

# GOVERNANCE AND PEACEBUILDING

## REGIONAL WAR CRIMES PROJECT

*Justice for the missing and victims of war crimes in Bosnia and Herzegovina, Croatia, Montenegro and Serbia*

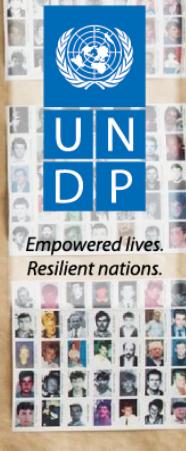
The Regional War Crimes Project (RWC) - aims to improve cooperation among prosecution services and institutions for the search of missing persons in Bosnia and Herzegovina, Croatia, Montenegro, and Serbia so they can efficiently process war crimes and accelerate the search for missing persons from the armed conflicts of the 1990s.

Specifically, the project seeks to:

- Strengthen and consolidate the **platform for regional cooperation among the prosecution services and institutions for the search of missing persons** and enhance their capacities for increased efficiency in the processing of war crimes cases and search for missing persons and address legal and structural obstacles for such cooperation.
- Improve cross-border **victim and witness support** to increase victims and witnesses' participation in cross-border judicial processes and facilitate dialogue among prosecution services, institutions for the search of missing persons and victims' associations.
- Promote transparent and data-based **public communication and public outreach** in the region on processing of war crimes cases and the search for missing persons to maximise societal impact of criminal proceedings and other transitional justice processes for prevention of radicalization and long-term stability.



*The impunity gap for war crimes remains wide and more than 10,000 people are still missing, hampering the reconciliation between different states and ethnic groups in the Western Balkans.*



### WHO?

State Prosecutors, Institutions for the Search of Missing Persons, and Victims' Associations.

### WHERE?

Western Balkans (Bosnia and Herzegovina, Croatia, Montenegro and Serbia).

### WHY?

Stronger and more efficient regional cooperation among countries is required to resolve remaining backlog of war crimes cases and ensure redress for the victims of past human rights violations, to facilitate reconciliation and sustain peace.

### Global Mandate

UNDP has a global mandate on rule of law in fragile and conflict-affected settings and is supporting transitional justice processes worldwide.

### SDG 16

In line with Goal 16 of the Sustainable Development Goals, UNDP supports governments and communities in implementing context-specific and participatory transitional justice processes in support of broader peacebuilding objectives.

### Project duration, donor and budget

December 2018 - March 2021  
United Kingdom; US\$1,778,770

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## A critical time and last opportunity for addressing the impunity gap in the Western Balkans

While progress has been made since the early 2000s, the legacy of armed conflicts in the countries of the former Yugoslavia continues to hamper the reconciliation between different States and ethnic groups. Two decades on, processing war crimes cases remains a key priority. The national judiciaries in the region remain solely responsible, especially after the ICTY completed its mandate, for addressing the substantial backlog of unfinished war crimes investigations and cases that makes the impunity gap in the region still wide. Resolving the fate of over 10,000 people still missing is another pressing social need.

Many war crimes cases and search for missing persons have a cross-border dimension. The locations of crime sites, suspects, victims, witnesses or other evidence are often in different countries. This necessitates increased direct communication, co-ordination and sharing of information and evidence between prosecution offices (POs). Such co-operation is also indispensable between institutions for the search of missing persons (IMPs) while better synergies between POs and IMPs may generate new information that can resolve the fate of many of the missing. It is also necessary to increase victims' participation in these processes and better inform the public about them.

The impunity gap and search for the missing cannot be addressed and improved without strengthened regional co-operation, additional capacity building of the stakeholders involved and more enhanced public outreach. With the lapse of time and victims, witnesses and suspects passing away it has become critically important to step up support to national stakeholders to intensify their efforts.

Regional cooperation and progress in accountability for war crimes and the search for the missing is also necessary to demonstrate the collective resolve of the region to turn the page of history, and, for the countries aspiring to join the EU, such as all the countries in the region except Croatia which already joined the EU in 2013, to work towards meeting the EU accession standards. Respect for the rule of law and promotion and protection of human rights, including dealing with crimes of the past, are key benchmarks for EU integration in accordance with Chapters 23 and 24 of the EU acquis.

## Project background

For over a decade, regional cooperation in war crimes proceedings was maintained through the Palić/Brijuni Process, the ensuing protocols between POs from the region and peer-to-peer meetings, with ups and downs. In April 2015, prosecutors agreed to reinvigorate their cooperation by signing, under the auspices of UNDP, what became known as Guidelines for Enhancing Regional Cooperation in War Crimes Processing and requested UNDP to support them.

Since 2015, UNDP has been facilitating the **platform for regional cooperation on war crimes and missing persons** through regional and bilateral meetings between POs and IMPs of Bosnia and Herzegovina, Croatia, Montenegro and Serbia.

This support resulted in re-activation of their cross-border communication, exchange of information and evidence, and their commitment to jointly work on cases. Communication between the institutions and victims' communities has also started improving.

## Role of UNDP

UNDP works closely with national governments in the Western Balkans and has been supporting rule of law programming and transitional justice processes for more than a decade. Therefore, UNDP is well positioned to facilitate cross-border cooperation between the national POs, IMPs and governments and strengthen capacities of national institutions and civil society engaged in transitional justice.

The Regional War Crimes project complements ongoing initiatives and programming on human rights, rule of law, and peacebuilding at national levels.

## Planned outcomes

- Strengthened platform for regional co-operation among prosecutors (incl. evidence and information sharing, coordination of investigations, regional and bilateral co-operation meetings);
- Improvement of cross-sectoral co-operation between war crimes processing and search for missing persons (incl. multidisciplinary groups for information sharing and analytics, training);
- Regional dialogue on revision and improvement of legal frameworks and harmonization of legal interpretations;
- Improved communication and interaction between victims' communities and POs, IMPs and other institutions;
- Improved witness and victim support services, especially in war crimes cases with cross-border elements (incl. developing protocols for support, training, micro-grants to civil society for problem-solving approaches);
- Public communication and outreach on war crimes accountability and transitional justice strengthened (incl. information portal, outreach to journalists, youth);
- Expanded digitalization of war crimes case processing and cross-border co-operation (incl. support to use of data sharing and management systems).