



Geoffrey Nice Foundation on
Law, History, Politics, and Society
in the context of Mass Atrocities

Second Master Class on Law and Politics of Genocide: 20 Years After Srebrenica

held at the Inter University Centre of DUBROVNIK - 28 June to 09 July 2015

and Srebrenica – 10 to 12 July

COURSE DIRECTOR

Nena Tromp (University of Amsterdam, The Netherlands)

Geoffrey Nice (Gresham Professor of Law, London)

Sonja Biserko (Helsinki Committee for Human Rights of Serbia)

This was the second of two successful Master Classes, the first held in 2014 at the IUC Dubrovnik as well. All lecturers acted pro bono.

BACKGROUND

TIME SPAN OF THE PROJECT: Master Class is planned to take place for five consecutive years - 2014, 2015, 2016, 2017, 2018. Although it is held under the general title “Law, History, Politics, and Society in the Context of Mass Atrocities” with the core curriculum being repeated, different sub-topics will be introduced year by year.

SUB-TOPICS:

2014 - International Criminal Tribunals and Retributive Justice

2015 - Legal versus Historical Justice: Understanding Srebrenica according to the International and National Trial Records:

2016 - International Criminal Tribunals and Politics

2017 - International Criminal Tribunals, Reconciliation and Restorative Justice

2018 - International Criminal Tribunals, the Truth and Politics of Memory

OBJECTIVE

The work done by international and national criminal tribunals dealing with mass atrocities has highlighted the need to research the impact of legal proceedings concerned with war crimes on historical and other interpretations of the causes and consequences of armed conflicts and of the atrocities committed in armed conflicts.

The Master Class's objective is to advance a multidisciplinary approach to international criminal justice through exploration of legal, historical, political and sociological methodologies with students of different disciplines from many countries.

The multi-national faculty of lecturers includes academics with backgrounds in law, history, political science and sociology, together with politicians, practicing international lawyers and human rights activists.

The core case study was the massacre at Srebrenica, that occurred 20 years ago and that has been found by international courts to have been a genocide. The human rights tragedy of North Korea – where genocide has yet to be alleged in terms – has seen much recent activity aimed at bringing the problems of North Korea to the ICC before historic and present human rights atrocities are allowed to degrade. It provides a forward looking problem to serve as a counterpoint to historic Srebrenica.

The Master Class's core cohort of students from the Balkans is enlarged by inclusion of participants from Western Europe. These students from outside the region where mass atrocities occurred will enrich their academic curricula by the interdisciplinary approach of the Class and by interaction with colleagues from the region.

COURSE DESCRIPTION

The Master Class covered legal, political and historical aspects of genocide.

The course dealt, on the one hand, with the general topic of genocide identifying the 'politics of genocide' (in particular the politics lying behind genocide allegations when they are first made and politically motivated interference that can occur in the course of genocide trials) and, on the other hand, with the failure of the International Community to prevent genocidal crimes from happening, while they are in progress or in the future.

More specifically, the Master Class dealt with the genocide in BiH in the 1990s.

In 1993 the UN, despite – perhaps because of – its inability to stop the war and the mass atrocities committed against Bosnian Muslim civilians, established the International Criminal Tribunal for the Former Yugoslavia (ICTY) as the first post-Nuremburg international criminal tribunal. Students on the course may have concluded, on the basis of multidisciplinary analysis, that the ICTY's foundation did not, and could not, compensate for failures at the political, diplomatic and military levels to stop the war in BiH. They were able to learn how the ICTY's functioning as a court did not prevent the war in Kosovo in 1999, or facilitate

smooth normalisation of relations in the post-conflict period that followed the Balkan Wars of the 1990s, or deliver substantial reconciliation.

SREBRENICA

The gravest crimes in BiH happened two full years *after* the ICTY was created and some *four* years after there had been daily presence in the territory of ‘internationals’, many of whom foresaw what was to come.

Against this background the Srebrenica narrative is still developing but Victims are losing their voice with the passage of time. Official reports and the records of trials at the ICTY do not provide a full account of what happened because there may be too many powerful parties interested in obscuring the truth.

Twenty years after these events, much research and teaching needs to be done in order to facilitate a proper reconstruction of how this tragedy occurred. Present incomplete narratives may allow for future manipulation at the hands of any who could profit

In post-conflict societies the struggle for control of the historical narrative of the conflict takes over. The historical interpretation of mass atrocities in BiH includes competing narratives, which reflect - and may serve to perpetuate - the pre-conflict ideological divides between the parties to the conflict. Twenty years after the genocide at Srebrenica, despite legal determinations at national and international courts that the crime of genocide *had* been committed there, denial of genocide has been introduced as a historical counter-narrative. Attempts, sometimes successful, to take control of the prevailing historical narrative continue while retributive and restorative justice mechanisms struggle to respond adequately to the needs of the survivors of mass atrocities.

This Master Class offered legal, historical, political and societal insights into the politics of genocide by addressing court judgments, the process of writing history and the political mechanisms that deal, in their separate ways, with the legacy of genocide locally, as well as with the broader political and societal processes of reconciliation and integration.

LECTURERS

1. Diego Arria, Former Venezuela Ambassador at the UN and Head of the UN Fact Finding Mission to Srebrenica in 1993
2. Sonja Biserko, (Helsinki Committee for Human Rights, Serbia)
3. Bert Bakker, former Dutch MP in charge of Srebrenica Parliamentary Survey, The Hague, NL
4. Jakub Bijak, Former ICTY Demographer, University of Southampton, UK
5. Lord Iain Bonomy, Former ICTY Judge, UK
6. Kate Clark, PhD Candidate University of Amsterdam; NGO Hasan Nuhanovic Foundation; War Reparations Centre, University of Amsterdam, NL
7. Professor Robert Donia, Michigan University, USA
8. Donald Ferencz, Planethood Foundation, USA
9. Professor Axel Hagedom, University of Amsterdam; lawyer at Van Diepen&van den Kroef Attorneys, Amsterdam, NL
10. Hikmet Karčić, researcher at the Institute for Islamic Tradition of Bosniaks, Sarajevo, BiH

11. Judge Joanna Korner, former ICTY Prosecutor, London, UK
12. Benedict Rogers, Human Rights Activist, Christina Solidarity Worldwide, UK
13. Geoffrey Nice, Gresham Professor of Law, London, UK
14. Wolfgang Petritsch, Former High Representative for BiH, 1999-2002, Austria
15. Nena Tromp, University of Amsterdam, NL

STUDENTS

1. Emma Bennis, Netherlands (UvA)
2. Ivana Bosnjakovic, Netherlands (University of Tilburg)
3. Pinar Cagli, Turkey
4. Milos Ćirić, Serbia
5. Jamie Brown, Ireland
6. Jelena Džombić, Serbia
7. Beril Eski, Turkey
8. Samir Forić, BiH
9. Melis Gebeş, Turkey
10. Lauren Gomer, UK
11. Rebecca Hadgett, UK
12. Natasha Jackson, UK
13. Amie Kamanda, Sierra Leone
14. Halil Kosumi, Kosovo
15. Harriet Lodge, UK
16. Benjamina Londrc, BiH
17. Diana Mudrinic, UvA, NL
18. Fezile Osum, Turkey
19. Rehana Popal, UK
20. Nikola Puharić, Croatia
21. Branimir Renje, Croatia
22. Wasja Rijs, NL
23. Ajla Skrbic, BiH
24. Edward Smith, UK
25. Jonas Ruben Spitstra, UvA, NL
26. Jovana Spremo, Serbia
27. Christopher Sykes, UK
28. Leutrim Sylá, Kosovo
29. Edona Tolaj, Kosovo

PROGRAMME

Sunday, 28 June

- 14,00 – 15,00** – Geoffrey Nice, Nena Tromp “Introduction”
- 15,00 – 16,00** – Group Formation and Introduction to Practical Exercise
- 16,15 – 16,30** – Break
- 16,30 – 17,30** – Nena Tromp “Why Here?”

17,30 – 18,30 – Film seminar “Billy Budd”

18,30 – 19,30 – Drinks

Monday, 29 June

09,00 – 11,00 – Nena Tromp “History of the Yugoslav Conflict”

11,00 – 11,30 – Break

11,30 – 13,30 – Bob Donia “The ICTY Through the Eyes of an Historical Expert Witness”

13,30 – 16,00 – Lunch Group Sessions

16,00 – 19,00 – Plenary Session and Film seminar “The Conspiracy”

Tuesday, 30 June

09,00 – 11,00 – Geoffrey Nice “History of the International Criminal Law”

11,00 – 11,30 – Break

11,30 – 13,30 – Iain Bonomy “Retributive Justice and the Mass Atrocities”

13,30 – 16,00 – Lunch Group Sessions

16,00 – 18,00 – Joanna Korner “The Challenges of Fairness in the International Criminal Trials”

18,00-19,00 – Practical Exercise I

Wednesday, 01 July

09,00 – 11,00 – Ejup Ganić “BiH after Srebrenica: Dayton Peace Accord and what went wrong with its implementation.”

11,00 – 11,30 – Break

11,30 – 13,30 – Sonja Biserko “Serbian State Project and Genocide”

13,30 – 16,00 – Break

16,00 – 19,00 – Film Seminar “Trial on Milošević”

Thursday, 02 July

09,00 – 11,00 – Joanna Korner “Genocide and ICTY: the Brđanin Case”

11,00 – 11,15 – Break

11,15 – 13,00 – Iain Bonomy “Genocide charges and the Milošević trial”

13,00 – 14,00 – IUC Reception

14,00 – 16,00 – Lunch Group Session

16,00 – 18,00 – Kate Clark “Restorative Justice Mechanisms”

18,00 – 19,00 – Practical Exercise

Friday, 03 July

09,00 – 11,00 – Nena Tromp “The Aetiology of Genocide and Mass Atrocities”

11,00 – 11,30 – Break

11,30 – 13,30 – Kate Clark “Litigation for Reparations in BiH from 1992 to the present: what has been achieved?”

13,30 – 16,00 – Lunch Group Session

16,00 – 18,00 – Practical Exercise

Saturday, 04 July

09,00 – 11,00 – Ben Rogers “Civil Society, Human Rights Activism and Fact Finding: North Korea”

11,00 – 11,30 – Break

11,30 – 13,00 – Sonja Biserko “UN Commission of Inquiry for North Korea: What now?”

Sunday, 05 July

16,30 – 18,30 – Sightseeing of Dubrovnik starting at the IUC

Monday, 06 July

09,00 – 11,00 – Robert Donia “Text, Context, and Pretext: Duelling Narratives at the ICTY”

11,00 – 11,30 – Break

11,30 – 13,30 – Hikmet Karčić “The Srebrenica genocide and the BH Judicial Legacy”

13,30 – 16,00 – Lunch Group Sessions

16,00 – 17,00 – Presentations by students

17,00 – 18,30 – Diego Arria, Former Venezuelan UN Ambassador “UN and Slow Motion Genocide”

Tuesday, 07 July

09,00 – 11,00 – Bert Bakker “Srebrenica and Political Responsibility: a Dutch perspective”

11,00 – 11,30 – Break

11,30 – 13,30 – Jakub Bijak “The BiH conflict in numbers: Focus on the Srebrenica massacre”

13,30 – 16,00 – Lunch Group Session

16,00 – 17,30 – Plenary Session

17,30 – 19,00 – Axel Hagedorn “Srebrenica Genocide and the UN”

Wednesday, 08 July

09,00 – 11,00 – Axel Hagedorn “Srebrenica and liability of UN-member states within peacekeeping missions”

11,00 – 11,30 – Break

11,30 – 13,30 –

13,30 – 16,00 – Lunch Group Sessions

16,00 – 17,00 – Presentations by Edona and Beril

17,00 – 19,00 – Don Ferencz “How to End the War of Agression?”

20,00 – 24,00 – **Farewell Dinner**

Thursday, 09 July

09,30 – 11,00 – Wolfgang Petritsch “Legacy of Mass Atrocities in BiH and International Community”

11,00 – 11,30 – Break

11,30 – 13,30 – Group A,B,C presentations

13,30 – 16,00 – Lunch

16,00 – 18,00 – Plenary Session

18,00 – 19,00 – The Evaluation

Friday, 10 June 2015

09,00 – – Departure form Dubrovnik by bus to Srebrenica

19,00 – – Arrival to Srebrenica and sorting out the lodging

Saturday, 11 June 2015

07,30 – 08,30 – Breakfast Lecture by Ambassador Ahmet Halilović

09,00 – 16,00 – Potočari Commemoration

16,00 – 18,00 – Panel on Restorative Justice and the life of young people in post conflict Srebrenica

19,00 – 21,00 – Dinner

22,00 – 24,00 – Free time

24,00 – 06.00 – Back to Dubrovnik

FUNDING

| Name organisation | Grant | Amount |
|-------------------|---|--------|
| Erasmus PLUS | 13 students were awarded €500 to cover their tuition fee and lodging costs. 2 lecturers were awarded EUR 500 to cover part of the travel and lodging costs. | €7500 |
| Inner Temple INN | Four students from Inner Temple were awarded €650 each. This will cover tuition fee, lodging costs and partly their travel expenses. | €2600 |
| Lincoln Inn | Two students from Lincoln Inn were awarded €650 each. This covered tuition fee, lodging costs and | €1300 |

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| | partly their travel expenses. | |
| Inter University Centre Dubrovnik | Four students from Croatia will receive scholarship to cover all costs. | €4000 |
| Planethood Foundation | | €10000 |
| Total amount received | | €25400 |