

Dealing with the Past for a Better Future

Report in a nutshell

Achieving justice, peace and social cohesion in the region of the former Yugoslavia

The report presents the state of play of efforts in the region to deal with gross human rights violations and grave breaches of international humanitarian law that were committed in the context of the disintegration of Yugoslavia.

It stresses that to secure a better and peaceful future, **more and better efforts** on dealing with the past are required today in the region.

Dealing with the past is a matter for the present

The divisive and hateful narratives that spearheaded the wars of the 1990s are regaining strength in the region almost three decades after. **This threatens reconciliation and even peace**, as shown by recent developments.

The failure to fully deal with the violent past is having **devastating consequences** on respect for human rights, the rule of law and social cohesion in the countries of the region.

Dealing with the past is far from a backward-looking exercise; **it is an essential prerequisite for the achievement of durable peace** in cohesive, pluralist democratic societies based on respect for human rights.

Dealing with the past is key to preventing the recurrence of atrocities. It is about respecting victims' rights and creating a future in which conflict is less likely.

Key findings

The experience of dealing with the past in the region has produced **some positive practices of global significance**.

The atrocities committed during the wars of the 1990s were met with a **resolute shift toward no impunity** for the most serious crimes and provided lessons on handling conflict-based sexual violence and its consequences. Furthermore, the region is considered a blueprint for dealing with missing persons.

Addressing a legacy of abuse is a **long-term process** which requires enduring commitment and engagement by national authorities and the international community.

Almost three decades after the wars, there is a **notable backsliding** in the processes to deal with the past which coincides with a broader decline in respect for human rights and the rule of law in several countries of the region.

Rather than intensifying towards completion, **war crimes prosecutions, the search for missing persons and reparations**



The break-up of Yugoslavia

The break-up of Yugoslavia was marked by devastating wars in the 1990s and early 2000s. Three major wars took place: in Croatia (1991-1995), Bosnia and Herzegovina (1992-1995) and Kosovo* (1998-1999). There were two smaller-scale conflicts in Slovenia (June-July 1991) and North Macedonia (at the time it was "the former Yugoslav Republic of Macedonia") (January-August 2001). The wars were marked by atrocities unseen on the European continent since the Second World War.

What does dealing with the past mean?

It is the process of coming to terms with a legacy of large-scale abuses to ensure justice and serve reconciliation - also called transitional justice. It includes measures such as criminal prosecutions, truth seeking, reparations, education and memorialisation, and institutional reform.

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

for victims have slowed down or stagnated in recent years. This is primarily due to a lack of political will.

Other crucial measures, such as the establishment of truth and reconciliation commissions, vetting of public officials, dealing with the root causes of the wars, and inclusive memorialisation **have been missing altogether**.

The current context in the region is not conducive to genuine reckoning with the violent past. Not only have many political leaders in the region failed to demonstrate commitment to this process, but they continue to manipulate the past for political gain. Other societal actors, including religious leaders, public figures and some media also contribute to the trend of **denial of wartime atrocities and glorification of convicted war criminals**.

Human rights defenders working on these issues increasingly face a hostile environment.

Building a future where conflict is less likely

The main responsibility rests with **the states in the region and their representatives** to revive efforts to deal with the violent past, notably in the field of war crimes trials, the search for missing persons and reparations.

This should be done free from manipulation, with the aim of securing maximum impact on justice and reconciliation. All victims should be closely involved, to ensure that their needs and views form the basis of these efforts.

There must be **zero tolerance** for the denial of genocide and other wartime atrocities and incitement to hatred against other ethnic groups.

The **intergenerational dimension of dealing with the past** requires urgent attention at this stage to break the ongoing transmission of trauma and hatred from one generation to the next. In the fields of **integrated education, history teaching, and memorialisation**, states should implement laws and strategies that make a meaningful contribution to countering the denial of atrocities and the revisionism of the past. Promoting

Methodology

The Issue Paper builds on over 15 years of systematic work by the Office of the Council of Europe Commissioner for Human Rights on issues related to dealing with the past in the region, including dialogue with national authorities.

It follows up on a previous Issue Paper published by the Office of the Commissioner for Human Rights in 2012 and entitled "[*Post-war justice and reconciliation in the region of former Yugoslavia*](#)" (available in [English](#), [Bosnian](#), [Croatian](#) et [Serbian](#))

interaction **between young people** from different communities and different countries should be a priority.

It is crucially important to strengthen political and financial support for **a strong civil society working on transitional justice**. Activists continue to find creative ways to generate environments for non-divisive memorialisation, reconciliation and peace. Civil society is currently the best hope for a better future based on human rights and the rule of law.

Regional co-operation is a crucial component of successfully dealing with the past in the region, given the shared violent past and the impact that developments in this field in one country can have on the others. Improved regional co-operation is required in all areas of dealing with the past, including war crimes trials, searching for missing persons, exchange of lessons learned and education and memorialisation activities. At the same time, projects **at the grass-roots level** can have real-life impact on helping people and communities come to terms with the violent past and should be supported.

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