

## The Topic of the Issue - REGIONAL COOPERATION

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### REGIONAL COOPERATION

#### Editorial Board

The statement that it is difficult to conquer the present and build the future unless first one does not master the past nowadays seems to be somewhat like a general point. We are living in times in which effective and concrete strategies to face the heritage of war crimes in the region are needed much more than big words. These strategies must be implemented immediately, here and now, despite and in parallel with the process of modernization of the local societies and their declaratory endeavors to join the family of integrated European peoples on an equal footing and answer the challenges of transitional changes.

It is, however, no general point when it is said that cooperation of politicians, judiciaries, media and non-governmental organizations of Serbia and Montenegro, Croatia and Bosnia and Herzegovina aimed at encouraging each of the nations in the region to face its own past and misdeeds of certain members of one's own nation who in the name of an alleged patriotism committed war crimes – represents one of the most important elements of the strategy of facing one's own crimes. It is exactly these members, including those in leading positions, who carry the responsibility for committed crimes and if they should not be brought to justice, whether by the international judiciary, or by the national courts, responsibility for committed crimes will be attributed, whether we want it or not, to national collectivities.

Realizing how significant are the interaction and mutual efforts of the judicial systems of all the three mentioned countries, as the theme of this issue of *Pravda u tranziciji* we have chosen regional cooperation, which in the last years, despite lingering, prejudices and resistance, is constantly growing. We have started from the belief that only through honest and efficient regional cooperation of the prosecutors' offices, the courts and investigation organs, with the support of the international community, can be established the full material truth and apportioned individual criminal responsibility, with national affiliation of the perpetrators and victims not being of primary importance. To speak of regional cooperation in facing the committed crimes means to speak of concrete and visible forms of cooperation such as, for instance, exchange of evidence through international legal assistance on the regional level, interaction of all expert organs in charge of prosecution and trying war crimes in each of the countries in the region, the strengthening of the communication networks of the police, the prosecutors and judicial authorities in Croatia, Bosnia-Herzegovina, and Serbia and Montenegro, in order to create an efficient mechanism for a prompt exchange of information, witnesses' statements and other evidence, as well as for witness protection.

Opening the dossier on the achievements and problems of regional cooperation in the process of facing the crimes, we stand for the implementation of this cooperation starting from the idea that professionalism and expertise should not know borders, and that judicial experts of the countries in the region are to the greatest extent directed to mutual assistance and cooperation in prosecuting war crimes and other violations of international humanitarian law in the territory of the former Yugoslavia, and that they have the identical aim – to achieve justice for the victims.

In an exclusive contribution to *Pravda u tranziciji* the Chairman-in-Office of the OSCE, the Slovenian Foreign Minister Dimitrij Rupel, stresses that long-term stability, the strengthening of the rule of law and developed and constructive relations among the states of former Yugoslavia are impossible unless those responsible for war crimes remain unpunished. Genuine freedom of movement in the region, sustainable return of refugees and internally displaced persons, and prevention of any kind of future conflicts can be realized only if trust in the judicial system and the state are rebuilt. The suffering of the victims must be publicly recognized, and those responsible punished on the basis of court trials with respect of their rights as accused. Rupel notes that the judiciary of Bosnia and Herzegovina, Croatia, and Serbia and Montenegro have recognized the significance of regional cooperation as a basis for successful and legally founded war crimes trials. The Hague Tribunal also thinks that regional cooperation is one of the important conditions for transferring cases to national judiciaries in accordance with the Tribunal's exit strategy. The European Union, in accordance with the Copenhagen criteria for accession to the EU, is also attaching exceptional significance to the prosecution of war crimes and regional cooperation.

If accomplishment of these goals represents the ambition of all regional participants in the cooperation, very encouraging are the words of the deputy war crimes prosecutor of Serbia Bogdan Stankovic that the War Crimes Prosecutor's Office of Serbia is receiving on a daily basis requests for cooperation from colleagues from Croatia and Bosnia, that he sends them similar ones, and that the accomplished level of

cooperation and established communication promises that mutual assistance in the investigation procedures between the respective organs of Croatia, Bosnia-Herzegovina and Serbia will in the future rise and achieve the wanted goals. Stankovic's words are confirmed by Medzida Kreso, President of the State Court of Bosnia-Herzegovina, who says that communication is intensive, that there are regular meetings of responsible judicial functionaries from Bosnia-Herzegovina, Serbia and Croatia, which "makes possible", as she says, "to skip over all those institutions which hesitate – ministries of justice, foreign ministries" and to solve open issues in direct contact. Her colleague, Marinko Jurcevic, Chief Prosecutor of Bosnia-Herzegovina, underlines the importance of cooperation with the victims of war, i.e. their organizations in all countries in the region. This is a field of cooperation which is of particular importance because the victims "know best what and where happened, who are the perpetrators."

We believe that attention will be attracted by standpoints of prominent representatives of the judiciary and legal sciences from Croatia, the eminent criminal lawyer Professor Ivo Josipovic and the judge of the Supreme Court of Croatia Damir Kos, who present the experience of this neighboring country in regard to the reform of the judiciary and the war crime trials. Their common standpoint is that regional cooperation in these fields has no alternative. Other authors of the "Theme of the Issue" also pledge for pragmatic and concrete professional cooperation of judicial institutions and those working in them. Fields of concrete cooperation are numerous, and one of them is certainly the cooperation of judiciaries which includes participation of witnesses in the initiated proceedings. In the contribution of Pero Jurisin, who is writing about the case "Lora" and the good conduct of the trial by the judge Tonkovic, illustrated are all the advantages of the participation of witnesses from the neighborhood in clearing up responsibility for war crimes. About extradition, also a very important field of regional cooperation in the process of facing crimes, writes Gordana Bozilovic-Petrovic, judge of the County Court in Belgrade and the President of the council in the case "Scorpions" which attracted broadest public attention.

Let us add at the end that the cooperation of UNMIK and the judiciary in Serbia nowadays is exposed to manifold challenges and numerous difficulties, due particularly to events of March 17, 2004, which have to a great extent destabilized the work of judicial organs in Kosovo and Metohija and distracted their attention from other, not less important cases. At this moment, the cooperation of judicial organs of UNMIK and the Republic of Serbia is, no doubt, overshadowed by the political negotiations on the future status of Kosovo and Metohija.