

**HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA:
RIGHT TO JUSTICE TO THE WAR CRIME
VICTIMS**

Balkan Investigative Reporting Network in Bosnia and Herzegovina - BIRN BiH

SITUATION IN BIH

Issue I: National War Crimes Processing Strategy

Implementation of previous recommendations

- Ensure that survivors of conflict have access to justice by adopting and implementing a national war crimes processing strategy and by meeting the needs of the most vulnerable displaced persons and refugees – UK, Germany
- Take further steps towards reconciliation at the State and regional level by, inter alia, supporting the civil society-backed initiative to establish a regional truth commission, approving the revised National War Crimes Processing Strategy, adopting the law on protection of victims of torture and implementing the Law on Missing Persons - Czechia
- Provide greater financial and human resources to finalize the prosecution of war crimes committed during the period from 1992 to 1995, particularly by lower-ranked perpetrators, and clarify the fate of persons still missing - Australia

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Issue I: National War Crimes Processing Strategy

New developments

- the revised National War Crimes Processing Strategy adopted in 2020; failed to meet its goals by 2023, new deadline 2025
- Lack of regional cooperation – in over 40 active cases accused are not available to the Bosnian justice system
- Over 200 cases transferred to the local courts – blockage

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Issue I: National War Crimes Processing Strategy

Recommendations:

- Adoption of the new Strategy for prosecution of war crimes in 2025, with realistic goals and effective plans
- Increase capacities of the local prosecution offices: educating prosecutors, securing funds for investigations

NEW RECOMMENDATIONS:

- Adoption of the national transitional justice strategy document – civil society involvement as a must

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Issue II: Justice reforms related to war crimes prosecution

Implementation of previous recommendations

- Strengthen the independence of the judiciary system to meet international standards in the prosecution of war crimes – Angola, Lithuania, Croatia
- Ensure access to justice for all victims of war crimes, including through proper implementation of the Law on Missing Persons – Ukraine
- Adopt a law on reparation and compensation for victims of war, including survivors of torture and sexual violence – France, Argentina

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Issue II: Justice reforms related to war crimes prosecution

New developments

- Still searching for over 7,000 people
- State Institute for missing person – lack of funds, forensics, equipment
- The Federation of BiH does not yet have a law on victims of war torture while in October 2023, the deadline for filing claims for acquiring the status of a civilian victim of war in RS expired
- BiH lacks a unified and organized approach to memorialization.
- Criminalization of war crimes and genocide denial (2021) – one indictment, 300 records of denial in public

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Issue II: Justice reforms related to war crimes prosecution

We recommended to the BiH government to:

- establish a comprehensive and effective state-level compensation mechanism for all victims of war crimes
- support commemoration efforts in local communities of minority groups:
 - marking unmarked places of suffering
 - building monuments
 - marking anniversaries freely in public squares

NEW RECOMMENDATIONS:

- support Associations and NVOs efforts for marking unmarked places of suffering and killings
- Start punishing war crimes and genocide deniers

Thank you!