

PROPOSED RECOM STATUTE SUMMARY

RECOM is an international commission established by post-Yugoslav states [parties to the Agreement] on the basis of the provisions set forth in the Statute. The mandate of the Commission is for three years and it can only be extended for an additional six months. The Commission is funded by parties to the Agreement and through donations.

Composition of the commission

The Commission shall have 20 (twenty) Commissioners, of which:

- Five members shall be selected in Bosnia and Herzegovina;
- Three members shall be selected in Croatia, three in Kosovo, and three in Serbia; and,
- Two members shall be selected in Macedonia, two in Montenegro and two in Slovenia.

Selection of commissioners

The President or the Presidency of the Party to the Agreement shall make the final decision on the Commissioners to be selected from the shortlist submitted to them by the selection panel.

Offices

The Main Office of the Commission shall be in Sarajevo, Bosnia and Herzegovina. The Commission will establish other Offices in countries party to the Agreement. The Commission can form mobile inquiry teams.

Objectives

- To establish the facts about war crimes and other gross violations of human rights committed on the territory of the former SFRJ in the period from January 1, 1991 until December 31, 2001;
- To establish the political and societal circumstances that decisively contributed to the outbreak of wars or other forms of armed conflict and to the commission of war crimes and other gross violations of human rights, and inquire into the consequences of the crimes and violations, including those which became manifest after 2001.
- To acknowledge injustices inflicted upon victims in order to help create a culture of compassion and solidarity with victims;
- To help clarify the fate of the missing persons; and,
- To help political elites and societies in post-Yugoslav states to accept the facts about war crimes and other gross violations of human rights.

Functions

- Collecting information on war crimes and other gross violations of human rights, providing a detailed account of the crimes and other violations, and describing patterns of abuse and their consequences;

- Collecting information pertaining to the fate of missing persons and cooperating with competent bodies of the Parties to the Agreement conducting the search for the missing;
- Compiling registers of human losses related to wars or other forms of armed conflict;
- Collecting information on places of confinement, individuals who were unlawfully confined, tortured or subjected to inhumane treatment, and compiling a comprehensive list of the places and victims, with the application of identity protection measures where necessary;
- Holding public hearings of victims and other persons about war crimes and gross violations of human rights;
- Recommending reparations to the victims; and,
- Compiling, publishing and presenting its Final Report in a manner that will facilitate broad access to the Report by the citizens of the states concerned.

Competencies

The Commission shall establish the facts related to war crimes and other gross violations of human rights, where the crimes and violations include, but are not limited to, the following: genocide, persecution, murder, enslavement, unlawful confinement, torture, forced disappearance, deportation and forcible transfer of civilians, rape and other gross forms of sexual abuse, extensive destruction and appropriation of property, hostage-taking, destruction of religious, cultural and historic monuments and institutions, use of civilians and prisoners of war as “human shields”, and systematic discrimination.

Public hearings of victims and other persons

The Commission shall hold public hearings in order to provide a platform for victims to speak about their suffering and the suffering of their family members.

Public hearings may also include perpetrators of war crimes or other gross violations of human rights, witnesses, and persons who helped victims.

Giving statements at a public hearing shall be voluntary.

State-owned electronic media, i.e. public service broadcasters, shall air public hearings live or record them for later broadcast. Commercial electronic media shall be allowed to air public hearings under the same terms and conditions as the public service broadcasters.

Thematic sessions

The Commission may hold public sessions focused on the activity of state institutions, political organizations, cultural and scientific institutions, churches and religious communities, and the media before and during the wars or other forms of armed conflict, in relation to the commission of war crimes and other gross violations of human rights.

Findings on war crimes and other gross human rights abuses

The Commission may conclude in the Final Report that the established facts lead to a serious suspicion that an individual committed a war

crime or other gross violation of human rights. Such findings shall not have the effect of a court decision and shall not prejudice the outcome of criminal proceedings, if any.

The Commission is under an obligation to:

- Give that person reasonable notice of the intention to make the finding;**
- Disclose to that person the contents of the proposed finding, the relevant material drawn upon for that finding, and the reasons on which the finding is based;**
- Give that person an opportunity to respond to the proposed finding within a reasonable period of time.**

Publishing the final report

Three months prior to the expiry of its mandate, the Commission shall publish its Final Report.

The Commission shall submit its Final Report to the Presidents and Presidencies of the Parties to the Agreement and at the same time publish it on the official web site of the Commission in all the official languages of the Parties to the Agreement and in English, as well as in audio-format.