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“Dealing with the Past and Reconciliation - What kind of truth seeking mechanism does Kosovo need?”

Conference organised
by the International Civilian Office,
Pristina, 22 May 2012

Why does justice matter for reconciliation?

Address on behalf of the
Council of Europe Commissioner for Human Rights, Nils Muižnieks

Inter-ethnic reconciliation and durable peace in Kosovo¹ and in the region of former Yugoslavia have not as yet been, and may not be, achieved without justice.

Peace without justice is short lived. This is a lesson that Europe has learnt from history.

Post-war justice is a multi-faceted process. It is about ending impunity for the wartime crimes, providing adequate remedies to all victims, establishing and recognising the truth concerning the past events, and carrying out institutional reforms that may guarantee durable peace.

One should have no illusion: post-war justice is a long-term process that requires concerted and sustained efforts during a long period of time. It is a process that has to be designed, guided and executed by local factors. It should start and end at home.

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 (1999) and without prejudice to the status of Kosovo.

The international community though has an important, supportive role to play in this process. That is why we are gathered here today.

In order to contribute to this important debate and reflection the Council of Europe Commissioner for Human Rights published last March a paper entitled ["Post-war justice and durable peace in the former Yugoslavia"](#). It deals with the process of post-war justice and the efforts to address the remaining issues and establish long-term peace.

The paper has focused on four major components of post-war justice:

- the need to eliminate impunity;
- the provision of adequate and effective reparation to all war victims;
- the need to establish and recognise the truth concerning the gross human rights violations and serious violations of international humanitarian law that occurred;
- and the need for institutional reforms to prevent repetition of past events.

One of the most difficult aims to achieve in this context is the elimination of impunity for the serious human rights violations that have occurred. A crucial part thereof is efficient witness support and protection without which there can be no effective investigation, prosecution and punishment of perpetrators of these violations.

A lot remains to be done in Kosovo in this domain. It is crucial that the witness support and protection system be enhanced in order for trials concerning war-related crimes to be carried out successfully. Useful guidance in this regard can be found in the Council of Europe Parliamentary Assembly [Resolution 1784 \(2011\)](#) on the protection of witnesses as a cornerstone for justice and reconciliation in the Balkans.

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Reparation to all war victims is another important part of the post-war justice process that requires strenuous efforts. Many of the war victims are still waiting for adequate and effective reparation for the serious human rights violations they have suffered during the conflict. Displaced persons are one of the most vulnerable groups. Among the most vulnerable members of the displaced population remain the Roma.

Every year hundreds of Roma refugees are being forcibly returned from western European countries to Kosovo, a society which is struggling to come to terms with and overcome the consequences of the conflict. A number of expelled Roma returned to the lead-contaminated camps in northern Mitrovica - Ćesmin Lug and Osterode.

It is regrettable that approximately fourteen families still live in the Osterode camp, exposed to high levels of lead contamination. It is expected that the Osterode camp will be closed in July this year, but the closure of this camp is long overdue. The consequences of the exposure to the lead contamination on the health of the Roma inhabitants, in particular the children, is a serious human rights issue that needs to be addressed.

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The establishment and recognition of the truth is another significant component of transitional justice. It gives a chance to those who have suffered from the wars and whose voices have not been heard to speak up, to be recognised as victims and have a chance for social reintegration. In various countries around the world Truth and Reconciliation Commissions have been established with the aim of investigating, establishing and acknowledging the truth.

There will be a discussion this afternoon about the RECOM initiative which aims to establish a truth commission covering the whole region of the former Yugoslavia. This is certainly an important effort that has gathered wide support from a significant number of representatives of civil society, victims' associations and individuals from the region.

The Council of Europe Commissioner for Human Rights supports this initiative. Among the positive results it has achieved is the raising of awareness in the region of the importance of justice in order to achieve durable peace. The Commissioner encourages further discussion and debate on truth-seeking models which could successfully be implemented in the region or in the individual countries concerned.

On behalf of Commissioner Muižnieks, I would like to wish success to this timely conference. Indeed, this is a period when no-one can overstate the importance and need of stepping up the efforts in order to achieve justice and durable peace in Kosovo, as well as in the whole region of former Yugoslavia.