelena Pejic for believing in our ideas and encouraging us to follow through with the project. They have since been a constant source of inspiration and support.

The mentorship, support, and expertise of the members of the Board of Advisors, Patrick Ball, Jakob Finci, Judge Richard Goldstone, Karmen Jelincic, Elizabeth Neuffer, Zoran Pajic, and Sherman Teichman, has made this project what it is. We would like to thank each Advisor for the time and energy that they invested into this project.

Special thanks to Dr. Patrick Ball for the countless hours and help in developing the model and scientific methods we needed to be able to carry out the research.

Warm thanks to Sherman Teichman at EPIIC, our teacher, advocate, and friend. Thanks also to Heather Barry and everyone at EPIIC who have also provided crucial help from reviewing proposals to operational support and logistics for the conference. We cannot thank them enough for their time and encouragement.

We would also like to recognize Dino Abazovic, Aida Mehicevic and everyone at the Human Rights Centre at the University of Sarajevo for their excellent help and cooperation in hosting the working group conference in July and in releasing the project results. It has been an honor to work with them.

We are grateful to Ambassador Muhamed Sacirbey and the Mission of Bosnia and Herzegovina to the UN for invaluable logistical support through various stages of the project.

Many other individuals have offered their expertise during various stages of the project. Thank you to Jon Cina, Bill Stuebner, Fred Abrahams, and Marjan Lucas.

Thanks also to International Council of Voluntary Agencies (ICVA), the NGO Information and Support Center (CIP) for sharing their databases of local NGOs in BiH with us.

We would like to thank Professor Eric Stover and at the University of California at Berkeley for reviewing a draft of the report and Professor Harvey Weinstein for his advice in the early stages of the project.

This project has been supported by Tufts University, the Samuel Rubin Foundation, the OSCE Media Department in Sarajevo, and other private donors. We would like to thank Mel Bernstein, Sol Gittleman, and Rob Hollister at Tufts University for their personal attention and commitment to this project.

We are both indebted to our families for their constant encouragement and support throughout the course of the project. They believed in us as we set our goals and helped us along the way to achieving them.

We appreciate the many friends, personal and of the project, in BiH who welcomed us to their country and have made this project an unforgettable experience.

"If the Tribunal is to discharge its mandate of helping to bring about and maintain peace

Its processes, personalities and decisions must be known and understood...it is imperative that ample funds be allocated to this (Outreach) program.

The jurisprudential value of the Tribunal is extraordinary, however, the importance of the rule of law should be made known to laymen and women as well. Nongovernmental organizations with a record of fairly and effectively representing the interests of people are critical to this process."

- Judge Gabrielle Kirk McDonald,

Former President, International Criminal Tribunals for the former Yugoslavia

"I warmly commend this report and the research reflected in it. It covers issues of cardinal importance for the International Criminal Tribunal for the former Yugoslavia in particular, and for international justice in general."

- Judge Richard Goldstone

Justice, Constitutional Court of South Africa and Former Chief Prosecutor, International Criminal Tribunals for the former Yugoslavia and Rwanda

"A timely and compelling study of the extent to which the Tribunal has so far failed the people who need its work the most - the victims and survivors of war in the former Yugoslavia. By systematically verifying the lack of attention that the court has paid to ordinary Bosnians, Croats and Serbs - this report makes a powerful contribution to improving the role of justice as part of their recovery and progress forward."

- Nina Bang-Jensen

Executive Director, Coalition for International Justice

A Project of



Education and Public Inquiry and

International Citizenship

at Tufts University