

Working Paper

Acquittal of Gotovina and Haradinaj

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Acquittal of Gotovina and Haradinaj:
A Lost Chance for Dealing with the Past
in the Balkans?

Reflections following an Expert Panel

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List of Acronyms

CHC	Croatian Helsinki Committee for Human Rights
DORH	State Attorney's Office of the Republic of Croatia
EULEX	European Union Rule of Law Mission in Kosovo
HLC	Humanitarian Law Center
ICTY	International Criminal Tribunal for War Crimes in Former Yugoslavia
KLA	Kosovo Liberation Army
NATO	North Atlantic Treaty Organisation
RoC	Republic of Croatia
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Interim Administration Mission for Kosovo

Abstract

This working paper is a series of reflections based on the talking points of an expert panel discussion hosted by swisspeace on the 13th of February 2013 entitled *Acquittal of Gotovina and Haradinaj: A Lost Chance for Dealing with the Past in the Balkans?* Four experts were invited to share their thoughts on the legal aspects of the acquittals, the public reactions in Croatia, Serbia and Kosovo, and implications for dealing with the past in the Balkans. As such it is not intended to be an exhaustive analysis of international law or the workings of the ICTY, but rather a series of discussion points designed to prompt debate on this contemporary event and its wider implications.

Introduction: The Promises and Pitfalls of International Justice

Briony Jones

The 2012 acquittals in the cases of Gotovina *et al.* and Haradinaj *et al.* at the International Criminal Tribunal for the Former Yugoslavia (ICTY) brought to the surface once again that which has been known and debated for some time: it is hard to separate the law and politics. Conventional approaches to transitional justice as an idea and a practice have at their centre a belief in the rule of law as a necessary underpinning for democracy and sustainable peace. With the rule of law one can end a culture of impunity, hold those accountable who have committed crimes against humanity and ensure a legal equality of all those who wish to live together in a society following violence, war and oppression. But with the law one can also silence, wield power and practice prejudice. The law is not only an expression of a society's aspiration towards certain values but is a practice which can be complicated and perceived in differing ways by those it seeks to serve. It is thus full of promise to contribute to dealing with the past, but contains within it the threat of certain pitfalls which could damage those very same processes.

The title of this working paper, *Acquittal of Gotovina and Haradinaj: A Lost Chance for Dealing with the Past in the Balkans?*, is a question with a certain presumption. This is the presumption that successful prosecution in the cases of Gotovina *et al.* and Haradinaj *et al.* would, or could, have been positive for dealing with the past in the Balkans. We must first understand this presumption if we are to understand the reflections which follow and which seek to answer the question posed. The ICTY was established in 1993 as an *ad hoc* tribunal with a mandate to "prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991" (United Nations 2004: Article 1 p.5) as part of the violence which accompanied the political and territorial dissolution of the former Socialist Federal Republic of Yugoslavia. Debates and disagreements on the history of the Balkans, the nature of this violence, and the relative legitimacy of territorial and political claims are extensive (see for example Malcom 1994) and not the focus of this paper. However, for the purposes of this short introduction it is necessary to highlight some key points. Firstly, the violence was a product of an historical legacy of Ottoman and Austro-Hungarian rule, of Communist Federalism and of many centuries of contestation over the nature and boundaries of ethnic and national identities. Secondly, the violence was varied according to local context, meaning that not one static dynamic of violence or categorisation of 'victim' and 'perpetrator' will adequately describe the range of experiences of harm. And thirdly, the position and response of international actors has been shaped by discourses of 'ancient hatreds' (Jeffrey 2009) and 'humanitarianism' (Chandler 2005), meaning that the people of the Balkans themselves have often been perceived as limited in their autonomy, claim making and ability to shape dealing with the past processes.

The ICTY was established in this context of high levels of violence and a slow response from international actors. According to Jeffrey, there is a "moral imagination of the ICTY, in which the past is confronted, documented and adjudicated in law" (2009: 396). Set up with a double mission to dispense

justice and foster reconciliation it has been described as having a "messianic" mandate (Teitel 1999: 179 & 188). However, the political realities of the context in which it has operated have meant initial paralysis due to lack of funds and support (Teitel 1999: 184), delayed indictment of key politicians considered vital for the peace process (Robertson 2000: 286-7) and accusations of a bias against Serbs through its failure to adequately address crimes committed by members of other ethnonational groups (Neuffer 2002) (like those cases discussed in this working paper). Furthermore the requirements of the law lead us to reflect on its ability to fulfil its ambitious goals. The ICTY prioritises testimony relating a structured account of a crime rather than a narrative of experience (Ibid: 296-300), has the perpetrator as central to its proceedings rather than the victim (Estrada-Hollenbeck 2001), and only puts on trial specific acts of the accused which fall within that which is legally relevant. This means that whilst the ICTY may prosecute certain individuals for certain crimes, thereby working against impunity and acknowledging harm done, it is not able nor intended to play the role of a forum for the unravelling of the multiplicity of experiences, perceptions and expectations that people living in the former Yugoslavia have of dealing with the past. Its truth is partial, determined by the needs of the process rather than the need to restore dignity, negotiate identity and shape post war social and political communities (Smith 2004).

It is these complications which we can see woven into the following contributions. These written contributions are adapted from the talking points of presentations made as part of an expert panel discussion hosted by swisspeace on the 13th of February 2013 entitled *Acquittal of Gotovina and Haradinaj: A Lost Chance for Dealing with the Past in the Balkans?* Four experts were invited to share their thoughts on the legal aspects of the acquittals, the public reactions in Croatia, Serbia and Kosovo, and implications for dealing with the past in the Balkans. As such it is not intended to be an exhaustive analysis of international law or the workings of the ICTY, but rather a series of discussion points designed to prompt debate on this contemporary event and its wider implications.

Legal Background and Implications of the ICTY Acquittals in the Gotovina *et al.* and the Haradinaj *et al.* Cases

Elisabeth Baumgartner

In November 2012, two judgements rendered by the ICTY provoked intense discussions regarding the role of international tribunals in societies of transition. These judgements in particular split public reactions: public jubilation in Croatia and Kosovo but anger and consternation in Serbia. Although the two cases are often bracketed together in the media and in public discussions, the context and the legal implications were quite different.

1.1 Second Instance Acquittal of Ante Gotovina and Mladen Markač

The first acquittal, rendered by the ICTY Appeals Chamber on 16 November 2012 in the case of Ante Gotovina and Mladen Markač (The Prosecutor v Gotovina *et al.*, 2012) is the more controversial one. The two Croatian generals had been sentenced to 24 and 18 years imprisonment respectively in the first instance judgment rendered in 2011, in which the third co-accused, Ivan Cermak was already acquitted. Gotovina and Markač were found guilty of war crimes and crimes against humanity, committed by Croatian armed forces during the so-called 'Operation Storm' in 1995. With this military operation the late Croatian President Franjo Tudjman aimed to regain control over the Krajina, a region in southern Croatia that was at that time controlled by Serbian militia forces, which had proclaimed the autonomous 'Republic of Serbian Krajina'. During the offensive an estimated 200,000 civilians were forced to flee their homes and around 200 people left behind were killed. During the military campaign Serbian civilians were ill-treated and killed, their houses looted and destroyed. The four towns Knin, Benkovac, Obrovac and Gračac were systematically bombed in summer 1995 (The Prosecutor v Gotovina *et al.*, 2011).

The Trial Chamber of the ICTY had found Gotovina and Markač guilty of participating in a so-called joint criminal enterprise (Cassese 2007, Ohlin 2007, Haan 2005, Ambos 2007), together with members of Croatia's political and military elite, whose common purpose was "the permanent removal of the Serb civilian population from the Krajina by force or threat of force" (The Prosecutor v Gotovina *et al.*, 2011: para. 2314). Count 1 of the Indictment had charged the accused with persecution through "unlawful attacks on civilians and civilian objects" (The Prosecutor vs. Gotovina *et al.*, 2008: para. 48). The first instance judges' assessment of the military campaign as unlawful was based primarily on the finding that the artillery attacks on the four towns of Knin, Benkovac, Obrovac and Gračac were indiscriminate (Gotovina *et al.*, 2011: paras. 1911, 1923, 1935, 1943). Interestingly, the judges did not consider such indiscriminate attacks to be war crimes, but instead determined them to be crimes against humanity (Gotovina *et al.*, 2011: paras. 1840-42).¹ In their judgement, the Croatian armed forces had deliberately made no distinction between military and civilian targets, thus violating one of the most important principles of international humanitarian law – namely the distinction between military and civilian objects (Gotovina *et al.*, 2011: paras. 1840-42). However,

1 "An attack on civilians or civilian objects in the context of crimes against humanity is to be understood as acts of violence deliberately launched against civilians or civilian objects, although with no requirement of a particular result caused by the attack, as well as indiscriminate attacks on cities, towns, and villages" (Gotovina *et al.*, 2011: para. 1841).

since the Trial Chamber did not consider these attacks as war crimes but as crimes against humanity it applied its own standard to assess the (un) lawfulness of the attacks. In its assessment of the attacks, the judges declared all artillery strikes more than 200 metres away from a military target to be illegal (Gotovina et al., 2011: para 1898). Bearing in mind that these artillery attacks were taking place in densely populated areas, which is already extremely critical from a humanitarian law perspective (Protocol Additional I to Geneva Conventions 1949: art. 52)², the 200 metre standard, which does not exist in international humanitarian law, can be seen as rather 'generous' in favour of the attacking forces.

It is therefore even more surprising that a narrow majority of the appeal judges deemed that the application of this 200 metre standard was neither justified nor sufficiently substantiated (Gotovina et al., 2012: paras. 60, 61, 68 & 77). In their opinion, the bombardments could therefore not be regarded as prohibited attacks on civilians and civilian targets. As a consequence they rejected all the other findings of the trial chamber regarding the unlawfulness of the attacks and reversed the Trial Chamber's finding that the artillery attacks on the four towns were unlawful (Ibid.: para. 84).

However, two of the five appeal judges did not agree with this majority view and expressed fervent dissenting opinions, accusing their colleagues of committing serious legal errors (Pocar in Gotovina et al., 2012: para. 2 and Agius in Gotovina et al., 2012: paras. 1-4)³. They mainly criticised their colleagues' total dismissal of all the evidence with regard to both the unlawfulness of the attacks⁴ and the involvement of the two defendants in a joint criminal enterprise based on the Majority's rejection of the 200 metre standard (Agius in Gotovina et al., 2012: paras. 47ff). They were very clear in their opinion that the Majority had violated the ICTY standard of review on appeal and had not carried out a proper de novo review of the facts (Gotovina et al., 2012: para. 64), which the Appellate judges had announced (Pocar in Gotovina et al., 2012: paras. 9-14). In addition, they seriously criticised the Majority's failure to enter convictions against Gotovina and Markač on the basis of alternate modes of liability, in particular for aiding and abetting or superior responsibility (Agius in Gotovina et al., 2012: paras. 51-72). Finally, both dissenting judges asserted that the Majority's decision was based on the brief argument that any further evidence would only be considered if it were evaluated together with the unlawful attacks; attacks whose unlawfulness they denied. However, the detailed, well founded 1,340-page judgment of the Trial Chamber in 2011 was based on a wide range of other credible evidence, such as the minutes of the meeting between Croatia's political and military leaders at Brioni, in which Operation Storm was planned (Gotovina et al., 2011: paras. 1970-1996) and evidence related to the policy of the Croatian political leadership with regard to the Serb minority and return of refugees and internally displaced persons (Ibid: paras. 1997-2057), as well as the content and purpose of various laws and decrees enacted after Operation Storm, dealing with the property of persons who had left the Krajina region (Ibid.: paras. 2059-2099).

2 According to art. 52 of Protocol I, civilian objects shall not be the object of attack or of reprisals. Civilian objects are all objects which are not military objectives and attacks shall be limited strictly to military objectives. Whereby military objectives are objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

3 Judge Pocar introduced his dissent with the following words: "Given the sheer volume of errors and misconstructions in the Majority's reasoning and the fact that the Appeal Judgement misrepresents the Trial Chamber's analysis, I will not discuss everything in detail. Instead, I will limit my dissenting opinion to discussing the reasons of my disagreement with the three most fatal errors in the Majority's approach and conclusions [...]". And further: "Unfortunately, the paucity of the legal analysis in the Majority's reasoning opens more questions than it provides legal answers." (Pocar in Gotovina et al., 2012: para. 14).

4 Judge Agius found: "I simply cannot agree with the Majority in holding that the Trial Chamber's reliance on the Impact Analysis was so significant that, even considered in its totality, the remaining evidence does not definitively demonstrate that artillery attacks against the Four Towns were unlawful" (Agius in Gotovina et al., 2012: para. 45).

Therefore, the ill-founded, complete dismissal of a substantiated, unanimous judgement of the Trial Chamber by a slim majority of the Appeals Chamber on an extremely shaky legal ground prompted confusion amongst independent observers (Milanovic 2012).⁵ In Serbia, this was seen by many as a confirmation of the view they had been expressing for years, that the ICTY had been established solely to discredit the Serbian side (BBC 2012).

1.2 First Instance Acquittals of Kosovan KLA Commanders

This view was further reinforced by another acquittal of non-Serbian defendants shortly afterwards. On 29 November 2012, the Trial Chamber of the ICTY acquitted three former commanders of the Kosovo Liberation Army (KLA): Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj (The Prosecutor v Haradinaj et al., 2012: para. 29). They were indicted for crimes committed in a KLA camp in Gjakovë in 1998.⁶

However, the legal grounds and the procedural history of this case are completely different from the Gotovina *et al.* case discussed above. The acquittals were preceded by lengthy trial proceedings, during which two of the three initial indictees were acquitted in 2008. Upon appeal by the Prosecutor, the Appeals Chamber had referred the case back to the Trial Chamber in 2010 for re-trial. In the view of the Appeals Judges a re-trial was necessary since the "Trial Chamber failed to appreciate the gravity of the threat that witness intimidation posed to the trial's integrity" and "to take sufficient steps to ensure the protection of vulnerable witnesses and safeguard the fairness of the proceedings" by allotting the Prosecution more time to obtain the testimonies of threatened key witnesses (Haradinaj et al., 2010: paras. 34-50). The repeated acquittal in the re-trial indicates that it was not possible to obtain more compelling evidence in the time which had elapsed since the first trial in July 2010. The Trial Chamber does not mention in its re-trial judgement whether this was due to "the unprecedented atmosphere of widespread and serious witness intimidation" that had surrounded the trial (Ibid: para. 34).

Witnesses are crucial in international criminal proceedings and witness intimidation is therefore fatal for such trials, both at international and domestic levels (Council of Europe 2009). However, describing a general context of impunity in Kosovo, the Rapporteur of the Committee on Legal Affairs and Human Rights of the Council of Europe, Dick Marty, found that "[t]he raft of evidence that exists against certain top KLA leaders appears largely to account for this reluctance. There were witnesses to the events who were eliminated, and others too terrified by the mere fact of being questioned on these events" (Council of Europe 2011a).

There might be certain parallels to be drawn between the two cases, particularly with regard to the difficulty of holding senior military or civilian

5 Milanovic underlines: "Note that people in Croatia and Serbia didn't really care about the two generals as individuals; what they did care about was about how the Tribunal characterized the systemic nature of the crimes (or not), and it is here that the Appeal Chamber's decision is at its most dramatic. From a unanimous Trial Chamber declaring that the highest ranks of the Croatian leadership, including President Tudjman, formed a joint criminal enterprise with the purpose of ethnically cleansing Serbs from Croatia, to a divided, 3 to 2 decision by the Appeals Chamber that no reasonable trier of fact could have found that JCE to exist on the evidence heard by the Trial Chamber."

6 For further information on the background and the implications of the judgement see the following article in this Working Paper by Nora Refaeil: "Acquittal of Ramush Haradinaj And War Crime Prosecution in Kosovo" (p. 16-19).

decision-makers criminally responsible years after the events took place and in relation to the political reactions which the judgements provoked in the Balkans. In other respects, however, the two cases have little in common. I would also counter the argument that the ICTY Prosecutors did not act diligently: in the Gotovina/Markač case, five out of eight judges found that there was numerous convincing evidence for a reasonable trier to convict the accused. On the other hand, in the trial against Haradinaj and other KLA commanders it was apparently impossible to obtain enough credible evidence, probably partly because of the contextual difficulties within and outside Kosovo.

1.3 Implications for Reconciliation in the Balkans

It remains to be seen what effect these verdicts will have on dealing with the past efforts in Former Yugoslavia. There is reason to believe that they will have a negative impact on the urgently needed judicial cooperation between the criminal prosecution authorities of the former Yugoslav states. Such cooperation is essential for the prosecution of war crimes trials at the domestic level. Cooperation between Serbian and Croatian authorities was already threatened by the new Law on invalidation of certain legal acts of the judicial bodies of the Former Yugoslav National Army, the former Socialist Federal Republic of Yugoslavia and the Republic of Serbia (OG 124/11) from November 2011 (Human Rights Committee 2012), currently under review by the Croatian Constitutional Court before the Gotovina *et al.* verdict (European Commission 2013). However, at the time of writing, the pressure on Croatia with regard to the preparation of the accession to the EU seems to be more influential than the ICTY verdict (Ibid.). As regards non-criminal proceedings, which can be as important for victims as penalizing the perpetrators, there was only one case of reparations paid to the family of victims of Operation Storm⁷ – almost 20 years after the killings.

However, no sentence and one case compensated is not enough for the numerous victims of war crimes and crimes against humanity committed by Croatian and Kosovar troops and armed groups. The recent verdicts of the ICTY show again how important domestic prosecutions are – after all, international justice cannot be more than complementary to national justice. If this were the case, acquittals before an international tribunal might have a different level of impact.

Another important aspect is how such verdicts may be perceived by the victims. The very fact that war crimes and crimes against humanity were committed was not denied by any of the judges. Although the ICTY judges confirmed the facts in each case, nobody has been brought to justice – and it is likely that nobody will be brought to justice for those crimes, since no criminal proceedings for war crimes are expected to take place at the domestic level either in Kosovo or in Croatia – in particular not after the two acquittals by the ICTY.

⁷ On 23 January 2013 the Municipal Court in Knin rendered a judgement that the Croatian State must pay compensation to the children of Serb victims killed in the village of Varivode after Operation "Storm", regardless of the fact that the perpetrators are unknown (Ibid.: p. 6 ff). The Croatian government was ordered to pay 540,000 Kuna to the children of the victims (Ibid.).

The Acquittal in the Case of Gotovina *et al.* and Local Reactions in Croatia and Serbia

Vesna Teršelić

2.1 Introduction

In Croatia there was hardly any verdict more expected than that in the case of Gotovina *et al.* Even today Croatian society is still facing an on-going memory struggle, given the complex character of the war. The destruction of Vukovar and ethnic cleansing of about one third of Croatian territory and war crimes committed by members of the Serbian forces with the support of the Yugoslav Army in the year 1991, mostly against Croats, are well known. However, crimes committed by members of the Croatian forces mostly against ethnic Serbs, in particular during and after two military actions in May and August 1995, have remained less visible. Where many public figures strive to prove that the war was 'defensive', 'liberating', 'just' and 'legitimate', it remains hard to publicly declare that it also had some characteristics of a civil war.

Facts on the number of victims are still disputed. Concerning the number of victims of war crimes during and in the aftermath of Operation Storm, the Croatian Helsinki Committee for Human Rights (CHC) recorded 677 civilian victims and about 20 000 destroyed buildings (burned down or destroyed) in the area which was liberated by military action. Unlike the CHC records, the State Attorney's Office of the Republic of Croatia (DORH) is in possession of information concerning 214 persons killed, out of which 167 were killed as victims of war crimes and 47 as victims of murder. When explaining these substantially different figures, DORH states that very often no distinction is made between victims of murder and victims of war crimes – in respect of which there is no criminal liability for their killing/death by the warring sides (Documenta 2012: 31).

Concerning criminal proceedings in Croatia, the families of victims are disappointed. So far, not a single person has been convicted for the war crimes committed during and after Operation Storm. There have been 3 criminal proceedings before Croatian courts against 10 persons for war crimes committed during and after Operation Storm. Proceedings for the killing of six elderly Serbian civilians in Grubori during Operation Storm, which was also mentioned in an indictment and first level verdict at the ICTY, are on-going. Similarly, proceedings for the killing of an elderly Serbian couple in Prokljan and one prisoner of war in Mandići have not yet been closed. In 2001 an investigation on the killing of three civilians in Laškovci and Dobropoljci was carried out, however, the prosecution dropped charges due to lack of evidence. It is in this context that calls for justice remain and it is important to reflect on the acquittals of Gotovina *et al.* and local reactions to them.

2.2 Significance of the acquittals and local reactions

The acquittals of Gotovina and Markač triggered euphoria amongst the vast majority of the public in Croatia. Formerly widespread claims of the ICTY being 'anti-Croatian' were replaced with statements that with the acquittal of the Croatian generals 'the War for Homeland has finally ended' and that 'Croatia

has regained its innocence'. Thus, the complex reality of war in which notions of a defensive war have been mixed with elements of civil war has been painted in simplified black and white colours, attributing all evil and all harms done to one side only. Euphoric Croats waved national flags and held up photos of the generals alongside banners reading "Pride of Croatia", while patriotic songs blasted from speakers (Boris Pavelić in *Balkan Insight*). In response, human rights organisation *Documenta* has issued a statement, emphasizing the need to bear in mind the victims' families and warning that we must not let the crimes committed during Operation Storm remain a tragedy without an epilogue (*Documenta* 2012).

During Operation Storm, hundreds of civilians were killed and thousands of houses and other objects were burnt down. In addition, almost half of the refugees that fled during the operation are still waiting to return to their homes (according to UNHCR data, 132'922 persons have returned to Croatia, out of which 48 percent returned permanently, while the rest only occasionally visit their former homes). According to the information gathered by different international organizations, some 200'000 Croatian citizens of Serbian nationality escaped to Bosnia and Herzegovina and to the former Socialist Republic of Yugoslavia after Croatian army actions in the former sectors West, North and South in the summer of 1995.

Regardless of the verdict by the Appeals Chamber in the cases against Gotovina and Markač, families of victims have a moral right to expect that perpetrators are held responsible, according to the view of *Documenta*, no matter whose side the perpetrators were on during the war and no matter in whose names the crimes were committed. We would like to highlight once again that there are crimes known by the Croatian authorities and the public which have never been prosecuted, including the killings of civilians in Golubić, Gošić, Varivode and Mokro Polje in the Knin area, the attack on a refugee convoy between Glina and Dvor resulting in the death of a large number of civilians, and the murders in Komić in the Korenica area, among others. Some of these crimes have been processed, but the final verdicts of the trials are slow to arrive.

President Josipović and Prime Minister Milanović expressed their enthusiasm about the acquittals. However they both pointed out in their first public addresses that crimes have been committed during and after Operation Storm and that the Croatian judiciary should prosecute the perpetrators. In Serbia, the acquittals of the Croatian generals stirred up quite the opposite reaction. Understandably, the acquittals left the victims deeply frustrated and with a feeling of injustice. However, the leading politicians were appalled by the news of the acquittal of Gotovina and Markač. Their assessment was that the ICTY had held a political and anti-Serbian trial. They criticised the Croatian authorities and reduced cooperation with the ICTY to a technical minimum (*Documenta* 2013).

Zoran Pusić, President of the Civic Committee for Human Rights, has pointed out: "At the moment, Croatia should call for an initiative to calm down the situation, redress the wrongdoings and give equal attention to all war crimes. The Serbian side feels damaged by what they perceive as a fundamental injustice – not so much due to the acquittal of Gotovina and Markač itself but much more with the implications arising from the judgment. The judgment implies that crimes against Serbian victims were insignificant and that farmers left their homes, property and livestock and embarked on years of refugee life out of spite almost. It is easy to act smart and superior now saying that the main problem lies with the Serbs and Serbian politicians and their inability to face the truth of Serbia being the aggressor. But let's just imagine for a moment the scope of bitter and irrational reactions that would have emerged from the Croatian public and the politicians had the Appeals Chamber's fine majority tilted the balance towards the other side. This is not an important football match where one team won on penalties or got awarded a dubious penalty. This is the moment when the choice of actions to a large degree might determine the future relations in the region, especially between Croats and Serbs (for the most individuals that are still not seeing these relations as a private matter). I hope it is not too much to expect from both Croatian and Serbian politicians to show a higher level of rationalism than that demonstrated by football fans. I hope they will show rationality and empathy that have always been lacking in this region. In this case, when one has to keep in mind that the world is sometimes much more complex than it seems, these two values have been most clearly shown by Gotovina himself" (2012).

2.3 Implications for the future in terms of dealing with the past

Concerning compensation to the families of the victims, some hope for justice can be seen in a recent court decision. At the Municipal Court in Knin, a judgment was passed on 23 January 2013, stating that the Republic of Croatia must pay reparation payments of 540,000.00 KN to Jovan Berić and his sisters Branka Kovač and Nevenka Stipišić, whose parents Radivoje Berić and Marija Berić were killed in the village of Varivode at the end of September 1995, more than 45 days after the end of Operation Storm.

Initially, the courts in Knin and Šibenik rejected the claims for restitution, which were lodged by the plaintiffs in 2006. However, in January 2012 the Supreme Court of the Republic of Croatia quashed the judgements passed by the lower instance courts and remanded the cases for retrial. In the explanation of the Supreme Court's ruling, it was stated that the father and mother of the plaintiffs had been killed by firearms in the courtyard of their family home and that another 9 elderly persons of Serbian ethnicity had been killed in the village on the same day that the plaintiffs' parents had been killed, that the case represented a terrorist act with the aim of causing fear, terror and insecurity among civilians, for which act the Republic of Croatia is held

accountable and that the obligation of paying the damage restitution did exist regardless of the fact of whether the perpetrator of the crime himself has been convicted or not (Documenta 2013).

Finally, the courts have held accountable the Republic of Croatia for non-punishment of perpetrators of the cruel killings in Varivode. This judgement brought, at least, a partial satisfaction to family members of those killed, and it helped to restore citizens' trust in the Croatian judicial system (Documenta 2013).

The State Attorney's Office of the Republic of Croatia and the Serbian Office of the War Crimes Prosecutor have requested the ICTY's documentation in the case of Gotovina *et al.*, However, it is feared that, due to inefficiency in prosecution of these crimes thus far, but also due to the weakening of international political pressure resulting from the accession of the Republic of Croatia to the European Union, the Croatian judiciary will not pursue prosecutions for the war crimes committed during and after Operation Storm to any significant degree. It is vital that the Croatian judiciary takes full responsibility for the prosecution of war crimes committed as part of Operation Storm and for the Croatian government to secure reparations to civilian war victims.

Thinking beyond this justice gap we can also say that there is a need for more than retributive justice through the verdicts of domestic and international courts. Victims and their families expect acknowledgment of their suffering and new generations have the right to learn history based on facts. There has been hardly any progress concerning either material or symbolic reparations for the victims and survivors of the war crimes. In Varivode the only acknowledgement which the victims have received thus far is the erection of a monument dedicated to Serbian civilian victims in 2010. One must then ask, regarding dealing with the past, whether more monuments will follow and whether the Ministry of Justice will consider implementing an inclusive reparations policy involving all civilian war crime victims.

Acquittal of Ramush Haradinaj and War Crime Prosecution in Kosovo

Nora Refaeil

3.1 ICTY's Double Acquittal

In 2005 Ramush Haradinaj, former commander of the KLA in Dukagjin area, together with Idriz Balaj, and Lahi Brahimaj, were charged as members of a joint criminal enterprise or, alternatively, under other modes of individual criminal responsibility, with war crimes and crimes against humanity allegedly committed by them or by other members of the KLA in 1998 against Kosovo Serbs, Kosovo Roma/Egyptian, Kosovo Albanian or other civilians in a compound of the Kosovo Liberation Army in the village of Jabllanicë/Jablanica in Gjakovë/Đakovica municipality (Prosecutor v Haradinaj/Balaj/Brahimaj 2005). When the ICTY indictment was issued, Haradinaj stepped down immediately from his position as Prime Minister and - as opposed to Karadžić, Mladić and other war crime fugitives - submitted himself voluntarily to the custody of the court.

In April 2008, the Trial Chamber acquitted Haradinaj of all charges (Prosecutor v Haradinaj et al., 2008). But on 21 July 2010, the Appeals Chamber partially quashed the acquittals and ordered a partial re-trial. The Appeals Chamber found that the Trial Chamber had failed to take sufficient steps to counter the witness intimidation that permeated the trial, in particular, to facilitate the Prosecution's request to secure the testimony of two witnesses. According to the Appeals Chamber, the Trial Chamber's error undermined the fairness of the proceedings and resulted in a miscarriage of justice (Prosecutor v Haradinaj et al., 2010).

On 29 November 2012, the Trial Chamber acquitted Ramush Haradinaj of all charges. The judges stated that while crimes had occurred, they found no evidence that Ramush Haradinaj had directly participated in the crimes or could be held criminally responsible. Rather, they said, there was evidence showing that he had tried to prevent crimes by his underlings stating to them "no such thing should happen anymore because this is damaging our cause" (Prosecutor v Haradinaj et al., 2012).

Upon his return to Kosovo, Haradinaj was received by the Prime Minister Hashim Thaci at the airport and welcomed by more than 100,000 people celebrating his acquittal. Addressing crowds, Haradinaj stated that his acquittal also meant "our struggle was just and clean". He also said "Our people have gone through great suffering, and now my plan is to become prime minister of Kosovo and build our society and economy for all Kosovans – Albanian, Serb, Roma, everyone" (Vulliamy 2012).

3.2 The Conflict

In 1998, after almost a decade of systematic human rights violations primarily by the Serbian police, an armed conflict erupted between the KLA and Serbian military, police, and paramilitary forces operating under Milosevic. The fighting resulted in massacres and massive expulsions of ethnic Albanians

and ended formally with the North Atlantic Treaty Organisation (NATO) intervention in June 1999. It is assumed that the number of the killed, fallen and missing persons in Kosovo from 1998 until the end of 2000 is around 13,146 (10,495 Albanians, 2,077 Serbs, 186 Roma, 388 other) (Humanitarian Law Centre). By the end of December 2011, the total number of missing persons in Kosovo stood at 1790, out of which 1299 are Kosovo-Albanians (1134 males, 165 females) and 499 Non-Albanians (393 males, 106 females) (EULEX/DFM 2011).

Today, more than 10 years after the end of the conflict, the population still suffers under poverty, lack of opportunity and lack of access to basic services. According to the United Nations Development Program (UNDP) Human Development Report these problems "spring from decades of social fractures, repression and power imbalances. They include gender discrimination, ethnic enclaves, corruption, nepotism, income inequalities and deep rural-urban divides" (UNDP Kosovo Human Development Report 2012). According to the latest UNDP led survey on the perceptions of transitional justice (UNDP 2012), the communities in Kosovo state that it is very important for justice that all war crime perpetrators are punished for the crimes committed. At the same time, they are more reluctant than in 2007 to think of perpetrators of war crimes as criminals.

Behind this background and in view of the hard struggle to meet daily needs, the subject of justice has a very specific meaning in Kosovo. Acknowledging and addressing war crimes committed by Albanians during their liberation war will not be a priority for the Albanian community as long as Serbia politically denies the acknowledgement of responsibility for the crimes committed against the Albanians and undermines Kosovo's newly independent statehood. It is thus clear that the pursuit of justice in this regard is the responsibility of the international community.

3.3 War Crime Prosecutions and the Public Reaction

While the strategy of the ICTY Office of the Prosecution was to focus on "high level, civilian, police and military leaders, of whichever party to the conflict who may be held responsible for crimes committed during the armed conflict in Kosovo" (ICTY 1999: para. 3), it was made clear that the primary investigative and prosecutorial responsibility would lie with the United Nations Interim Administration Mission for Kosovo (UNMIK) (ICTY 1999: para. 6) until the point at which European Union Rule of Law Mission in Kosovo (EULEX) became operational in early 2009.

Up until December 2012, the ICTY had indicted a total of 14 individuals, both Serbs and Kosovo Albanians, for crimes committed in Kosovo. Of this total, cases against five individuals have been completed and two cases are at the appeals stage. The trial against Haradinaj is particularly politically significant in that it was the first proceeding against a high level Kosovo Albanian.

By December 2008, only approximately 40 war crime cases had been completed in Kosovo courts (Amnesty International 2012:16) while UNMIK handed over to EULEX approximately 1,187 acts of suspected war crimes with an additional 50 cases which had already been referred for indictment (United Nations 2009). Today, EULEX seems to have around 700-750 open war crime cases subject to further investigation. Against this background, there is broad consensus that the international community has failed to establish justice in Kosovo and that a culture of impunity still prevails today (Amnesty International 2012:18).

While the first trial against Haradinaj *et al.* was conducted under the impression of massive witness intimidation, this was less the sense in the second trial. Nonetheless, today witness intimidation is seen as one of the major obstacles to establishing responsibility for crimes committed during and after the conflict in Kosovo. Beyond witness intimidation, the underlying causes for the high number of unresolved war crime cases, crimes against humanity including rapes and enforced disappearances, as well as other inter-ethnic crimes are manifold and include: the resolving of war crime cases not being a priority, lack of political will, insufficient resources allocated to handling cases, short term appointment of mission personnel without relevant experience, insufficient witness protection program (EULEX mandate), lack of cooperation with the local stakeholders, lack of protection of local prosecutors and members of the judiciary, a weak domestic justice system, interference by the executive, a legacy of incomplete documentation and lack of evidence (Amnesty International 2012, Council of Europe 2011b, OSCE 2010 & 2012).

Today, there is unanimous agreement to prioritize corruption and organized crime cases. This is the message that EULEX officially and publicly sends and to which it allocates the majority of its resources. This is also what the broad public requests and supports. In fact, it seems almost as if the success or failure of the EULEX mission will be measured by whether the mission has successfully combated corruption or not. Confronted by a lack of resources and mismanagement on a daily basis, the Kosovo Albanian population demands a concerted fight against corruption while at the same time they are deeply disturbed by war crime prosecutions against their own heroes (Refaeil 2012).

Contrary to the Ante Gotovina case where he was sentenced to 24 years of imprisonment for the first time while the appeals panel at the ICTY found him not guilty, Ramush Haradinaj was acquitted twice. These verdicts of the ICTY have to be seen as judgments based on the rule of law and as such, they bring an end to open allegations regarding Ramush Haradinaj's personal involvement in war crimes; crimes which according to the ICTY did occur in Kosovo. However, there are three unsettling circumstances which relate to the broader context of establishing justice in Kosovo. Firstly, the internal fights within the prosecution office of the ICTY as to whether or not it was appropriate to indict Ramush Haradinaj. What is particularly concerning is that

many of their arguments have taken place in the public sphere and thus have the potential to undermine the credibility not only of the prosecution office but also of the effort to establish post-conflict justice as such.⁸ Secondly, witness intimidation is still a reality in Kosovo as well as a major obstacle to justice (Council of Europe 2011). And thirdly, any endeavour to deal with past crimes committed by Albanians during the conflict is seen as an untenable attack against the legitimacy of the liberation war and its heroes. It is not broadly accepted by Kosovo Albanians that a judicial review of alleged crimes committed in a conflict and the adjudication of individual responsibility should remove the appearance of collective guilt and undermine the legitimacy of the cause.

3.4 Dealing with the Past

What is clear is that not dealing with war crimes, or dealing with them inappropriately, is a huge obstacle to overcoming the past and also to inter-ethnic reconciliation as members of the victim's families have stated over and over again. Several separate workshops with Albanian and Serbian victims and their families showed that open war crime cases perpetuate despair, anger, bitterness and a sense of victimhood.⁹ It is also the case that they can undermine trust in the Kosovo executive and justice institutions and the international community's presence for supporting the transition in Kosovo. The Kosovo Albanian victims are deeply frustrated by the fact that it is almost impossible to bring Serbian perpetrators to justice in Kosovo. At the same time Serbian families of victims ask how they can rely on institutions which refuse to deal with crimes committed against their loved ones. In separate meetings, members of both communities set the same fundamental prerequisites for reconciliation: to learn what happened to their deceased/missing family members, to establish responsibility of the perpetrators and to ensure reparations. It was in particular women who demanded justice in the workshops because they are still suffering from gender-based violence while the discussion of their human rights violations in society is still a taboo.

The ICTY judgment has removed the charges against the accused and specifically has acquitted Ramush Haradinaj – one of the most important figures in the Kosovo Liberation War. But the court also stated that crimes did happen. The ICTY and the EULEX led war crime trials could be taken as an opportunity to deal with what happened during the conflict. Haradinaj stated that he wants to be the prime minister of all Kosovans. Any person who aspires to represent Kosovo's inhabitants will have to clearly demonstrate that dealing with the past without taboos with regard to war crime justice is a necessary step towards establishing the rule of law. Further, this person will need to show that meeting the needs of the victims irrespective of their ethnicity and with a gender-sensitive lens is crucial for aiming towards a reconciled society and a just and lasting peace.

8 The former Director of Public Prosecutions, Lord Madonald of River Glaven QC said in an interview with the Observer: "This prosecution was a stupid attempt to equate resistance with aggression. (...)". The Observer, 2 December 2012, <http://www.guardian.co.uk/world/2012/dec/02/ramush-haradinaj-kosovo-acquitted>; see also Geoffrey Nice's statement in B92: http://www.b92.net/eng/news/crimes-article.php?yyyy=2008&mm=04&dd=10&nav_id=49282.

9 In 2011 and 2012, the author of this article, during her mandate as the Special Adviser on Dealing with the Past with the International Civilian Office in Kosovo, conducted workshops on truth-seeking, reparations, criminal justice and reconciliation with a variety of stakeholders including Albanian and Serbian civil society representatives and members of victims' families.

"There is no Justice without Injustice"

Three propositions on the right to justice and some reflections on Dealing with the Past in the Balkans after the ICTY

Gotovina and Haradinaj verdicts

Jonathan Sisson

4.1 First Proposition: "Not only must Justice be done; it must also be seen to be done."

Many in the legal field will be familiar with this aphorism, coined many years ago by Lord Chief Justice Gordon Hewart.¹⁰ The phrase refers to an inherent tension between the objective and the subjective dimensions of justice - that 'justice' depends not only upon the quality of the legal judgment delivered, but also on the perception that the trial proceedings were fair and effective and that the judgment itself is just. What it means quite simply is that, whatever standard is applied, justice must always be consensual. The credibility and, in the end, the legitimacy of the justice system are based on society's consent to the judicial process. This is not to say that the public must agree with every decision of the courts or that court decisions must be pleasing to the public. It does mean, however, that the public must trust that fairness and equality before the law prevail and that, in this sense at least, justice is seen to be done.

The response in the Balkans to the verdicts in the Gotovina and Haradinaj cases has not sustained this view. On the one hand, both the governments of Croatia and Kosovo are calling for an independent investigation of the work of Carla del Ponte as former UN Chief Prosecutor, charging her with an abuse of power in raising indictments in the two cases. In Serbia, on the other hand, the verdicts have called forth protest not only on the part of the government, as might be expected, but also from civil society organizations normally supportive of the ICTY. For example, the Humanitarian Law Center (HLC) (in ReCom Initiative Voice 2012: 9) issued a statement which read: "The ICTY's final judgment in the trial of General Gotovina and General Markač has brought no justice to the victims. The decision of the Appeals Chamber establishes no responsibility on the part of the Republic of Croatia for the crimes committed during and after *Operation Storm* and no joint criminal enterprise, or even individual responsibility on the part of the generals has been established." The HLC (Ibid.) statement concludes with the critical assertion: "This judgment reduces the mass crimes committed during and after the military-police *Operation Storm* to isolated incidents. From now on, no one will criticize the Croatian authorities for their reluctance or failure to prosecute the war crimes committed against Serbs."

¹⁰ Lord Justice Gordon Hewart, in: *Rex v. Sussex Justices ex parte McCarthy* (1924), an English criminal case that became famous for its precedence in establishing the principle that the mere appearance of bias is sufficient to overturn a judicial decision.

4.2 Second Proposition: "What has happened at the Tribunal is far from justice and will be interpreted by observers in the Balkans and beyond as the continuation of war by legal means" (Harland 2012).

In addressing a legacy of past abuses, the process of criminal accountability can serve several purposes. Prosecutions can provide victims with a sense of justice and personal closure - a sense that their grievances have been addressed and can now be put to rest. They provide a public forum for the judicial confirmation of forensic evidence and historical facts. In a context dominated in the past by a culture of impunity, they send a clear signal that aggressors and those who attempt to abuse the rights of others will henceforth be held accountable. Of equal importance for the purpose of societal reconciliation is the fact that trial proceedings individualize responsibility for past abuses. It is specific individuals - and not entire ethnic, religious, or political groups - that are responsible for the crimes committed. It is those individuals who must be held accountable. In this way, international justice rejects a culture of collective guilt and retribution that often produces further cycles of resentment and violence (Kritz 1997).

That having been said, it is necessary to acknowledge that war crime trials are by nature divisive, particularly in contexts, such as the Balkans, that are structurally divided along political, socio-economic, and ethnic lines. Rather than serving as means of closure, domestic war crime trials are subject to manipulation by political elites and thus can serve to prolong the conflict. In Bosnia and Herzegovina, for example, verbal attacks by senior politicians on the War Crimes Chamber of the BiH State Court and other local judicial institutions engaged in investigating and prosecuting war crimes have seriously undermined efforts to prosecute such cases (Tolbert 2012).¹¹ These interventions, together with the denial of war crimes - including the genocide in Srebrenica in July 1995 - have given rise to a culture of revisionism that is dangerous to ignore.

The acquittals in the Gotovina and Haradinaj cases touch upon this unresolved animosity and threaten to amplify the worst political instincts of the peoples of the former Yugoslavia: A sense of persecution among Serbs, of triumph among Croats, of victimization among Bosnian Muslims, and the vindication among Kosovo Albanians of their struggle for liberation as a just war in all respects (Ibid.).

11 Another example is the separate investigations conducted by the prosecutions of both Serbia and Bosnia and Herzegovina, concerning events in Dobrovoljacka Street in Sarajevo in May 1992, when a convoy of Yugoslav Army soldiers was attacked and an undetermined number of soldiers killed. In this regard, see Mackic & Erjavac (2009).

These positions are representative of a particular nationalist sentiment and yet each has some basis in fact and each is subject to exaggeration and manipulation by politicians on all sides. In this highly charged atmosphere, it is hardly surprising that the ICTY has been accused repeatedly over the years of being politically motivated in issuing indictments and handing down judgments. In point of fact, however, the ICTY set a precedent by ending the

impunity of those senior political and military officials responsible for some of the most grievous crimes committed during the wars in the former Yugoslavia. Whatever its weakness as an institution, the ICTY has proven that international criminal law is enforceable.

4.3 Third Proposition: "There is no Justice without Injustice"

A brief look at statistics: The ICTY has indicted 161 persons for serious violations of international humanitarian law committed on the territory of former Yugoslavia. By the end of November 2012, trials had been concluded for 130 accused, while proceedings were still on-going for 31 persons, including the cases filed against Radovan Karadžić and Ratko Mladić.

It is on the domestic level, however, that the vast majority of war crime cases will be adjudicated. In Bosnia and Herzegovina alone, the 2008 National War Crimes Strategy identified several thousand cases for investigation. The strategy envisaged that the most sensitive war crimes cases should be completed within seven years, i.e. by 2015, and all others cases within fifteen years, i.e. by 2023. Currently, there is a backlog of some 1'320 cases. In a recent interview, Serge Brammertz, Chief Prosecutor of the ICTY, gave a pessimistic analysis of the situation, stating that without substantial structural changes of the current judicial system as well as significant additional resources and a clear political commitment from all sides, the war crimes strategy would fail (Radio Free Europe/Radio Liberty 2012).

All this must be viewed against the number of victims in the region. The total number is unknown. There has been no official fact-finding process to accompany the judicial proceedings in the region that might have produced reliable statistics. However, years of research conducted by civil society organizations have established a basis for reasonable estimates of the number of human losses. We can now assume with some certainty, for example, that some 100'000 persons from all sides were killed or went missing in the conflict in Bosnia and Herzegovina,¹² while more than 13'500 persons were killed or disappeared in Kosovo (Kosovo Memory Book).¹³ This number does not include other categories of civilian victims, such as refugees and IDPs, torture victims, survivors of sexual and gender-based violence, etc.

12 On the statistics for human losses in Bosnia-Herzegovina, see Nettelfield (2010). Regarding the recent publication of the *Bosnian Book of the Dead*, as a joint effort by the Research and Documentation Center in Sarajevo and the Humanitarian Law Center in Belgrade, see *Fond za Humanitarno Pravo* (2013).

13 The statistics on human losses in Kosovo are being published under the title of *The Kosovo Memory Book* as a joint project of the Pristina and Belgrade offices of the Humanitarian Law Center.

Clearly, the numbers do not add up. In no measure can the limited number of prosecutions provide satisfaction to such a vast number of victims. The 'justice' delivered by the ICTY and the domestic courts in the region will always be to some extent a symbolic form of justice. A judgment, even if it is a conviction, cannot replace the loss of a loved one or restore the mental health of a woman or a man affected by the traumatic events of the past.

4.4 Some Reflections on Dealing with the Past in the Balkans after the ICTY Verdicts

The Right to Justice has been the dominant paradigm for addressing grave violations of international humanitarian and human rights law in the Balkans since the establishment of the ICTY in 1993. Nevertheless, it is not and should not be the only means of confronting that legacy. The duty of the State in providing satisfaction for victims requires a more comprehensive and inclusive approach to Dealing with the Past, as illustrated in the diagram in Figure 1 below.¹⁴ The need for a holistic approach in the Balkans, which includes initiatives in the field of truth-seeking, reparations, and institutional reform in addition to the pursuit of justice, is all the more evident in light of the controversy following the recent ICTY judgments.

One of the most important non-judicial initiatives is the civil society coalition to establish a regional commission, known as ReCom, to determine the facts about war crimes and other grave breaches of human rights in the former Yugoslavia in the period from 1991 to 2001. The proposed commission would compile a list of all those killed and missing during the wars and an inventory of prison camps and other detention centres. In addition, it would organize public hearings with the object of acknowledging the injustices suffered by the victims of the conflict across the region. The ReCom coalition submitted a draft statute for ReCom together with a petition with some 545'000 signatures of support to the Presidents of all the successor states of former Yugoslavia in June 2011. Recently, the initiative gained new momentum when the Presidents of Croatia, Montenegro, and Macedonia announced the appointment of personal envoys to ReCom (ReCom 2013).

A regional fact-finding commission would supplement, but not necessarily replace national truth-seeking efforts. Important steps in this regard have been undertaken on the state level by the governments of Bosnia and Herzegovina and Kosovo. In Bosnia and Herzegovina, a working group under the auspices of the Ministry of Justice and the Ministry of Human Rights and Refugees has now produced a national strategy for transitional justice with a focus on local truth-seeking initiatives and on memorialization. In Kosovo, the Office of the Prime Minister has just established an Inter-Ministerial Working Group, including the involvement of civil society representatives, tasked with the mandate to develop a national strategy for Dealing with the Past and reconciliation.

Other significant developments on a regional level pertain to the resettlement of refugees and displaced persons and to the search for missing persons. In April 2012, an international conference of donors held in Sarajevo with the participation of the governments of Bosnia and Herzegovina, Croatia, Montenegro, and Serbia took the decision to establish a joint Regional Housing Program to assist the voluntary return and reintegration of some 74'000 refugees and displaced persons in the region. In October 2012,

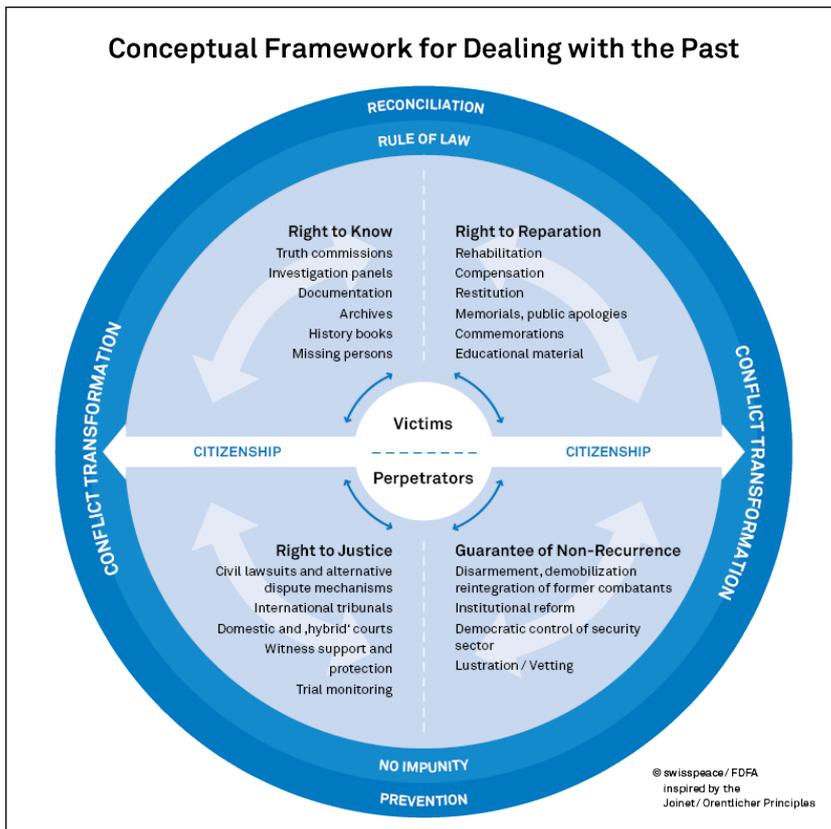
¹⁴ For an explanation of the diagram, see: (Sisson 2010).

representatives of the Bosnian, Croatian, and Serbian governments agreed to sign bilateral agreements on cooperation concerning the search for missing persons and to create a common database for all missing people in the region in view of the fact that many of the relatives of the missing no longer live in their places of origin, where the disappearances took place.

The significance of these initiatives lies in the recognition that retributive justice alone cannot provide adequate redress to victims nor can it satisfy the duty of the State to remember what happened in the past in order to prevent violations from recurring in the future. Almost two decades after the events concerned, the States in the region have still not fulfilled their obligations in this regard.

"Dealing with a legacy of serious human rights violations is one of the most difficult challenges facing post-conflict societies. No standard model exists for Dealing with the Past. International norms and standards with their attendant mechanisms are still evolving and must be tested and re-tested in practice. But this much is known: In order to re-establish fundamental trust and accountability in society, there is a need to acknowledge publicly the abuses that have taken place, to hold those responsible who have planned, ordered, and committed such violations, and to rehabilitate and compensate victims. This process of Dealing with the Past is a necessary precondition for the establishment of the rule of law and the pursuit of reconciliation". (Sisson 2010:11).

Figure 1



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About swisspeace

swisspeace is an action-oriented peace research institute with headquarters in Bern, Switzerland. It aims to prevent the outbreak of violent conflicts and to enable sustainable conflict transformation.

swisspeace sees itself as a center of excellence and an information platform in the areas of conflict analysis and peacebuilding. We conduct research on the causes of war and violent conflict, develop tools for early recognition of tensions, and formulate conflict mitigation and peacebuilding strategies. swisspeace contributes to information exchange and networking on current issues of peace and security policy through its analyses and reports as well as meetings and conferences.

swisspeace was founded in 1988 as the “Swiss Peace Foundation” with the goal of promoting independent peace research in Switzerland. Today swisspeace engages about 40 staff members. Its most important clients include the Swiss Federal Department of Foreign Affairs (FDFA) and the Swiss National Science Foundation. Its activities are further assisted by contributions from its Support Association. The supreme swisspeace body is the Foundation Council, which is comprised of representatives from politics, science, and the government.

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