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## ***Srebrenica Summer University***

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Europe has learnt from history that peace and security not based on the principle of justice are fragile and short lived. Justice was a central topic of your discussions these days aimed at understanding the root causes of the genocide committed in Srebrenica in 1995 and realising the need to prevent any such atrocity from reoccurring in any part of the world.

Ensuring that those responsible for crimes of genocide, crimes against humanity and war crimes are brought to justice is a first step to be taken on the long and strenuous road called transitional justice. This step is pivotal for the victims, as it allows restoration of their human dignity and their coming to terms with the past. In 2011 the Council of Europe developed [Guidelines](#) on eradicating impunity for serious human rights violations reaffirming that it is the Council of Europe member states' duty to eradicate and prevent impunity. The ICTY has made possible trials against some of those who engineered and carried out the atrocities committed in this region. However, an issue that needs to be openly discussed in this context is the sense of injustice, as a result of some parts of the work of the ICTY, embedded in the minds of peoples in the region.

National authorities have a duty to ensure that serious human rights violations are effectively investigated and that those responsible for such violations are brought to justice. Failure to prosecute and try war criminals not only violates states' general duty to ensure protection of and respect for human rights, but also the victims' right to an effective remedy.

All war victims have the right to receive effective and adequate reparations for the harm suffered during the wars in this region, and to enjoy this right without discrimination on any ground whatsoever. This is a well-established principle of international law, upheld also in the case-law of the European Court of Human Rights. It is of utmost importance for the full reintegration and recovery of the victims that their 'victim' status is recognised by all states concerned and that their needs are met. National authorities have to treat all war victims with humanity and respect, as well as to ensure that their private and family life is fully protected. I am concerned that the lack of a systematic approach in Bosnia and Herzegovina in addressing the victims' rights renders them more vulnerable and cultivates deep in their souls the feelings of insecurity and despair.

Particular mention needs to be made of the more than 20 000 women victims of war-related crimes of sexual violence in the region of the former Yugoslavia still waiting to receive justice. There is a need for the region's states to reaffirm their commitment that impunity for these crimes will not be tolerated and that victims will receive reparations, including rehabilitation. The new resolution adopted by the UN Security Council last June concerning conflict-related sexual violence provides useful guidance to states, reiterating their obligation to provide timely and adequate assistance to victims of sexual violence committed during armed conflicts.

There are more than 100 000 displaced persons in Bosnia and Herzegovina still awaiting adequate and sustainable solutions in order to continue living their lives in dignity and safety. Many of them are children who have already been uprooted one or more times. The ongoing regional housing programme developed in the context of the Sarajevo Declaration Process brings hope that the issue of protracted displacement due to the 1991-1995 conflicts in this region will be brought to an end. The Council of Europe is proud to be part, along with other international organisations, of this programme aimed to benefit more than 70 000 vulnerable persons.

Establishing and recognising the truth is one of the most important guarantees of non-repetition of serious human rights violations. The public disclosure of the truth and its recognition alleviate the suffering of the surviving victims. This helps the process of confronting the past and plays an important role in the education of future generations. However, the truth-seeking process can be successful only if it goes beyond identifying guilty parties and individuals and can focus on the understanding and recognition of the root causes of the serious human rights violations that occurred and their social impact.

In this regard, the teaching of history in schools, without the burdens of ethnic or religious biases, plays a very important role. Genuine knowledge of history facilitates understanding, tolerance and trust between individuals, especially the younger generation, and peoples. All countries in the region should realise the vital need to teach history without resorting to one single interpretation of events. This is an area that would benefit from closer inter-state consultations, collaboration and coordination.

Families of more than 8 000 persons who went missing as a result of the war in Bosnia and Herzegovina are still waiting to receive information about the fate of their loved ones. The European Court of Human Rights has held in many cases that the suffering that families of missing persons endure due to the silence of the authorities constitutes inhuman treatment under Article 3 of the European Convention on Human Rights. Not knowing the truth about what happened to a missing person is a particularly anguishing trauma. States have to make sure that the suffering that these families endure come to an end.

Regrettably, the need to establish and recognise historical facts, in other words the truth, and make it accessible to the public is not yet a fully accepted principle in this region. Despite the truth-related work of relevant, international and domestic, tribunals, some local politicians, including in Bosnia and Herzegovina, have not as yet recognised the Srebrenica genocide. Some of their public statements aiming to deny and relativize the genocide seriously affect the process of prosecution of war-related crimes, discourage witnesses from participating in the war-related proceedings and undermine reconciliation efforts.

Lastly, I have to underline that there is a dire need for all states concerned to carry out necessary institutional reforms in order to prevent recurrence of human rights violations and to complete the transitional justice process. Education is a field where these reforms are particularly necessary in order to achieve social cohesion and reconciliation, notably in Bosnia and Herzegovina. Before coming to Srebrenica I had meetings in Sarajevo with experts in this field and national authorities. I have to stress that it is unacceptable that the segregation of pupils based on their national origin persists in this country, and that little is being done to address this serious issue which is, in fact, a symptom of the continuous ethnic divisions in the country. The political leadership of this country should realise and live up to its responsibilities by taking all necessary measures to eliminate school segregation along ethnic lines. This is a major task owed to the country's young generation and the country's own future.

Indeed, all these serious challenges-remains of the 1990s' conflicts require wise vision and determined political leadership. The constructive steps already taken by governments in the region, supported by the international community, are important and have to continue. Of particular importance has been the courage to offer formal apologies, the exchange of information concerning missing persons and the collaboration in war-related criminal cases. These efforts deserve wide support. The Council of Europe, including myself, stand ready to provide more support if necessary.