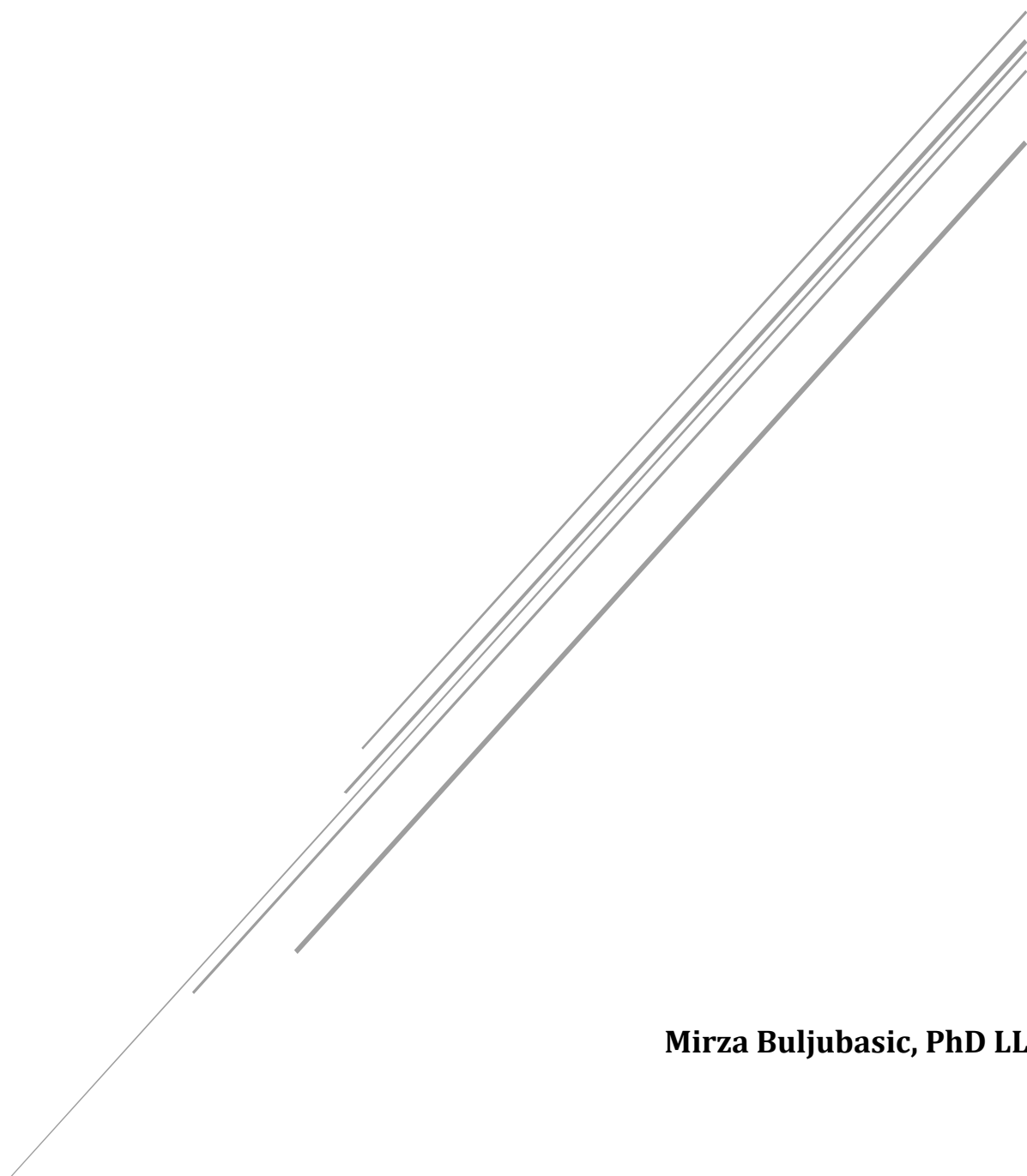


# **The Right to Truth in Bosnia and Herzegovina: Truth Commissions, Education and Missing Persons**

**Balkan Investigative Reporting Network in Bosnia and Herzegovina**



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## Executive summary

The Bosnian war in the 1990s has left deep scars on the social fabric of the country, creating lasting problems that still affect interpersonal relations and collective awareness of Bosnia and Herzegovina. After the war, Bosnia and Herzegovina now faces one of its most challenging and important tasks: creating a path to meaningful truth, justice, and reconciliation. This policy paper explains in detail and discusses the roles of truth commissions, education, and missing persons' issues and the key challenges that society faces in those processes.

Truth commissions in Bosnia and Herzegovina, despite facing complex challenges, remain key actors in transitional justice processes, providing an essential platform for exposing the truth about the war and enabling national reconciliation. Based on analyses and reviews of relevant examples and literature, this segment of the policy paper explores in detail the role, contributions, and limitations of these commissions in society since the war's end. Truth commissions aim to identify and document cases of human rights violations and crimes committed during war. The commission's primary mandate is to establish facts about crimes, identify victims and perpetrators, and provide a platform for victims to tell their stories. Through public hearings, interviews with witnesses and victims, and cooperation with domestic and international judicial authorities, peace commissions seek to ensure that victims' voices are heard and protected. The importance of truth commissions manifests particularly through their contribution to acknowledging the suffering of victims, restoring trust among ethnic groups, and strengthening the rule of law. However, to achieve these goals, the commission's work must be transparent, impartial, and inclusive. Typically, at the end of their mandate, commissions publish reports summarizing facts and make recommendations for future actions. Despite their potential, commissions in Bosnia and Herzegovina face numerous challenges. Resistance to reconciliation projects, both domestically and internationally, often hampers their work. Opponents of the establishment of commissions question the work of the commissions, citing concerns that there is not an adequate justice process. Besides political obstacles, there is also resistance among victims' associations, who express concern about inadequate involvement in the process and fear of a "compromise truth" that could create inaccurate equivalences between their suffering and that of others. While truth commissions are important tools in transitional justice processes, their establishment requires careful planning, broad support, and sensitivity to local political, social, and cultural dynamics. In the context of Bosnia and Herzegovina, it is particularly important to tailor initiatives to the specificities of various local contexts and to ensure that truth commissions reflect the specific needs of a post-conflict society, such as the right to justice, the recognition of suffering, and the need for a national dialogue on war.

Education in Bosnia and Herzegovina plays a crucial role in the fight for truth, facing complex challenges inherited from the war and ethno-nationalist divisions. In the context of transitional justice, the education system is not only a reflection of deep political and ethnic divisions but also a platform that can potentially promote reconciliation and understanding of the past. In its schools, Bosnia and Herzegovina (BiH) faces the challenge of making education a tool for reconciliation rather than a means of perpetuating division. Educational curricula often focus on ethno-nationalist narratives, which can further deepen already existing divisions. Educational materials,

such as school textbooks, may not convey objective historical facts, thus depriving students of access to a balanced understanding of past events. This situation requires urgent reform. to ensure that education serves as a foundation for building a shared understanding and tolerance among the many different ethnic groups in BiH. Educational content must promote interethnic understanding and respect, which could ultimately lead to a reduction of ethnic tensions and the building of a more cohesive society. It is particularly important that educational institutions in Bosnia and Herzegovina take on an active role in promoting the truth, not only through traditional educational programmes, but also through developing specialized modules that would deal with the issue of transitional justice. This includes learning about the historical facts of the wars in Yugoslavia, acknowledging the suffering of all peoples, and understanding the causes and consequences of the conflict. Furthermore, universities and other higher education institutions may have a transformative impact by engaging in research that sheds light on past crimes and ongoing challenges in the reconciliation process. The academic community can also initiate public dialogues and conferences that would bring together various social actors, including victims, witnesses, and former soldiers, which could provide a unique platform for sharing experiences and perspectives. Through education based on the principles of fairness and inclusiveness, Bosnia and Herzegovina can build the foundation for a more stable and just society. This requires courage in dealing with the past to ensure that the tragedies of history are not forgotten but rather serve as a basis for lasting peace.

In Bosnia and Herzegovina, the crisis of missing persons has been one of the most painful and complex issues in the post-conflict period. Addressing this issue is an essential aspect of transitional justice and a crucial right for families of the missing. Knowing the truth about the fate of their loved ones is one of the most important aspects of reconciliation on the individual level. The challenges are numerous, including legal, political, and emotional components that profoundly affect the whole of society. The work of determining the fate of missing persons in Bosnia and Herzegovina takes place through various mechanisms and initiatives but faces several obstacles, including a lack of coordination between government (?)entities, the political instrumentalization of the missing persons issue, and a lack of judicial efficiency. The missing persons issue must not be understood only as a legal or political category, but as a profound humanitarian issue that deserves attention and a sensitive approach. One of the key problems is insufficient cooperation between government entities in BiH and lack of transparency in the processes that stymie efficient resolution of this issue. The politicization of this issue often leads to a standstill in the process of searching for and identifying the missing, which further complicates the work of organizations and individuals involved in the process. The efforts made to address the issue of missing persons are extremely important not solely for providing answers to families, but also for the impact that these issues have on reconciliation and peacebuilding in the society. Any progress in this area can significantly contribute to reducing tensions and building trust between communities. It is crucial to ensure that the search processes are conducted in a way that is transparent, fair, and respectful of the dignity of victims and their families. To improve the process of searching for missing persons, it is imperative to improve inter-departmental government coordination and strengthen international cooperation in searching for the missing. Besides, it is important to work on raising public awareness of the importance of addressing this issue, which may result in greater pressure being exerted on political actors, forcing a quicker resolution to this critical issue. Addressing

the issue of missing persons in Bosnia and Herzegovina requires a systematic and multidisciplinary approach that includes legal, psychological, sociological, and political features but simultaneously provides the possibility of enhancing both national cohesion and improvements in BiH's justice process.

- Strengthening the capacity of truth commissions: It is recommended that any national truth commissions be independent and empowered with clear mandates, adequate resources, and mechanisms to protect witnesses. Commissions should be equipped to effectively document crimes and facilitate the recognition and reparation processes.
- Reform of the education system: Education is a key tool for promoting reconciliation and preventing future conflicts. Existing laws need to be reviewed and adapted, educational curricula reformed, and teaching staff trained to ensure that they reflect objective historical facts and promote inter-ethnic understanding.
- Transparency in the process of searching for missing persons: Missing persons issues require better coordination between the entities and the international community and greater transparency throughout the process. Also, awareness of the importance of this issue should be improved, increasing the pressure on politicians to engage more actively in addressing this problem.
- Integration of local knowledge and perspectives: It is important that all transitional justice processes integrate local knowledge and perspectives. This includes adapting initiatives to the specificities of the local context, and ensuring that truth commissions and educational reforms respond to the real needs of conflict-affected communities.
- Promotion of public dialogues and education: Public dialogues, workshops, and conferences should be organized to bring together different social actors, including victims, witnesses, academics from different fields, and politicians, in order to exchange ideas and experiences and develop better strategies for reconciliation.
- International cooperation and support: The international community should continue to provide technical and financial support to Bosnia and Herzegovina in its efforts in the field of transitional justice. This includes support for reforms of the judicial system, and education, as well as the work of truth commissions, but initiatives need to be multi-layered: international, domestic, bottom-up, and top-down.
- Monitoring and evaluation: Strict monitoring and evaluation mechanisms should be put in place for all initiatives to ensure that the objectives are effectively achieved and that there is accountability for the achievement of results.

## 1. Introduction

In the rich mosaic of the history of South Africa, where conflict and unity are intertwined, the wisdom of Archbishop Desmond Tutu stands out as a crucial voice in the search for truth. "Every society must discover its own path to reconciliation. Reconciliation cannot be imposed from the outside, nor can someone else's map lead us to our destination: it must be our own solution," Tutu said in 2003. These words echo through time, reminding us of the unquestionable connection between truth and the process of society healing. While the focus may seem to be on reconciliation, at the heart of Tutu's message lies the inevitable need to discover the truth. As every society steps toward reconciliation, it must

first confront its past, exploring and acknowledging the facts that have shaped the present moment. That process is not just a journey towards reconciliation—it is an essential search for truth that liberates and transforms, a key to understanding how a future based on justice, peace and shared understanding can be built from the ashes of the past. In post-war Bosnia and Herzegovina, the path to truth, justice, and reconciliation is one of the most challenging tasks facing this society. The conflict that marked this country in the 1990s has left deep scars on its social fabric, creating gaps that still affect human relations and collective awareness. In this paper, as a scholar specializing in the field of transitional justice, I seek to explore ways that Bosnia and Herzegovina can navigate the complex terrain, especially through the prism of truth and reconciliation commissions, and the role of education in the reconciliation process.

Transitional justice in Bosnia and Herzegovina encompasses a broad spectrum of mechanisms and initiatives dealing with the legacy of human rights, conflict, and violence. This research is based on extensive analyses of available literature that examines in detail the complexity of these issues in the context of a post-conflict society. These studies highlight the challenges faced by truth commissions in Bosnia and Herzegovina, as well as the limitations of educational initiatives aimed at promoting understanding and preventing future conflicts. This paper begins with a consideration of the role and contribution of truth and reconciliation commissions. These commissions are often viewed as essential for discovering the truth about the past and providing a platform for acknowledging the suffering of victims. However, the challenges they face, including political will, public acceptance, and limited resources, point to the need for a more detailed understanding of conditions under which the commissions can successfully contribute to reconciliation. Furthermore, the focus will be on the role of education in shaping a post-conflict society. Education plays a key role in promoting a culture of tolerance, mutual respect and understanding. It will be considered how educational programs and initiatives can be designed to contribute to long-term reconciliation, taking into account the need for inclusive approaches that respect different perspectives and experiences.

This paper is based on empirical data and theoretical frameworks in the fields of transitional justice, sociology, and education, with the aim of understanding the dynamics that shape reconciliation processes in Bosnia and Herzegovina. Particular attention will be paid to examining the interconnection between justice, truth and reconciliation, as well as how these concepts contribute to or hinder the building of peace and stability in the post-conflict context. In the conclusion, I will consider the implications of our findings for future policies and practices in Bosnia and Herzegovina with emphasis on recommendations for improving the effectiveness of truth and reconciliation commissions, as well as how to make maximum use of education as a means of promoting long-lasting peace and reconciliation. I will consider strategies for overcoming obstacles that hinder transitional justice and education processes, including political will, resources, and community involvement. A special focus is placed on the need to create a space where different experiences and narratives can be heard and validated. The research points to the importance of integrating local knowledge and perspectives in shaping educational curricula and truth commission activities that can truly respond to the needs of conflict-affected communities. This paper aims to contribute to a broader understanding of the complexity of the right to truth in the context of transitional justice in Bosnia and Herzegovina, providing insight into the potential and limitations of truth

commissions and education as reconciliation tools. The goal is to offer a critical review of existing practices and challenges, as well as to propose guidelines that could help build a fairer, more peaceful and more inclusive society in Bosnia and Herzegovina.

The structure of the paper is as follows: after an introduction that sets the context and significance of the research, the first part explores in detail the role of truth commissions in Bosnia and Herzegovina, identifying key challenges and opportunities. The second part deals with education as a means of truth. The third part focuses on the issue of the missing. In the conclusion, the paper synthesizes the main findings, key challenges, and recommendations for future work in the field of transitional justice in Bosnia and Herzegovina.

## 2. Truth commissions

Truth and reconciliation commissions play an important role in transitional justice processes, helping societies face past crimes and work on reconciliation and building of a lasting peace. As Kofi Annan said, “There can be no long-term security without development, and there can be no long-term development without security. And no society can long remain prosperous without the rule of law and respect for human rights. Truth seeking is a way forward to that essential but often elusive goal.”<sup>1</sup> In the context of Bosnia and Herzegovina, the work of these commissions can be viewed through the lens of post-conflict recovery after the 1992-1995 war, which has left deep scars on society and necessitated the need for a comprehensive process of truth and reconciliation. Truth and reconciliation commissions typically aim to identify and document cases of human rights violations and crimes committed during conflicts. Truth commissions are required to establish facts about these crimes, identify victims and perpetrators, and provide a platform for victims to share their experiences. A commission’s work methodology often entails the collection and analysis of documents, public hearings, interviews with witnesses and victims, and cooperation with domestic and international judicial authorities. An important aspect of work is victim-based, ensuring that their voices are heard and respected throughout the process. The work of the commission can have a profound impact on the society, including acknowledging the suffering of victims, restoring trust between ethnic groups and strengthening the rule of law. However, in order to achieve these goals, it is crucial that the work of the commission is transparent, impartial, and inclusive. These commissions, at the end of their mandate, typically publish a report on the facts learned.

**Table 1 – Periodization of victims’ requests<sup>2</sup>**

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<sup>1</sup> Annan, K. (April 18, 2016). Truth Commissions and Peace Processes. Kofi Annan Foundation. <https://www.kofiannanfoundation.org/peace-and-trust/truth-commissions/>

<sup>2</sup> Barton-Hronešová, J. (2020). The Struggle for Redress: Victim Capital in Bosnia and Herzegovina. Palgrave Macmillan.

Phase	Period	Priorities of external actors	Priorities of domestic actors	Victims' requests
Urgent post-war stabilization	1995–1999	Peace, security, and return	Consolidation of ethnonational territories	Truth about locations of loved ones and legal justice (ICTY)
Centralization and building of external state	2000–2006	Strengthening central institutions	Consolidation of power	‘Truth and justice’, ICTY, domestic courts, and reparations (ICJ), corrections
Failed Europeanization	2007–2024	Transfer to local authorities and EU reforms	Status quo/increasing territorial authority	‘Truth and justice’, focus on domestic courts, internal access to status, corrections and memorialization

The importance of the truth and reconciliation commission in Bosnia and Herzegovina was first established in the early 1990s in the context of discussions on the creation of an international criminal court. Proponents of the commission saw it as an alternative to the court, with a possibility to subsequently conduct trials based on information obtained from the commission. However, while emphasizing the visibility of crimes in Bosnia by comparison with “hidden crimes,” in Latin America, opponents argued that the establishment of the commission would not make sense in absence of a process that would ensure justice. Despite these initial discussions, the idea of a commission remained alive, even after the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993. Improvements in the South African Truth Commission, launched in 1995, created new momentum to the Bosnian truth commission project. The South African model, especially its practice of public hearings with extensive media coverage, was instrumental in the proponents’ deliberations. Discussions on the Bosnian truth commission took place in light of the existence of the ICTY, demanding that the Bosnian truth commission defined its role as a complementary mechanism for achieving accountability and social reconstruction in the post-conflict society.<sup>3</sup> While playing key roles in the development of the idea, Kritz and Finci advocated for truth commissions as a platform to explore a broader context in which abuses occurred, including the role of social and political institutions.<sup>4</sup> Their emphasis on the need to create an authoritative historical narrative that would support nation-building in a divided and unstable state was significant. The Bosnian truth commission project has encountered various challenges during attempts to implement it, never going beyond the preliminary stage of drawing up a legal draft. The international engagement in the country, coupled with the

<sup>3</sup> Dragović-Soso, J. (2016). History of a Failure: Attempts to Create a National Truth and Reconciliation Commission in Bosnia and Herzegovina, 1997–2006. *International Journal of Transitional Justice*, 0(1), 1–19.

<sup>4</sup> Kritz, & Finci. (2001). A Truth and Reconciliation Commission in Bosnia and Herzegovina: An Idea Whose Time Has Come. *International Law FORUM du droit international*, 3(1), 50–58.

fact that regime change had not been done, posed a paradox for the proponents of the truth commission: to be legitimate, the Bosnian truth commission had to be perceived as an authentic national institution, even it was not possible to rely on national politicians who had been in power during the war.<sup>5</sup>

Bosnian politicians showed little enthusiasm for projects to reconcile the past, and any attempt to establish a commission was stopped once it reached the political level. Surprisingly, resistance to the project also came from Bosnian victims' associations, which were supposed to be the biggest beneficiaries and supporters of such a mechanism. However, the associations were unanimous in rejecting the idea of a commission, which is why some suggested that their dependence on political parties contributed to such an attitude. In addition to political obstacles, there was also resistance among victims' associations, which expressed concern about inadequate involvement in the process and fear of a "compromise truth" that could inaccurately draw a parallel between their suffering and that of others. Besides, victims' associations and women's organizations raised concerns about the potential stigmatization and re-traumatization of victims of wartime sexual violence who might participate in hearings. It was clear that they preferred judicial processes over truth and reconciliation projects, viewing these initiatives as a possible distraction from justice. Attempts to establish a Bosnian truth commission encountered resistance both internationally and domestically. The ICTY was one of the main opponents of the establishment of the truth commission, fearing that the commission could undermine the work of the Tribunal. This resistance was a key obstacle to the establishment of the truth commission, despite efforts by proponents to define the commission's mandate in ways that would not jeopardize the judicial process. On the other hand, funding for truth commissions was considered an alternative approach that would require significant resources, often from the same funding source as court proceedings, creating a dilemma for donors and government agencies. In addition to international challenges, the domestic resistance, especially in Republika Srpska (RS), has been evident due to the perception of the truth commission as a threat to the autonomy and existence of RS and as an attempt to promote the perception of RS as a "genocidal creature." This resistance reflected a broader issue. While no political party openly refused to participate in working on the draft law, their commitment to the project was not sustainable after the withdrawal of international support.<sup>6</sup>

Attempts to establish a national truth commission began in 1997 under the leadership of the United States Institute of Peace (USIP) but failed to make progress due to giving preference to legal forms of justice and the ICTY's cautious attitude towards creating truth-seeking mechanisms that could undermine its own investigations.<sup>7</sup> The initiative had two main periods: first, from 1997 to 2001, developed as a civil society initiative, and second, from 2005 to 2006, when it fell under the competence of a working group within the BiH Parliament and was linked to a broader process of constitutional reform (i.e.

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<sup>5</sup> Dragović-Soso, J. (2016). History of a Failure: Attempts to Create a National Truth and Reconciliation Commission in Bosnia and Herzegovina, 1997–2006. *International Journal of Transitional Justice*, 0(1), 1-19.

<sup>6</sup> Dragović-Soso, J. (2016). History of a Failure: Attempts to Create a National Truth and Reconciliation Commission in Bosnia and Herzegovina, 1997–2006. *International Journal of Transitional Justice*, 0(1), 1-19.

<sup>7</sup> Barton-Hronešová, J. (2020). *The Struggle for Redress: Victim Capital in Bosnia and Herzegovina*. Palgrave Macmillan.



Annex 4. of the Peace Agreement). Despite the different emphases, both periods sought to create an official national body and both stalled as soon as they passed the preliminary stage. International engagement in the country, coupled with the lack of regime change (i.e. lustration), presented a paradox for the truth commission proponents. For the commission to be legitimate, it needed to be perceived locally as an authentic national institution, but the country's nationalist politicians (many of whom had been in power during the war) could not rely on the management of the process. As a result, international sponsors of truth commissions initially adopted a different approach. First, they tried to gain broad support for the project within Bosnian civil society.<sup>8</sup>

Revitalization of the truth commissions project in 2005, this time within the BiH Parliament, showed a revision of the international strategy for launching the commission. Again, the process was led by the United States Institute of Peace in collaboration with the Dayton Project, an affiliated non-governmental organization (CSO) led by Deputy High Representative for Bosnia Donald Hays. The truth commission became informally linked to the broader process of reforming the BiH Constitution that Hays had begun negotiating with the main political parties in April 2005, while CSOs, which had not been informed of the new initiative, were excluded from the initial phase. The decision to focus on political parties instead of civil society undoubtedly reflected a recognition that an official truth commission must gain political support if it is ever to exist. Hays therefore negotiated with leaders of eight major political parties to create a parliamentary group dedicated to drafting legislation on the truth commission. Funding was provided by the United States Institute of Peace in collaboration with the United Nations Development Programme (UNDP). Both appointed their advisers to the working group. Kritz for the United States Institute of Peace and Gordon Bacon for the UNDP. The working group was established in October 2005, and meetings were held behind closed doors until January 2006, when it was publicly presented for the first time at a regional CSO conference in Sarajevo. The draft law prepared by the working group did not deviate significantly from the one previously developed by Kritz and Finci, and the discussions in the working group were based on that earlier draft. A major change to the draft law concerned the appointment of commissioners, and the evolution of this unique issue illustrates the continuing dilemma faced by truth commission proponents: how to make the commission an authentic national institution while preventing it from being claimed by nationalist political leaders. To ensure domestic legitimacy, the general agreement was that the commissioners must be citizens of Bosnia and Herzegovina. Initially, the plan was for Bosnia's three-member collective presidency to appoint candidates. However, the opinion changed due to a request of the presidency member from Republika Srpska Momcilo Krajisnik to personally select Serb commissioners and have a right to veto the commission's report.<sup>9</sup>

In the end, none of those solutions were executed. The first press release of the Parliamentary Working Group in March 2006, informing the public that it had begun consultations with the BiH CSO, the State Prosecutor and relevant ministries and that it

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<sup>8</sup> Dragović-Soso, J. (2016). History of a Failure: Attempts to Create a National Truth and Reconciliation Commission in Bosnia and Herzegovina, 1997–2006. *International Journal of Transitional Justice*, 0(1), 1-19.

<sup>9</sup> Dragović-Soso, J. (2016). History of a Failure: Attempts to Create a National Truth and Reconciliation Commission in Bosnia and Herzegovina, 1997–2006. *International Journal of Transitional Justice*, 0(1), 1-19.

would soon make the draft law available to the public for further discussion, was at the same time its last communication. A few weeks later, the BiH Parliament tightly rejected a package of constitutional reforms that Hays had negotiated with party leaders, resulting in the withdrawal of external support, along with the end of debates on truth commissions. Although there was no formal link between the constitutional reform and the truth and reconciliation project, it was clear that the lack of political agreement on the nature of the Bosnian state also implied the end of the truth commission initiative as the state's nation-building project. Without international support, the idea of a truth commission simply lacked sufficient support from BiH's political elite to continue. That lengthy process, which stretched for almost a decade but never went beyond the stage of drafting of a law for establishment of the BiH truth commission, demonstrates the complexity and challenges associated with the setting up of a national truth and reconciliation commission. Despite different phases and changes in strategy, the initiative faced political, social and international resistance, illustrating a deep political and social complexity of Bosnia and Herzegovina, as well as challenges in transitional justice in post-conflict societies.<sup>10</sup>

One of the key problems was the resistance of domestic political forces, especially in the Republika Srpska entity, to any project that would promote nation-building of a unitary BiH state, which many Bosnian Serbs did not support. In addition, there were concerns about the international perception and legitimacy of truth commissions, given that international actors played a significant role in attempts to establish it, which could potentially diminish its domestic acceptance and perception as an authentic national institution. The project also faced resistance from some segments of BiH society, including victims' associations, which expressed concern that the truth initiative could divert attention from judicial processes and the fight for justice. Questions about inclusion, transparency, and fairness of the process, as well as doubts about the motives behind the initiative, further complicated the efforts. All these challenges point to the complexity of establishing transitional justice mechanisms in post-conflict societies, especially in those that are deeply divided and where there are multiple interpretations of the past and conflict. The BiH case illustrates the importance of domestic political will, support from civil society and international community for a successful implementation of transitional justice, as well as the need to adapt initiatives to the specifics of a local context. Ultimately, the failure to create truth commissions in BiH highlights that, while those commissions are important tools in transitional justice processes, their establishment requires careful planning, broad support, and sensitivity to local political, social, and cultural dynamics, as well as connections with other mechanisms such as lustration. It also shows that, in certain contexts, it may be necessary to explore different approaches to dealing with the past and building peace that are more in line with local needs and circumstances. According to Kostovicova, approaches to transitional justice in BiH are burdened with ethnocentrism, which was especially evident during an attempt to establish a national truth commission in BiH. Kostovicova points out that political elites representing ethnic communities claimed the project, further strengthening the ethnic divisions and undermining efforts towards a universal recognition of suffering and

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<sup>10</sup> Dragović-Soso, J. (2016). History of a Failure: Attempts to Create a National Truth and Reconciliation Commission in Bosnia and Herzegovina, 1997–2006. *International Journal of Transitional Justice*, 0(1), 1–19.

justice.<sup>11</sup> Further attempts, including a 2005 proposal for a “Forum for Truth and Reconciliation,” also failed, largely due to opposition by the Bosnian Serb leadership and the deterioration of the political situation.<sup>12</sup>

Meanwhile, several bodies in BiH engaged in the processes of revealing the truth about the war. One such body was established by the RS entity government in 2003, with the aim of determining the facts about the events in and around Srebrenica. The primary goal was to locate mass graves and identify victims. The process did not include hearings of victims, and public consultations, but led to the determination of the number of people killed. In order to establish the facts, the Commission relied on findings from the verdict against Radislav Krstic handed down by ICTY. The Commission established that 7,779 people went missing in and around Srebrenica between July 10 and July 19, 1995. The existence of three primary, 29 secondary and 32 tertiary graves was discovered. Due to time constraints, the Commission was unable to compile detailed lists of all people killed. A 2004 report, compiled by the then RS Government and a special commission acknowledged violations of humanitarian law by Bosnian Serbs, who killed thousands of Muslim Bosniaks in the town of Srebrenica in July 1995. However, the report’s findings were strongly contested, leading to significant controversy and subsequent rejection by RS legislators. The 2004 report’s acknowledgment of Bosnian Serb forces’ responsibility for the massacre was a significant deviation from previous official narratives that sought to deny or minimize the extent of the crimes committed. The report’s credibility was immediately called into question, with critics arguing that the Commission tasked with compiling the report was under the influence of political interests, particularly those seeking to diminish the Bosnian Serbs’ responsibility for the massacre. This raised concerns about the accuracy and integrity of the report, weakening its credibility in the eyes of many. Furthermore, the rejection of the 2004 report by RS legislators in 2018 fueled suspicions of politicization of the issue. The decision to invalidate the report and call for a new investigation was widely viewed as an attempt to rewrite history and cover up crimes committed by Bosnian Serbs during the war. The rejection highlighted deep divisions and constant tensions within Bosnia and Herzegovina, hampering efforts towards reconciliation and accountability.<sup>13</sup>

The Srebrenica Commission, established in 2018 by the RS government, aimed to investigate events in Srebrenica between 1992 and 1995, including the tragic events of July 1995. This attempt to re-analyze the events in Srebrenica came in the light of continuous efforts to establish the truth about war crimes and genocide that took place in that town, as well as about the need for reconciliation and transitional justice in Bosnia and Herzegovina. The Commission’s mandate was extensive, with the task to investigate and document the suffering of all peoples in the Srebrenica region, in order to provide a comprehensive portrayal of events. The establishment of the Commission was controversial, with skepticism of the international community and Bosniak community in BiH, which expressed concern that the Commission’s work could lead to a

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<sup>11</sup> Kostovicova, D. (2023). *Reconciliation by Stealth: How People Talk About War Crimes*. Cornell University Press.

<sup>12</sup> Barton-Hronešová, J. (2020). *The Struggle for Redress: Victim Capital in Bosnia and Herzegovina*. Palgrave Macmillan.

<sup>13</sup> United Nations Development Programme, 2009. *A Look At the Past As a Way To the Future*. Somun, A. (2010). Reports on the Transitional Justice Experience in Bosnia and Herzegovina, *International Journal of Rule of Law, Transitional Justice and Human Rights*, 1, 60-69.

revision of historical facts and minimization of the extent of the crime of genocide committed against Bosniaks. It is important to emphasize that the Commission's approach was focused on examining available documents, testimonies and other sources. However, critics pointed out that the methodology used by the Commission may have been insufficient to gain an in-depth understanding of the complexity and extent of the crimes that took place in Srebrenica. The absence of a detailed analysis of testimonies of survivors and mismatch of the Commission's findings with earlier established facts caused additional concern. As for reactions to the report, many were focused on its controversial claim that the events in Srebrenica could not qualify as genocide. This claim was in direct contradiction to ICTY verdicts, which not only classified the Srebrenica massacre as genocide, but also identified particular individuals responsible for its planning and execution. Critics of the report emphasized that genocide denial represented an attempt to rewrite history and minimize the suffering of victims. In addition to the international community, reactions within Bosnia and Herzegovina were also divided. While some saw the report as an opportunity for a new beginning in the reconciliation process, others saw it as a step backwards in an already lengthy process of dealing with the past. Harsh criticism came from victims' associations, especially those representing survivors and families of victims of the Srebrenica genocide. These groups assessed the report of the Srebrenica Commission as an attempt of revisionism and denial of established facts, which for them represented a denial of justice and re-victimization of victims. The International Criminal Tribunal for the former Yugoslavia (ICTY) conducted in-depth investigations and tried individuals for crimes committed in Srebrenica, establishing the facts of genocide and responsibilities. The ICTY verdicts serve as a basis for understanding the events in Srebrenica and as a reminder of the need for justice for victims.<sup>14</sup>

In 2006, the Council of Ministers of Bosnia and Herzegovina rendered a decision to establish the State Commission for Investigating the Truth about the Suffering of All Ethnic Groups in Sarajevo during the period from 1992 to 1995. The Commission, however, faced a series of political manipulations and controversies that included a lack of clarity in its mandate, which ultimately led to the Commission's failure to deliver a report or perform tasks in line with its objectives, resulting in its standstill. The Commission for Truth in Sarajevo, established ten years after the end of the war, was supposed to investigate the suffering experienced by inhabitants of the ten pre-war municipalities of the city of Sarajevo. Despite the fact that few dispute the significance of the Commission, a consensus has never been reached on the methods of leading to the truth, and criticism has particularly focused on the "research project" developed by Commission members. Critics argued that the document did not precisely define goals or explain how the Commission's findings could be used in the future. Therefore, although the project stated that "establishing scientific truth," was the main goal, the document did not explain what this would mean in practice. Some human rights activists criticized the Commission's approach, which focused on identifying victims predominantly on the basis of their religious and national affiliation. They considered that the fact that the Commission would not try to determine who committed the crimes it was investigating represented yet another weakness. Furthermore, the Commission's planned costs were

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<sup>14</sup> Trepanić A. (2022, June 24). Absence of Credible Truth Commissions Leaves the Number of Killed Children for Debate. Detektor. <https://detektor.ba/2022/06/24/izostanak-vjerodostojnih-komisija-za-istinu-ostavlja-broj-ubijene-djece-za-debatiranje/>; Rovčanin, H. (2021, July 29). [BIRN Fact-Check: Trial Evidence Contradicts Claims in Bosnian Serbs' Srebrenica Report - Detektor](#).

in question, with some experts describing the proposed budget as extravagant. At the heart of these challenges lied a controversial idea of national and ethnic affiliation as key criteria in research, which further complicated the Commission's work. It was envisaged that investigators would work in the field in "multi-ethnic pairs," but many experts and activists believe that the focus on ethnic and religious affiliation should not be a priority. On the contrary, the commission should determine who was the victim and who was the perpetrator of crimes, regardless of ethnic affiliation.

The report of the Commission for Investigating the Suffering of Serbs in Sarajevo, formed by the RS Government, was published after two years of work and contained over 1,200 pages. The document offers an extensive overview of the events from the 1992-1995 war period, but at the same time causes controversy due to perception of bias and methodological flaws. The Commission, as pointed out in the report, used various sources such as testimonies from Commission's meetings, testimonies given at the Hague Tribunal, UNPROFOR documents, and media reports, but it is significant that no judgments by ICTY or courts in BiH or the region were cited among the sources. This leads to questions about the objectivity of the conclusions presented in the report. In its report, the Commission argues that Sarajevo was not under siege but under blockade, which contradicts the ICTY's conclusions. The ICTY verdicts clearly state that the Sarajevo-Romanija Corps (SRC) kept Sarajevo under siege, which contributed to extreme conditions for civilians in the city. One of the most controversial aspects of the report concerns the interpretation of the shelling of the Markale market. The Commission suggests that the Markale incidents could be an act of the Bosnian Army, which contradicts the Hague Tribunal's rulings that unequivocally identified SRC-controlled forces as responsible for those attacks. The report also discusses in detail the role of the media, radical Islam, and the historical context in BiH, which may be useful for a broader analysis, but these topics should be viewed with caution due to the potential biases of sources and authors. Criticism concerning the establishment of the Commission is also significant. Many international experts condemned the Commission's establishment as a revisionist move that looked more like a political maneuver than an actual attempt to establish the truth. In conclusion, the report of the Commission for Investigating the Suffering of Serbs in Sarajevo provides an important insight into one perspective of the wartime events in BiH. However, due to the aforementioned shortcomings, it is important to approach it with a critical review and take into account broader international and legal perspectives in order to obtain a more complete portrayal of the war events in Sarajevo.<sup>15</sup> Similarly, the Truth and Reconciliation Commission in Bijeljina was established with the aim of establishing facts about events and casualties during the conflict. However, according to available information, the Commission never formally began its work due to political differences and controversies surrounding its mandate. The details of its founding, goals and challenges faced illustrate the complexity of the process of dealing with the past and transitional justice in post-conflict societies.<sup>16</sup>

After local initiatives and victims' legal representations had laid the foundations, the RECOM initiative emerged as a response to transitional justice challenges in the post-Yugoslav area, with an aspiration to establish a regional fact-finding commission. The

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<sup>15</sup> Rovčanin, H., & Sorguč, A. (2021, April 21). [BIRN Fact-Check: Is the Bosnian Serb Report on the Sarajevo Siege Accurate? - Detektor](#)

<sup>16</sup> Buljugać, M. (2007, February 23). Retrieved from [BIRN's JUSTICE REPORT: No Progress for Sarajevo Truth Commission | Balkan Insight](#)

initiative reflects the transnational nature of conflicts in the Balkans and seeks to address ethnocentric approaches through a unique regional reaction to crimes. It encountered resistance, both within the civil sector and beyond, especially challenging the deeply rooted ethnic perspectives of justice. Through a five-year consultative process, RECOM developed a victim-oriented model of researching past crimes with the aim of creating a basis for future reconciliation and prevention of manipulation of the number of victims. The initiative's regional approach brought about significant changes in the understanding of justice, promoting a narrative that acknowledged the suffering of all ethnic groups. The challenges included accusations of betraying ethnic interests and difficulties in reaching a consensus on the Commission's goals. Despite these challenges, RECOM contributed to raising awareness and the importance of dealing with the past through public debates and educational programs, opening important talks about war crimes and the need to acknowledge suffering. These efforts contributed to creating a space for dialogue and understanding, although the creation of a regional commission remains a challenge. However, the Regional Reconciliation Commission has never received support from the states.<sup>17</sup>

In the absence of successful initiatives coming from above, CSOs and victims have launched smaller, local initiatives, often increasing the diversity of narratives and localized interpretations of the war.<sup>18</sup> For example, the Balkan Investigative Reporting Network has regularly reported from trials and published stories about war events that are otherwise not readily available to the public. The Bosnian Book of the Dead listed those killed, the Transitional Justice, Accountability, and Remembrance has completed the process of documenting and mapping detention camps and facilities, the Center for Nonviolent Action marks unmarked sites of suffering, and the Srebrenica Memorial Center and the Post-Conflict Research Center document the narratives of survivors and victims. These are just a few examples informal groups that formed in the absence of a truth commission.

These efforts are crucial in the fight against genocide denial and revisionism, and in educating future generations about the importance of remembrance and justice.<sup>19</sup> Due to international and domestic efforts, victims felt that their needs were neglected, resulting in a strengthening of their mobilization, especially towards socio-economic justice. Particularly after the 2007 ruling of the International Court of Justice, which exempted Serbia from the obligation to pay reparations to BiH, the focus of victims has shifted to socio-economic aspects of justice instead of exclusively to the legal ones. Striving for a "status" that would enable them access to domestic benefits and privileges, such as free

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<sup>17</sup> Kostovicova, D. (2023). *Reconciliation by Stealth: How People Talk About War Crimes*. Cornell University Press; Rowen, J. (2017). *Disruption: A Truth Commission in Bosnia and Herzegovina. Searching for Truth in the Transitional Justice Movement* (str. 57-89). Cambridge University Press.

<sup>18</sup> Kostovicova, D. (2023). *Reconciliation by Stealth: How People Talk About War Crimes*. Cornell University Press.

<sup>19</sup> In fact, in BiH, as well as in the wider region of the former Yugoslavia, NGOs and research centers play an important role in documenting and advocating for justice and/or peacebuilding, filling the gap caused by a lack of formalization of the state or local truth and reconciliation commission. These organizations use a variety of approaches to preserve the memory of victims and promote justice, often without formal support or recognition from the authorities. They organize public debates, commemorations and exhibitions, and enable victims of war crimes to share their stories, giving them visibility and a voice in the society that often tries to forget or relativize the past. Through all this, it becomes clear that the path to effective justice and positive peace is complex and full of challenges.

health protection and educational benefits for their children, victims have recognized the importance of intergenerational social justice.<sup>20</sup>

The public in BiH was generally not familiar with the concept and activities of truth and reconciliation commissions. A United Nations' survey from 2010 covering 1,600 respondents from Bosnia and Herzegovina concluded that two-thirds of the population had never been familiarized with the concept and initiatives to establish a truth commission. A total of 90 percent of respondents who were familiar with the concept emphasized that there was an urgent need to establish such a body in BiH, and 70 percent stated that the facts about the war events had never been fully established.<sup>21</sup> The 2011 Transitional Justice Strategy of BiH identified some shortcomings in the establishment of truth commissions. Primarily, it was about (i) the limited results of previous initiatives to establish the facts and tell the truth, (ii) the dissatisfaction of certain associations of victims and families of the missing, (iii) the unavailability of data on all victims of violations of international humanitarian law and international human rights law, and (iv) the lack of an institutional extrajudicial mechanism for a comprehensive fact-finding and telling the truth about all human rights violations and war crimes in the period 1992-1995.<sup>22</sup> Without proper clarification, it is not possible to expect that truth commissions will be possible, because, as stated by Branko Todorovic, president of the Helsinki Committee for Human Rights of Republika Srpska, "all previous attempts by either domestic actors or international organizations and institutions have actually been doomed to failure, because it is simply obvious that in BiH, no truth and reconciliation suited those who were in power these ... years."<sup>23</sup> Furthermore, without adequate institutional and legislative reforms that would position the civic entity above the ethnic entity, it could not be expected that an ambitious comprehensive Transitional Justice Strategy would achieve success in the context of commissions for truth and dealing with the past in general.<sup>24</sup> It is perhaps criminal proceedings for war crimes that have had the most significant success, although war crimes proceedings have remained subjected to a number of fundamental shortcomings.<sup>25</sup> Although many millions have been invested, local communities are becoming more visible and louder in their disappointment. Transitional justice, peacebuilding and reconciliation programmes, often administered by international donors and professionalized CSOs, have been viewed with distrust and cynicism by local populations because of their alignment with donor priorities rather than the needs and concerns of local people. The government in BiH has also shown no particular interest in establishing a truth commission. Young people in particular feel alienated from those projects, seeking alternative places and spaces for thinking about

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<sup>20</sup> Barton-Hronešová, J. (2020). *The Struggle for Redress: Victim Capital in Bosnia and Herzegovina*. Palgrave Macmillan.

<sup>21</sup> Simić, O. i Volčič, Z., 2013. *Transitional Justice and Civil Society in the Balkans*, Springer, 127.

<sup>22</sup> Ministry of Human Rights and Refugees, 2011. *Transitional Justice Strategy in Bosnia and Herzegovina 2012-2016*, 29.

<sup>23</sup> Trepanić, A. (2022, June 24). Absence of Credible Truth Commissions Leaves the Number of Killed Children for Debate. *Detektor*. Retrieved from <https://detektor.ba/2022/06/24/izostanak-vjerodostojnih-komisija-za-istinu-ostavlja-broj-ubijene-djece-za-debatiranje/>

<sup>24</sup> Buljubašić, M. (2022). Retributive Responses of Transitional Justice in Bosnia and Herzegovina. *Criminalistic Topics: Journal of Criminalistics, Criminology and Security Studies*, 22(3-4), 65-85.

<sup>25</sup> Korner, J. (2016). *Processing of War Crimes At the State Level in Bosnia and Herzegovina*. OSCE. Korner, J. (2020). *Improving War Crimes Processing At the State Level in Bosnia and Herzegovina: A Follow-up Report*. OSCE.



the past and transforming the future. Among those alternatives are museums, theater plays, community art projects, and public art exhibitions that draw attention to specific issues or groups of victims, such as the War Childhood Museum and the Forgotten Children of War exhibitions.<sup>26</sup> As one of the leaders of a BiH CSO states in a research paper: “Without [a truth commission], in 50 or 40 years it will be the same, because every individual has his or her own story, his or her own pain, and then you need just one thing to bring all these things out in order to [re]produce the cruelty that actually happened.”<sup>27</sup>

Finally, the failure of the initiative to establish a BiH Truth Commission is a testament to the inherently political and disputed nature of dealing with the legacy of past conflicts at all levels of society – local, national and international. Far from being a technical task, the establishment of truth commissions raises questions about legitimate authority in defining the past, the purpose of confrontation, and the complex dilemmas of practical feasibility and sources of support. In that context, international actors are often not “external” but an integral part of the process, seeking to create preferences and determine outcomes in accordance with their interests and ideas. Their emphasis on the state and its institutions, on promotion of nation-building and internationally mediated compromise, as was the case in Bosnia, may not always represent the most productive way to confront a difficult and disputed past or to address the needs of those who suffered the most. In deeply politically divided countries, where activities related to facing the past are not connected and official truth and reconciliation initiatives may not be viewed as legitimate or capable of success, “informal truth projects” and civil society networks operating both at the sub-state level and across national borders can provide a better – or even the only – alternative.<sup>28</sup> Perhaps the best description of truth commissions was enabled by a former prosecutor of the Prosecutor’s Office of Bosnia and Herzegovina who said: “You will not get truth or reconciliation if there are no benefits.”<sup>29</sup>

For that reason, it is necessary to consider the need to establish a truth commission in BiH, which would be based on the idea that a state-level approach could be more useful at the current stage, taking into account the specific needs and problems of the post-conflict society of BiH. Every society needs to discover its own path to reconciliation, given that transitional justice processes that operate in one post-conflict society cannot necessarily be transplanted into a different societal context. One of the key reasons for the establishment of truth commissions in BiH is the need to give voice to victims of war and their stories. Despite providing a platform for some victims, the ICTY is limited by the nature of criminal trials that do not focus on victims. The truth commission would enable victims to tell their stories in a less formal and intimidating setting, providing space for empathy and compassion. Furthermore, the promotion of storytelling through truth commissions highlights a strong desire of victims from BiH to have their stories heard and suffering officially acknowledged. In the context of establishing truth for victims,

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<sup>26</sup> Fairey, T., & Kerr, R. (2020). What Works? Creative Approaches to Transitional Justice in Bosnia and Herzegovina. *International Journal of Transitional Justice*, 14, 142–164.

<sup>27</sup> Rowen, J. (2017). Disruption: A Truth Commission in Bosnia and Herzegovina. *Searching for Truth in the Transitional Justice Movement* (str. 57-89). Cambridge University Press.

<sup>28</sup> Dragović-Soso, J. (2016). History of a Failure: Attempts to Create a National Truth and Reconciliation Commission in Bosnia and Herzegovina, 1997–2006. *International Journal of Transitional Justice*, 0(1), 1–19.

<sup>29</sup> Clark, J. N. (2013). Does Bosnia Need a Truth and Reconciliation Commission? Some Reflections on its Possible Design. *Ethnopolitics: Formerly Global Review of Ethnopolitics*, 12(3), 225–246.



many “micro-truths” have remained unknown despite the “legal truth” being established by the ICTY. Victims continue to seek answers to questions that matter to them, which truth commissions can enable. Addressing the problem of crime denial is a key reason for the establishment of truth commissions, given that the ICTY made no progress in addressing this problem. The truth commission could initiate a process of national dialogue on the war, using different versions of the truth among ethnic groups. Also, the amnesty debate highlights the need to find ways to encourage perpetrators to come forward and reveal the truth, which could include limited amnesty for minor offences, with significant consultations with victims’ associations. In conclusion, it is recommended to establish truth commissions in BiH, but with a recommendation to use a different name that would be more appropriate for the context of BiH, such as “a commission for promotion of mutual respect and understanding.” Respect and understanding are key foundations for a healthy and stable society, and the truth commission should reflect the specific needs of a post-conflict society.<sup>30</sup>

### 3. Education

Education in Bosnia and Herzegovina, deeply marked by the legacy of war and ethno-nationalist divisions, is a key field in the fight for the right to truth. With the complex challenges arising from the Dayton Agreement, the country’s education system serves not only as a reflection of deep political and ethnic divisions, but also as a platform where opportunities for reconciliation and true understanding of the past can be missed or seized. Education can promote truth or create myths, distort the truth, and base education on lies through the roles of school curricula, pedagogical practices, and extracurricular activities, while still being based on respect for human rights. During the Ottoman Empire, each religious community in Bosnia and Herzegovina had autonomy in education, developing its own educational programs that reflected their political ambitions. Religious schools were the foundation of the education system. The Austro-Hungarian administration, striving for modernization, opened public schools under state patronage to promote the creation of the nation. The Muslim community had reformed primary schools that coexisted with traditional madrassas, and with the introduction of the Secondary School for training teachers for Muslim national schools, the aim was to integrate religious education into the modern education system. The Orthodox community opened its school for teacher training in 1886, which further diversified the educational landscape. Following the establishment of the Kingdom of Serbs, Croats and Slovenes, Bosnia and Herzegovina was exposed to a series of national conflicts, aggravated by external aspirations for domination. An attempt to create a Yugoslav nation in 1930 led to political tensions, and the country was renamed the Kingdom of Yugoslavia. After World War II, Bosnia and Herzegovina became a republic within the new socialist Yugoslavia. The Communist Party, promoting the ideology of “brotherhood and unity,” striving to overcome pre-war divisions, banned private religious and common schools, and education became free and available to all students, regardless of ethnic,

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<sup>30</sup> Clark, J. N. (2013). Does Bosnia Need a Truth and Reconciliation Commission? Some Reflections on its Possible Design. *Ethnopolitics: Formerly Global Review of Ethnopolitics*, 12(3), 225-246.

religious or social affiliation. That approach meant a radical change in the education system, striving for greater inclusiveness and equality.<sup>31</sup>

The war of the 1990s led to a sudden disintegration of the unified education system, which was replaced by three separate systems, each controlled by an ethnic army on its own territory.<sup>32</sup> During the war, school buildings were largely destroyed or unsuitable for regular classes, many teachers and students were killed, and classes were conducted under the supervision of military and political structures, strictly separated on ethnic grounds with shortened programs and classes. Such a situation deepened nationalist divisions and led to the neglect of the needs of other peoples and minorities, including socially excluded categories and children with disabilities. The post-war period was marked by a lack of investment in education, a lack of teaching materials, and insufficient training of teachers in new teaching methods. Schools often employed teachers of the same ethnicity, regardless of their competencies.<sup>33</sup>

The army controlling an area decided on the curriculum used, while the practice of using textbooks and curricula of neighboring countries lasted until 2000, when a law was passed that prohibited the import of textbooks from other countries to Bosnia and Herzegovina.<sup>34</sup> The Dayton Peace Agreement brought peace, but at the same time it formalized the ethnic domination over certain territories of Bosnia and Herzegovina achieved by the war, thus enabling divisions in the education system and, later on, some official forms such as: “national groups of educational subjects” and unofficial ones such as “two schools under one roof.”<sup>35</sup>

In Bosnia and Herzegovina, fragmentation of the education system and ethnic isolation are acute problems, especially in smaller communities where there are frequent examples of incompetence on the part of both teachers and policymakers. Forced linguistic separation further complicates the situation, but efforts are being made to promote integrative, intercultural approaches to education, particularly in major cities such as Sarajevo, Tuzla, and in Brčko District. Many studies indicate a lack of optimistic perspectives for the current system, offering different proposals to improve it. However, research results and proposals of numerous authors and researchers remain unknown to the wider pedagogical audience and educational policy makers due to a lack of interest in pedagogical research published in foreign languages, as well as rejection and disrespect

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<sup>31</sup> Emkić, E. (2023). *Reconciliation and Education in Bosnia and Herzegovina: From Segregation to Sustainable Peace*. Springer.

<sup>32</sup> Pašalić-Kreso, A. (2023). Education as a Victim and Accomplice of Conflict: Historical Perspectives and Possible Ways of Strengthening Peace Pedagogy in Bosnia and Herzegovina. U L. Kasumagić-Kafedžić & S. Clarke-Habibi (Ur.), *Peace Pedagogies in Bosnia and Herzegovina: Theory and Practice in Formal Education*. Springer.

<sup>33</sup> Pašalić-Kreso, A. (2023). Education as a Victim and Accomplice of Conflict: Historical Perspectives and Possible Ways of Strengthening Peace Pedagogy in Bosnia and Herzegovina. U L. Kasumagić-Kafedžić & S. Clarke-Habibi (Ur.), *Peace Pedagogies in Bosnia and Herzegovina: Theory and Practice in Formal Education*. Springer.

<sup>34</sup> Emkić, E. (2023). *Reconciliation and Education in Bosnia and Herzegovina: From Segregation to Sustainable Peace*. Springer.

<sup>35</sup> Pašalić-Kreso, A. (2023). Education as a Victim and Accomplice of Conflict: Historical Perspectives and Possible Ways of Strengthening Peace Pedagogy in Bosnia and Herzegovina. U L. Kasumagić-Kafedžić & S. Clarke-Habibi (Ur.), *Peace Pedagogies in Bosnia and Herzegovina: Theory and Practice in Formal Education*. Springer.

of the validity of their results and proposals. To date, the authorities in BiH have not organized any domestic scientific research on the education system, so all available information has been obtained from foreign CSOs and independent scientific papers. Education in the Dayton BiH today is segregated based on ethnic affiliation. Examples such as “two schools under one roof” and the separation of children based on national subject groups and linguistic affiliation highlight discrimination, often disregarding minority and socially excluded groups and children with disabilities. These problems lead to a lack of patriotic feelings towards the state and a tendency to create ethnically homogeneous regions that are favored over national identity. The ethnic encapsulation of school curricula and exclusivity of schools make it difficult for young people to think critically about the world around them and engage in dialogue with others, which is crucial for the development of a more inclusive and tolerant society. Calls for the strengthening of national identity often lead to the misuse of data in claims that peoples in BiH cannot coexist. The lack of a common vision leads to disintegration of educational goals and a fundamental change in the system of values from the time of the Socialist Republic of Bosnia and Herzegovina. Education today often incites segregation visible through phenomena such as “two schools under one roof” and linguistic separations, discrimination against minority and marginalized groups, and antagonism and nationalist puritanism based on the rhetoric: “My religion, my culture, my language are better than yours,”<sup>36</sup> overall lack of patriotism towards the state of BiH, i.e. the tendency to create ethnically homogeneous regions which “deserve patriotic feelings” unlike the state, insulting names of educational institutions that offend the feelings of “others”, “the rise of expensive private schooling” in one of the poorest countries in Europe and “unacceptable rhetoric” for the state and society as a whole. Different educational outcomes are visible schools in BiH. Depending on ethno-nationalist foundations of the curriculum, the development of positive feelings towards the homeland and its cultural diversity can be suppressed, neglected or overemphasized. The ethnic closedness of the curriculum and exclusivity of education make it difficult for young people to think critically about the world, their history and culture, reducing the opportunities for

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<sup>36</sup> The breakup of Yugoslavia in the early 1990s marked the beginning of a process in which language policies were aggressively used to establish cultural fundamentalism and social exclusivity in the name of ethno-national protection. Institutionalized linguistic differences, embedded in post-Yugoslav legal systems, aimed to ensure domination of the majority ethno-national group. After the war, nationalist leaders and many citizens insisted on the use of three separate languages—Serbian, Croatian, and Bosnian—which was constitutionally recognized in the Dayton Peace Agreement. That linguistic separation in education has resulted in the official use of three languages in Bosnia and Herzegovina, with the aim of preserving ethnic purity through specific linguistic changes. Linguistic purism, applied through examples such as different terms for a helicopter or pronunciations, is aimed at consolidating the ethnic distance between the official languages. Such policy of linguistic distance, aimed at preserving national identities, has in reality led to a reduction in space for interethnic interaction and dialogue. When politicized, that policy led to the suffocation of heterogeneous public spaces, especially in the education system, where integrated classrooms were seen as a threat to national identity. Such practice has further strengthened segregation and maintained ethno-national divisions. There is a need to reconsider the role of language in post-conflict societies, emphasizing the importance of creating a space within the education system where linguistic and cultural differences can be celebrated as a source of enrichment rather than as barriers. Hromadžić, A. (2015). *Citizens of an Empty Nation: Youth and State-Making in Postwar Bosnia-Herzegovina*. University of Pennsylvania Press.

dialogue. A strong ethno-national identity of students often leads to a greater connection with neighboring countries than with their own country.<sup>37</sup>

As Fisher states: "Education in the Yugoslav period was designed in accordance with the ideology and principles of Tito's regime. Teaching curricula and methods were guided by socialist values, emphasizing collective solidarity and political loyalty over critical thinking. The official ideology manifested itself in particular in the teaching of the history of the 20<sup>th</sup> century. World War II was portrayed as a heroic struggle against fascism. Crimes and horrors among the Yugoslavs were disregarded in favor of a comprehensive Partisan perspective. Such dependence on a "fragmented memory" that selects historical events and claims that there is only one "true" history is still evident in textbooks throughout the post-Yugoslav region. It has now been recycled from a nationalist perspective."<sup>38</sup>

Three decades after the war, despite international efforts to promote a culture of peace and education, politicians and educational leaders in BiH have shown little interest in substantive changes, often maintaining the status quo of interethnic divisions. Therefore, many institutions, in addition to official educational ones, are involved in activities seeking to exercise the right to truth.<sup>39</sup> For instance, the project "Child-Friendly School and Community," led by CSO CIVITAS, aims for social cohesion within schools. Its "Citizen Project" engages more than 60,000 students annually in researching and developing solutions to problems in their communities, which includes initiatives such as passing laws and improving school conditions. Another CSO, the Nansen Dialogue Center (NDC), led the project "Education for Peace/Conflict Prevention and Management" from 2010 to 2013, training teachers and students in elementary schools. At the state level, the formal introduction of civic education as an independent subject in 2003 included learning about civil rights and responsibilities, while democracy and human rights education was introduced in secondary schools. Many local CSOs in BiH, often funded by international donors, do not have sustainable missions; their work is project-driven and they often change focus according to donor requirements. Despite this, their work is significant; if quality educational programs are offered to schools, students and teachers from all over BiH are willing to participate, regardless of ethnic origin. Those projects have impacted the formal education system by integrating education for peace, human rights and inclusive education into schools, laying the foundations for long-term positive changes in the education sector in Bosnia and Herzegovina.<sup>40</sup>

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<sup>37</sup> Pašalić-Kreso, A. (2023). Education as a Victim and Accomplice of Conflict: Historical Perspectives and Possible Ways of Strengthening Peace Pedagogy in Bosnia and Herzegovina. U L. Kasumagić-Kafedžić & S. Clarke-Habibi (Ur.), *Peace Pedagogies in Bosnia and Herzegovina: Theory and Practice in Formal Education*. Springer.

<sup>38</sup> Fisher, A. (2006) "Integration or Segregation? Reforming the Education Sector," in *Peace- building and Civil Society in Bosnia-Herzegovina: Ten Years after Dayton*, ed. Martina Fischer. Münster: Lit-Verlag, 298–99.

<sup>39</sup> Pašalić-Kreso, A. (2023). Education as a Victim and Accomplice of Conflict: Historical Perspectives and Possible Ways of Strengthening Peace Pedagogy in Bosnia and Herzegovina. U L. Kasumagić-Kafedžić & S. Clarke-Habibi (Ur.), *Peace Pedagogies in Bosnia and Herzegovina: Theory and Practice in Formal Education*. Springer.

<sup>40</sup> Emkić, E. (2023). *Reconciliation and Education in Bosnia and Herzegovina: From Segregation to Sustainable Peace*. Springer.

**Table 2 – Institutions and responsibilities in the context of education<sup>41</sup>**

<b>Institution</b>	<b>Level of responsibility</b>	<b>Responsibilities</b>
International organizations: OSCE, UNICEF, Open Society Foundation, COUNCIL OF EUROPE, USAID and local NGOs working in the field of education for peace	International organizations operating in the field of education in BiH	Organize trainings in education for peace, create education for peace policies, help integrate and institutionalize education for peace for representatives of education ministries, help create a matrix of interested parties, help create NSC
Department for education, science, culture and sport of the Ministry of Civil Affairs	State level	Help create a matrix of interested parties, participate in creation of NSC, adopt education for peace policy
National steering committee	State level	Create education for peace policy, follow its implementation, develop tools for monitoring and evaluating education for peace
Agency for preschool, elementary and secondary education	State level	Develop trainings for school staff in cooperation with pedagogical institutions, work on creating curricula for education for peace, work on creating tools for monitoring and evaluating education for peace

Peace education in Bosnia and Herzegovina is not formally integrated into the education system, but is implemented through various projects led by local and international organizations. These initiatives, including workshops, youth clubs, camps and student

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<sup>41</sup> Emkić, E. (2024). Reconciliation and Education in Bosnia and Herzegovina: From Segregation to Sustainable Peace. Springer.

exchanges, contribute to building interethnic respect and cooperation, which has shown significant results in creating social cohesion among young people.<sup>42</sup> Although the pedagogy of peace is traditionally present in educational practices of Bosnia and Herzegovina, the promotion of values and character development are not sufficiently exploited in today's education system. To make optimal use of the pedagogy of peace, it is essential to revitalize and expand its application in order to enrich education and support social development. The absence of integrated systemic models for education for peace at all levels of education indicates a slow progress in institutional responses, which needs to be improved. It has been proposed that education for peace should not only be viewed as an addition, but as a key segment of the educational curriculum that could significantly contribute to building a lasting peace and reconciliation. Through thought-provoking pedagogies, educational workers can play a key role in changing how young people understand and perceive conflicts, and develop the skills and values needed to build a more peaceful society. Such an approach should be accepted and promoted at all levels of education, in order to maximally use the potential of peace pedagogy in the post-conflict society of Bosnia and Herzegovina.<sup>43</sup> In order to overcome socio-political divisions, greater engagement of the BiH government and educational experts in the reform of the education system is needed. The goal of these changes should be the democratization of education, which includes respecting the right of every individual to quality education, without divisions, segregation and discrimination. Education for peace must promote a culture of peace that includes social justice, democracy, literacy, international solidarity, gender equality, and respect for diversity, which is crucial for a long-term social and educational progress.<sup>44</sup> Nemanja, a young person in BiH said: "If you want to do something, if you want to change society, start with children. This implies that we must start with education. If the situation in the country were slightly different, if the economic situation were better, the problem of education might not be such a problem, because people would probably concentrate more on other things than on nationalist propaganda."<sup>45</sup> Dino young person claims that "schools should be the ones that teach us how to engage in interaction with others without any obstacles. Even public-school teachers understand that our school system is not good, but they are aware that they cannot change anything when it comes to the system organization."<sup>46</sup> On the other hand, Nina suggests that some of the 'differences' between the groups are malleable and that if students of the three different curricula studied together, there would probably be less conflict. "As we talked among ourselves the other day, it would be better if they called us

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<sup>42</sup> Emkić, E. (2023). Approaches to Peace Education and Institutionalization of Peace Values in Formal Education in Bosnia and Herzegovina. U L. Kasumagić-Kafedžić & S. Clarke-Habibi (Ur.), *Peace Pedagogies in Bosnia and Herzegovina: Theory and Practice in Formal Education*. Springer.

<sup>43</sup> Kasumagić-Kafedžić, L., & Clarke-Habibi, S. (Eds.). (2023). *Peace Pedagogies in Bosnia and Herzegovina: Theory and Practice in Formal Education*. Springer.

<sup>44</sup> Pašalić-Kreso, A. (2023). Education as a Victim and Accomplice of Conflict: Historical Perspectives and Possible Ways of Strengthening Peace Pedagogy in Bosnia and Herzegovina. U L. Kasumagić-Kafedžić & S. Clarke-Habibi (Ur.), *Peace Pedagogies in Bosnia and Herzegovina: Theory and Practice in Formal Education*. Springer; Emkić, E. (2023). Reconciliation and Education in Bosnia and Herzegovina: From Segregation to Sustainable Peace. Springer.

<sup>45</sup> Osler, A. & Husić Pandur, I. (2019): The right to intercultural education: students' perspectives on schooling and opportunities for reconciliation through multicultural engagement in Bosnia and Herzegovina, *Intercultural Education*.

<sup>46</sup> Osler, A. & Husić Pandur, I. (2019): The right to intercultural education: students' perspectives on schooling and opportunities for reconciliation through multicultural engagement in Bosnia and Herzegovina, *Intercultural Education*.

all by the same name, and if they called our language by one name, no matter what that name might be, because that would enable us to work on other issues than our differences. Living, working and playing together; that seems like a good foundation for a dialogue.”<sup>47</sup>

**Table 3 – Timeline of education reforms in BiH<sup>48</sup>**

Date	Event
December 1997	The Peace Implementation Council initiated the need for changes in education for the first time (IIEP 2011)
February 1998	The international community launched the Sarajevo Declaration that opened the door to a curriculum and revision of textbooks (Karge/Batarilo 2008)
March 1998	The Working Group for Education in Sarajevo was set up to develop projects that promote democracy and ethnic tolerance (Low-Beer 2001)
1999	International pressure was applied towards the creation of a central, coordinating educational body for higher education, as well as for the school system, and the National Conference of Education Ministers was established (Low-Beer 2001)
July 1999	All ministries signed an “Agreement on the Removal of Undesirable Material from Textbooks for Use in BiH in the School Year 1999-2000” (Low-Beer 2001)
2000	The Law prohibiting the import of textbooks from other countries to BiH adopted (Karge/Batarilo 2008)
May 2000	The conference of education ministers of BiH held (OHR 2000)

<sup>47</sup> Osler, A. & Husić Pandur, I. (2019): The right to intercultural education: students’ perspectives on schooling and opportunities for reconciliation through multicultural engagement in Bosnia and Herzegovina, Intercultural Education.

<sup>48</sup> Emkić, E. (2023). Approaches to Peace Education and Institutionalization of Peace Values in Formal Education in Bosnia and Herzegovina. U L. Kasumagić-Kafedžić & S. Clarke-Habibi (Ur.), Peace Pedagogies in Bosnia and Herzegovina: Theory and Practice in Formal Education. Springer.

2002	The OSCE was mandated to coordinate education in BiH on behalf of the international community (Torsti 2009)
August 2003	A common core curriculum was adopted all of Bosnia and Herzegovina (OSCE 2003)
2008	Education strategy was accepted (Official Gazette of BiH 2008)

In BiH, the education system is still affected by the Dayton Peace Agreement, and many believe that it contributes to segregation and discrimination. Different entities have different approaches to curricula, with claims that those in Republika Srpska are less segregated, unlike in the Federation of BiH where curricula are still very segregated and do not promote the values of peace. National subjects such as history, geography, and mother tongue highlight the differences between ethnic groups. Despite initiatives to introduce Common Core Curricula (CCCs) to represent common values, many argue that the CCCs have not achieved significant progress due to political manipulation and lack of coordination. The CCCs were supposed to be a step forward towards the unification of the education system and reconciliation of attitudes in BiH, but many respondents in a survey conducted by Emkic feel that they have not brought the values of peace into the education system. Textbooks still do not support an individualized approach to teaching or the development of critical thinking among students, while often being nationally colored and not promoting cross-cultural living. As for teachers, they are often not sufficiently trained to lead open discussions on sensitive topics. Integrated classrooms and curricula that encourage critical thinking can be more effective than special classes on conflict resolution. Despite some improvements after the education reform, the core purpose of the CCC has been hampered by limited practice due to a lack of coordination at the state level. Education reform in BiH is still battling with the legacy of conflict, and greater coordination and support is needed to overcome ethnic divisions and promote the values of peace and intercultural understanding. More effective education can be key to building peace and reconciliation, but it requires a concerted effort by all stakeholders in the education system.<sup>49</sup>

Education in Bosnia and Herzegovina reflects deep ethnic and political divisions, continuing to promote prejudice among new generations. For example, in Konjevic Polje, Bosniak children face segregation in schools and are unable to learn about their culture and language. Muhizin Omerovic, a father of four, expresses his dissatisfaction: "Education is discriminatory, it divides us, and just as we could not sit down and solve the causes of the war, neither can we do it for the education." A court in the Federation of Bosnia and Herzegovina ruled against the practice of "two schools under one roof," but the implementation of the ruling faces political and bureaucratic obstacles. Ahmet Salcin, a coordinator of Your Rights CSO, warns: "Unless the cantonal government in Mostar<sup>50</sup>

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<sup>49</sup> Emkić, E. (2024). *Reconciliation and Education in Bosnia and Herzegovina: From Segregation to Sustainable Peace*. Springer.

<sup>50</sup> The educational landscape in Mostar reveals that national divisions are deeply rooted, reflected in curricula adapted to constituent national groups, leading to a generation of young people raised in isolation



starts working on changes, we shall file a new suit.” These challenges highlight the importance of education in peacebuilding and reconciliation processes, and the need for education to become a tool that unites rather than divides.<sup>51</sup>

History textbooks for high school students in Bosnia and Herzegovina’s two ethnically dominant entities show different versions of events from the war in the 1990s, reinforcing ethnic divisions. For example, in textbooks in Republika Srpska, the Srebrenica genocide of July 1995, one of the gravest crimes in the recent European history, is hardly mentioned. The textbook in Republika Srpska mentions the conquest of Srebrenica without mentioning the genocide, while the textbook in the Federation of BiH highlights the culpability of the Bosnian Serb Army for the massacres. Analyses show that textbooks from both entities in BiH have a biased approach, often minimizing or ignoring the suffering of other ethnic groups. At the same time, the ministries of education in Serbia and Republika Srpska are trying to harmonize school programs so that the same subjects are taught equally in Serbian areas, which could additionally deepen educational divisions. The OSCE emphasizes that the reform of history teaching in post-conflict societies is a long-term, sensitive and complex process.<sup>52</sup> In short, any decision to introduce judicially established facts into the history teaching in Bosnia and Herzegovina must be approved by ministries of education of both entities and ten cantons of the Federation. That means that decisions depend on politicians who can be guided by their ethnic agendas.<sup>53</sup> As a result, Bosnia and Herzegovina’s education system faces the challenge of identifying radicalization among students, according to experts. Schools do

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from their compatriots. That educational approach not only perpetuates national separatism, but also brings into question the idea of a unified national identity. In Mostar, an attempt to reunite the Old Gymnasium as a symbol of post-war reconciliation illustrates the ongoing struggle to overcome deeply rooted national divisions. Despite reintegration efforts, the persistence of segregated curricula alongside common spaces and activities reveals the limitations and potentials of education as a means of national reconciliation. The case of Mostar serves as a microcosm of broader challenges facing post-conflict Bosnia and Herzegovina, illustrating the key role of education in perpetuating divisions or promoting a common national identity. The discussion of the nature and structure of the education system in post-war Bosnia and Herzegovina provides important insights into the processes of nation-building and reconciliation in divided societies. Considering education as a key field for understanding and resolving national divisions implies the need for deep reflections and interventions that would enable the transformation of the education system into a tool for building peace and reconciliation. The question arises as to how education can act as a bridge between divided communities, promoting mutual understanding and respect, and how educational policies and practices can be reformed to reflect and promote Bosnia and Herzegovina’s multinational identity. A consideration of the education system in Mostar, and more broadly in Bosnia and Herzegovina, as a reflection and reconstruction of national identities offers a valuable perspective for researchers, policymakers, and practitioners in the field of education and post-conflict recovery. The challenges and opportunities that education presents in the context of a post-conflict society emphasize the importance of continuous engagement and critical review to ensure that education serves as a foundation for a stable, peaceful, and inclusive development of the society. Palmberger, M. (2016). *How Generations Remember: Conflicting Histories and Shared Memories in Post-War Bosnia and Herzegovina*. Palgrave Macmillan. Cf. Osler, A. & Husić Pandur, I. (2019): The right to intercultural education: students’ perspectives on schooling and opportunities for reconciliation through multicultural engagement in Bosnia and Herzegovina, Intercultural Education.

<sup>51</sup> Džidić, D. (2015, February 13). Bosnia’s Segregated Schools Maintain Educational Divide. Balkan Insight. <https://balkaninsight.com/2015/02/13/bosnia-s-segregated-schools-maintain-educational-divide/>

<sup>52</sup> Obrenović, M. (2020, October 30). Bosnian, Serbian Schoolbooks Teach Rival Versions of History. Detektor. <https://www.detektor.ba>

<sup>53</sup> Dizdarević, E. (2023, April 11). From Court to Classroom: Bringing Wartime Facts to Bosnia’s Schools. Balkan Insight. <https://balkaninsight.com/2023/04/11/from-court-to-classroom-bringing-wartime-facts-to-bosnias-schools/>

not have the necessary expertise and resources to fight this problem, and the government's strategies against extremism are delayed and insufficient. Extremist influences on young people are widespread, including extremist influencers who advocate ideas contrary to democracy and human rights, as well as neo-Nazi groups. Teachers play a key role in identifying radical behaviour, but schools often lack resources and professional training. A lack of focus on developing critical thinking among children is a particular flaw of the current education system.<sup>54</sup>

Education in the post-war Bosnia and Herzegovina can be viewed through the prism of socio-security dilemma, providing insight into the complex interactions between the security of individuals, groups and the state regulation itself. Education plays a key role in manifesting this dilemma, showing how ethnonationalism and group rights can amplify social insecurity. The decentralization of education has enabled local nationalists to have bigger influence, thus reducing the role of school staff, parents and students. This decentralization creates a situation in which the Ministry of Civil Affairs has a formal obligation to supervise education, but it does not actually have the authority over the cantons. Such an education system in Bosnia and Herzegovina, which is divided and nationalistic, has serious implications for security and human rights in the heterogeneous and fragile society.<sup>55</sup>

Let us now move on to higher education and the right to truth. The Dayton Peace Agreement established the state of Bosnia and Herzegovina after three years of war, making no specific mention of education, and especially not higher education. Responsibility for education and scientific research is left to the entities in Bosnia and Herzegovina, i.e. Republika Srpska and the Federation of Bosnia and Herzegovina, where decisions on higher education are made by the government of the centralized Republika Srpska and at the cantonal level in the highly decentralized and dysfunctional Federation. Following the 1999 Arbitration in Brcko, this unique, multinational unit of local self-government in Bosnia and Herzegovina was also given competence for higher education on its territory. By 2007, there were 11 laws on higher education in Bosnia and Herzegovina, in ten cantons and two entities. In 2007, the 12<sup>th</sup> law, a vaguely worded Framework Law on Higher Education of Bosnia and Herzegovina – based on the requirements of the Bologna Declaration – joined that legislative assembly. Behind such dispersion and extreme internal inconsistency in higher education lies ethnopolitics. In general, education, especially in 'key national subjects' such as mother tongue, history, geography, and literature, is considered an extremely important political issue and is usually referred to as a vital national interest. That is why, as in no other area of social life, extremely discriminatory practices and violations of basic human rights and freedoms are tolerated – including the physical division of children of different ethnic origins in elementary and secondary schools. However, such a physical division is not necessary in higher education institutions, since students socialized in a strongly ethnicized context usually choose to study at universities of their ethnic group. West Mostar is considered a Bosnian Croat university, while Banja Luka and East Sarajevo are considered Bosnian Serb universities. Bosniaks usually study at universities in Sarajevo, Tuzla, Bihac, Zenica and East Mostar. Only at the universities in Sarajevo and Tuzla is

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<sup>54</sup> Grebo, L. (2021, August 6). Bosnian Education System Failing to Spot Radicalisation of Pupils. *Detektor*. <https://www.detektor.ba>

<sup>55</sup> Swimelar, S. (Date of issuance). Education in Post-war Bosnia: The Nexus of Societal Security, Identity and Nationalism. Journal title/publisher. [Details of edition/volume/pages, if available].

there a deviation from these narrow ethnic definitions. As one of the key conditions for integration into the European Union, the National Framework Law on Higher Education is designed to meet the requirements of modern European standards of higher education. These standards, commonly known as the Bologna Declaration, were adopted by Bosnia in 2007 under an enormous pressure from the international community. The fate of the law clearly shows that higher education is vital for ethno-nationalist power elites, to the detriment of the quality of education and the future of younger generations. This law, a weak compromise between nationalists, is not designed to succeed or be fully implemented. Bologna shows that Bosnian higher education is a strong political rather than a professional issue.<sup>56</sup>

Higher education in Bosnia and Herzegovina, in the context of transitional justice and the right to truth, reflects deep ethnic divisions and political instrumentalization that directly affect the possibilities to exercise the right to truth. The Dayton Peace Agreement did not specifically address education issues, leaving significant aspects of higher education in the hands of entity authorities. This has resulted in a highly decentralized and inconsistent education system with different laws applied in various parts of the country. Faculties are divided along ethnic lines, where students usually choose universities according to their ethnicity. This results in a situation where access to educational content that promotes objective understanding and critical questioning of the past is limited. Key issues arising from such a system include the lack of inclusive education that crosses ethnic and ideological boundaries, which is essential for the right to truth and the transitional justice process. If students cannot learn from balanced perspectives that objectively address local and regional history, they can hardly develop understanding and empathy for other ethnic groups, which is key to building peace and reconciliation. The 2007 National Framework Law on Higher Education, which was introduced to meet the requirements of the Bologna Declaration, has been met with political resistance and has shown a limited impact on actual changes. This Law was supposed to improve the quality of education and promote modern European standards, but in practice it was a poor compromise between nationalist interests. Its insufficient implementation illustrates how deeply political issues prevail over professional and educational standards.<sup>57</sup>

Higher education, instead of being free from political influences, has often been key to the ruling ideologies, both communist and nationalist ones. The return to ideological approaches in the late 1970s and throughout the 1990s, coupled with wartime hardships, dramatically reduced academic freedom and research capacity. In 1991, in the context of growing nationalism, professor Aleksa Buha proposed a physical division of faculty spaces along ethnic lines, which was a symbolic manifestation of ethnonationalism that dominated the period. These practices have contributed to the creation of educational institutions that serve as an extension of ethnic divisions, instead of promoting dialogue and understanding. The result is an education system that perpetuates divisions instead of overcoming them, which is a key obstacle to the process of transitional justice and the realization of the right to truth. Indeed, fundamental reforms are necessary to cross the ethnic and ideological divisions, enabling higher education to be an engine of social

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<sup>56</sup> Mujkić, A. (2009). Bosnia's higher education in the shadow of Bologna: Between ideological heritage and ethnopolitics. *Journal of International Relations and Development*, 12, 418–426.

<sup>57</sup> Mujkić, A. (2009). Bosnia's Higher Education in the Shadow of Bologna: Between Ideological Heritage and Ethnopolitics. *Journal of International Relations and Development*, 12, 418–426.

change rather than a means of preserving the status quo. This includes de-ideologization of universities and establishment of academic freedom, where professors and students would be free to research, learn, and discuss sensitive topics without fear of censorship or political pressure.<sup>58</sup>

Despite the high cost of education relative to GDP, which is twice as high as the European average, the quality of education has not improved. The complexity of competencies and governance makes reforms difficult, especially in the Federation of BiH. A large number of ministries and administrative structures contribute to high costs, while discrimination and human rights violations in the educational context remain tolerated. Ethnic segregation is particularly pronounced in elementary and secondary schools, where the physical division of children along the ethnic principle illustrates deep divisions within the society. As stated earlier, such segregation is not necessary at the level of higher education because students often choose ethnically homogeneous universities themselves, which further cements the ethnic divisions. For example, universities in West Mostar, Banja Luka and East Sarajevo are perceived as ethnic centers, while only Sarajevo and Tuzla show a deviation from these definitions. Despite requests for compliance with modern European standards of education, as dictated by the Bologna Declaration, political pressures and nationalist tendencies dominate, limiting the effectiveness of legal solutions such as the National Framework Law on Higher Education. The Law, an expression of a weak compromise among nationalists, has not even been translated into practice. Teaching in BiH is often influenced by nationalist narratives that shape textbooks and curricula, inciting intolerance and maintaining ethnic stereotypes. Examples from practice indicate that schools in BiH operate in accordance with nationalist ideas, where even the names of educational institutions and separate shifts for different ethnic groups are symptoms of deep divisions. "Two schools under one roof," which is especially present in the Central Bosnia and Herzegovina-Neretva Cantons, symbolize that division. This model, where children of different ethnic groups are physically and curricularly separated, is considered a form of educational apartheid. In light of those challenges, it is becoming clear that Bosnia and Herzegovina needs reforms that will overcome ethnic and ideological divisions. Reforms should include de-ideologization of education, promotion of academic freedom, and implementation of curricula that reflect multicultural values and promote critical thinking. Cooperation between different actors in the education sector is key to sharing resources and best practices, while community involvement can help overcome the ethnic divisions. Initiatives such as the demonstration of high school students in Jajce in 2016, who opposed segregation, show that there is a desire for change among young people. These movements should be supported in order to create an educational culture that promotes peace, tolerance and mutual respect. Only in that way can Bosnia and Herzegovina overcome the legacy of the conflict and take the path of justice and lasting peace.<sup>59</sup>

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<sup>58</sup> Mujkić, A. (2009). Bosnia's Higher Education in the Shadow of Bologna: Between Ideological Heritage and Ethnopolitics. *Journal of International Relations and Development*, 12, 418–426; Cf. Sabić-El-Rayess, A. (2009). Internationalization in the Educational System of a Weak State: Examining Multiple Identities of Bosnia and Herzegovina's Higher Education. *Intercultural Education*, 20(5), 419–428.

<sup>59</sup> Pašalić-Kreso, A. (2023). Education as a Victim and Accomplice of Conflict: Historical Perspectives and Possible Ways of Strengthening Peace Pedagogy in Bosnia and Herzegovina. U L. Kasumagić-Kafedžić & S. Clarke-Habibi (Ur.), *Peace Pedagogies in Bosnia and Herzegovina: Theory and Practice in Formal Education*. Springer.

#### 4. Missing persons

In the quiet area of Brcko District, a place where the shadows of the past have long reached into the present, an unexpected discovery under the foundations of an ordinary fountain in Nebojsa Mraovic's yard brought out secrets that had been buried for decades. As the morning sun broke through the fog, forensic teams cordoned off the area, while their presence was a sharp contrast to the quiet suburban life. The discovery of human remains, hidden under layers of earth and stone, broke the silence that had long enfolded this corner of Bosnia and Herzegovina. Emza Fazlic, a spokeswoman for the Missing Persons Institute of Bosnia and Herzegovina, stood on the edge of the excavation, her eyes reflecting the gravity of the situation. "These remains tell the story not only of a life lost, but also of the ongoing struggle for truth and reconciliation in the region scarred by conflict," she said, her voice barely above a whisper as she addressed the assembled crowd and impatient press. The remains, believed to belong to a Bosniak victim from Srebrenica, are not only a sharp reminder of the brutality of the war, but also a testimony of an enduring hope of families still searching for their loved ones. The bones, carefully brought out to light by forensic experts, carried the weight of an unresolved history, triggering a new investigation into war crimes and a quiet, diligent work on transitional justice. While Dr. Mraovic, an orthopedist with an unexpected connection to the remains, faced questioning, the community struggled with the discovery. The realization that the ground they walked on could hide untold stories of loss and despair was upsetting, challenging the fragile peace that had been arduously built for years. The story of the excavation in Brcko District was not just about the physical excavation of remains; it was a touching reminder of the missing and of the constant search for closure among the living. It emphasized the complex space of memory, hope and constant search for justice in a country too familiar with the costs of conflict. With every shovel of earth, the past has been barren, revealing the undeniable truth that in the pursuit of peace, the search for the missing is a journey that never truly ends. It is a path woven into the firm belief that every lost person is a story waiting to be told, a name to be remembered, and dignity to be restored.<sup>60</sup>

The war in Bosnia and Herzegovina (1992-1995) has left deep scars on Bosnian society, with over 100,000 dead, between 20,000 and 40,000 raped, and over 200,000 detained or tortured. One of the most difficult aspects of this conflict is the fate of nearly 32,000 missing persons, whose uncertain fate leaves their families in eternal waiting and pain. Despite the fact that 75% of the cases had been solved by 2017, over 7,500 people are still missing, and the majority of whom are Bosniaks. Srebrenica, where 25% of cases occurred, has become a symbol for suffering.<sup>61</sup> However, the political discussion of the number of missing persons and the demographic distribution of the missing provide a key insight into the complexity of the problem of missing persons in Bosnia and Herzegovina after the 1990s war. The numbers of missing persons are not just statistical data, but reflect the political and social implications that affect the processes of achieving truth, reconciliation, justice and historical memory. The numbers of the missing are often politicized, which complicates their identification and search. The politicization hampers

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<sup>60</sup> Trepanić, A. (2023, September 20). An Investigation Has Been Opened into Hiding Human Remains in the Brcko District. *Detektor*. Taken from <https://detektor.ba/2023/09/20/otvorena-istraga-zbog-skrivanja-posmrtnih-ostataka-u-brcko-distriktu/>.

<sup>61</sup> Hronešová, J. (2018). Bones and Recognition: Compensating Families of Missing Persons in Post-War Bosnia and Herzegovina. *Journal of Peacebuilding & Development*, 13(2), 47-60.

transparent communication and cooperation between ethnic and national groups, as well as between local authorities and international organizations, impeding the efforts to provide accurate information to the families of the missing. The demographic distribution of missing persons shows the geographical and ethnic distribution of the missing, which helps to understand the scale of the conflict and how different communities affect the search process. Such an analysis can direct efforts in the search and help understand the social and political consequences of the conflict on the society. The issue of the missing in Bosnia is multi-layered and requires a holistic approach. It is necessary to prevent political discussions from hampering the efforts in the field and to use demographic data for improvement rather than for further divisions. Transparency, cooperation and respect for all victims are key to a lasting peace and reconciliation.<sup>62</sup>

During and immediately after the conflict in the former Yugoslavia, numerous efforts were made to determine the fate of missing persons, which was complicated by the devastating consequences of the war and political complexities. The United Nations initially encountered obstacles due to the limitations of its mandates, which led to the establishment of a special process to improve cooperation and information exchange. The initiative had a limited success due to political and logistical challenges in the post-conflict environment. In addition to international efforts, various commissions and organizations, including the International Committee of the Red Cross (ICRC), have played an important role in documenting, monitoring and representing missing persons. Entity commissions have been established in Bosnia and Herzegovina to document the missing and support their families, but their effectiveness has often been limited due to the fragmented political landscape. The Dayton Peace Agreement, which marked the end of violence, emphasized the importance of addressing the missing persons issue for a lasting peace and reconciliation. However, the road towards establishing a unified and effective mechanism at the national level has been deeply challenging, reflecting the difficulties of post-conflict recovery and nation-building in Bosnia and Herzegovina. This situation illustrates the complexity of addressing the missing persons issue in post-conflict environments, where humanitarian goals are intertwined with political and ethnic divisions.<sup>63</sup>

After the war in Bosnia and Herzegovina, the International Committee of the Red Cross (ICRC) led a Working Group on Missing Persons up until 1999. The group included representatives of former warring parties, the High Representative, local Red Cross organizations and associations of families of missing persons. They established a process to collect requests to search for missing persons, which enabled the creation of credible lists of missing persons. After the Dayton Peace Agreement, the pre-war commissions for prisoners of war and missing persons were transformed into the State Commission for the Search for Missing Persons, tasked with locating, documenting and identifying the missing. The International Commission on Missing Persons (ICMP) was established in 1996 at the initiative of President Clinton, with the aim of addressing humanitarian issues of missing persons in the former Yugoslavia. ICMP, with the support of the USA, coordinated the exhumation processes and set standards for the work on identification.

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<sup>62</sup> Sarkin, J., Nettelield, L., Matthews, M., & Kosalka, R. (2014). *Bosnia and Herzegovina: Missing Persons from the Armed Conflicts of the 1990s: A Stocktaking*. International Commission on Missing Persons (ICMP).

<sup>63</sup> Sarkin, J., Nettelield, L., Matthews, M., & Kosalka, R. (2014). *Bosnia and Herzegovina: Missing Persons from the Armed Conflicts of the 1990s: A Stocktaking*. International Commission on Missing Persons (ICMP).

These efforts laid the foundations for subsequent state mechanisms in Bosnia and Herzegovina, including the establishment of a National Team for the Search for Missing Persons and establishment of central records. While significant efforts have been made to locate and identify the missing, challenges such as political will and resources remain crucial for a full implementation of legal frameworks and support to families of the missing.<sup>64</sup>

The process of establishing a state institution for missing persons in Bosnia and Herzegovina began in 1998 with an initiative to establish the Missing Persons Institute, envisaged as a joint and cross-ethnic one. The registration of the Institute by ICMP in the Sarajevo Cantonal Court in 2000 marked a key step in that process. The role of the BiH Council of Ministers became significant in 2003, and in August 2005 the Missing Persons Institute of Bosnia and Herzegovina (MPI BiH) was formally established through joint efforts of the BiH Council of Ministers and ICMP.<sup>65</sup> By the end of 2007, the activities and staff of the Entity Missing Persons Commissions had been transferred to MPI BiH. The State Missing Persons Law, adopted in November 2004, covered the rights of families of missing persons, including the right to information about the fate and place of disappearance, which is based on the Geneva Conventions of 1949 and their 1977 Additional Protocols. In 2006, the Office of the High Commissioner for Human Rights (OHCHR) defined the “right to knowledge” as a human right, the protection of which must be guaranteed by the state.<sup>66</sup>

Meanwhile, in 2004, the Parliament of Bosnia and Herzegovina adopted the Law on Missing Persons, the only legal framework at the state level dealing with victims of war, establishing the basis for creating a state institution charged with searching for missing persons, a central registry and a special fund to support families. The Law represents a result of interaction between international and domestic actors who influenced the creation of new social policies in the post-war period. The Law focuses on socio-economic empowerment of victims through cash transfers, social policies and free health insurance, providing a new framework for peacebuilding and transitional justice. Its adoption reflects the complexity of the compensation process, where various factors such as international visibility, moral authority, and the capacity to mobilize groups of victims are combined. These elements, combined with the political calculations of domestic authorities and international influence, generate opportunities for the success of compensation policies. The Law also illustrates how justice for victims and the right to truth are implemented through legal mechanisms that acknowledge the suffering and the

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<sup>64</sup> Sarkin, J., Nettelfield, L., Matthews, M., & Kosalka, R. (2014). *Bosnia and Herzegovina: Missing Persons from the Armed Conflicts of the 1990s: A Stocktaking*. International Commission on Missing Persons (ICMP).

<sup>65</sup> The Missing Persons Institute, formally established on the International Day of the Disappeared on August 30, 2005, was the first unified domestic body in charge of searching for missing persons. Since its operational opening in 2008, it has established offices throughout Bosnia with the aim of conducting investigations, cooperating with prosecutors' offices, supporting families and generally complementing the forensic and scientific work of other institutions. The Institute's Board of Directors consists of three members, one Croat, one Bosniak and one Serb, while family representatives are part of the Advisory Board with two members coming from each ethnic group, thus seeking to convey the opinions of families to the governing body and act as a channel of information from families upwards. Lai, D. (2020). *Socioeconomic Justice: International Intervention and Transition in Post-war Bosnia and Herzegovina*. Cambridge University Press.

<sup>66</sup> Juhl, K. (2016). The Politicization of the Missing Persons Issue in Bosnia and Herzegovina. *The International Journal of Human Rights*, 20(1), 1-32.



right of families to be informed about the fate of their loved ones. However, despite formal adoption, the implementation of the Law has encountered challenges, including the financing of the fund and administrative obstacles, demonstrating how political dynamics can affect the effectiveness of legal protection. The Law on Missing Persons stands as an example of how legislative initiatives can facilitate transitional justice processes, providing a legal framework for addressing the issue of missing persons, but also as a reminder of the complexity of implementation of such laws in politically and ethnically divided societies.<sup>67</sup> The Law on Missing Persons in Bosnia and Herzegovina laid the foundations for the creation of central registry of missing persons and defined the social and economic rights of their family members. A key part of the Law was the establishment of the Missing Persons Institute, in cooperation with the International Commission on Missing Persons (ICMP) and the Council of Ministers of BiH, which is considered crucial for exercising international human rights. The establishment of the Missing Persons Institute marked an important step forward in the process of identifying and documenting missing persons, regardless of their ethnic, religious or national affiliation. The Central Registry of Missing Persons has aggregated data from 12 databases, including the physical characteristics and circumstances of each person's disappearance, which are crucial for their location and identification. The Law also provided for a fund to support families of missing persons to alleviate the economic hardships they face, but the entity governments and the Brcko District Government encountered difficulties in agreeing on the establishment of the fund, which led to a standstill in its establishment. The role of judicial authorities, including courts and prosecutors, has been crucial in addressing the missing persons issue, in particular in the context of war crimes trials. The institution and judicial authorities jointly form the basis of the legal and institutional framework for addressing the issue of missing persons, which is crucial for building peace and reconciliation in a post-conflict society. Although significant efforts have been made, challenges such as inter-entity cooperation, continuous funding and respect for the rights of missing persons remain, pointing to the need to work further on this painful issue.<sup>68</sup>

The difference between rights and duties, as well as their connection to politics, is crucial for understanding the missing persons issue. Rights are individual and can be waived, while duties are collective and cannot be ignored. In modern societies, many duties have been transferred to public authorities who are supposed to act in the interest of all citizens, which requires political commitment. The problem of missing persons in BiH is politicized, often focused on ethnic interests instead of a humanitarian problem. Therefore, the need for depoliticization of this issue and greater political will to address it is highlighted. MPI BiH plays a key role in political reconciliation and social security. It is essential for trust in this institution that it performs its duties reliably and transparently. Criticism of MPI BiH can be constructive or motivated by political reasons that do not want reconciliation. The discourse of some Bosnian Serbs, promoting interethnic distrust for the sake of their own political agenda, confronts individuals who do not agree to such politics. This shows that there are different attitudes within ethnic groups and that the groups are not homogeneous. It is important to understand that public opinion depends on trust in sources of information. Political strategies often

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<sup>67</sup> Hronešová, J. (2018). Bones and Recognition: Compensating Families of Missing Persons in Post-War Bosnia and Herzegovina. *Journal of Peacebuilding & Development*, 13(2), 47-60.

<sup>68</sup> Sarkin, J., Nettelfield, L., Matthews, M., & Kosalka, R. (2014). *Bosnia and Herzegovina: Missing Persons from the Armed Conflicts of the 1990s: A Stocktaking*. International Commission on Missing Persons (ICMP).



involve discrediting competing views in order to strengthen one's own position. The establishment of MPI BiH is a significant step towards addressing the missing persons issue through the building of trust between ethnic groups. However, the long-term sustainability of the institution may depend on its efforts to address the issues of missing persons from all communities, including Bosnian Serbs. An empirical analysis of public discourse reveals how the missing persons issue is processed in public, emphasizing the importance of trust as a key aspect of social security.<sup>69</sup>

**Table - 4<sup>70</sup> Missing persons, right to truth and actors**

Level	FBiH	RS	State legislation
Families of missing persons	Included in entity legislation	Included in entity legislation	Law on Missing Persons at the state level, 2004

The MPI BiH is a crucial step in addressing the missing persons issue, but its effectiveness and sustainability will depend on its ability to build trust within the community, promote interethnic understanding and cooperation, and counter the politicization of the missing persons issue. Successful cooperation requires mutual trust between once conflicting factions in order to be able to cooperate and continue to cooperate. In addition, they must be willing to address the root causes of the conflict and the injustices committed. Trust functions as a risk assessment, based on vulnerability of the entrusting party and a risk of exposing that vulnerability to the other party that may cause harm. Public discourse plays an important role as a source of social information that influences risk assessments and trust decisions. This may include expressing attitudes, beliefs, values, and cultural-political preferences in public. Building social security after a conflict requires an ability to counter the fears and destructive forces fueled by divided entrepreneurs. Ultimately, the sustainability of MPI BiH may depend on its success in addressing the missing persons issue in a way that involves all ethnic groups, contributing to interethnic trust and social cohesion. Public discourse and the media play a key role in shaping the perception of MPI BiH, where positive portrayal can build trust, while negative perceptions can diminish trust in that institution.<sup>71</sup>

### **Graph 1 – Incidence of identified missing persons relative to reported missing persons**

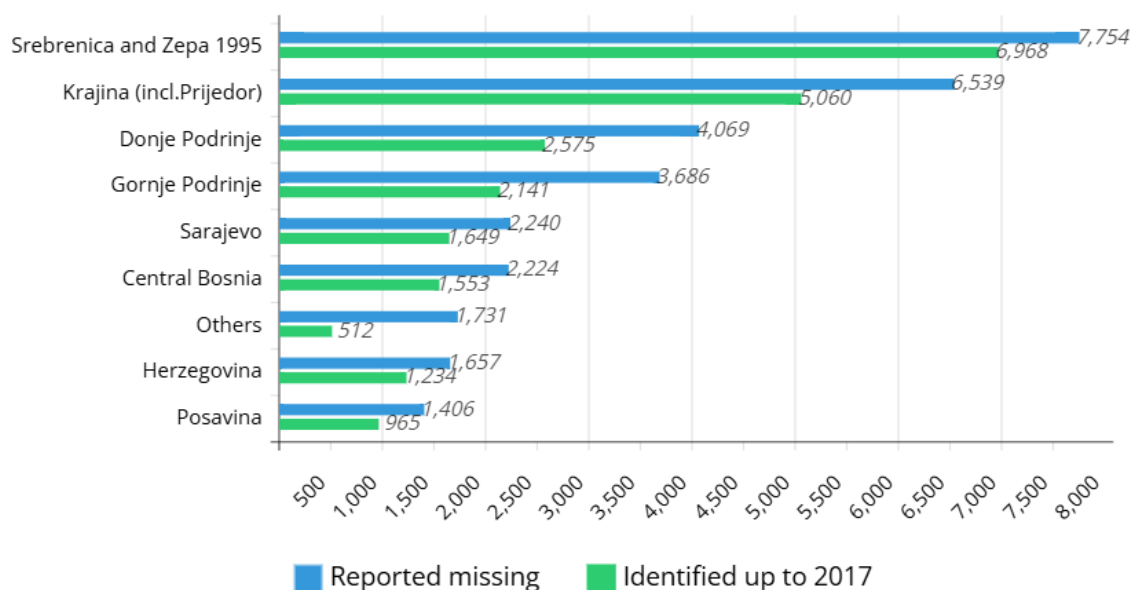
<sup>69</sup> Juhl, K. (2016). The Politicization of the Missing Persons Issue in Bosnia and Herzegovina. *The International Journal of Human Rights*, 20(1), 1-32.

<sup>70</sup> Barton-Hronešová, J. (2020). The Struggle for Redress: Victim Capital in Bosnia and Herzegovina. Palgrave Macmillan.

<sup>71</sup> Juhl, K. (2016). The Politicization of the Missing Persons Issue in Bosnia and Herzegovina. *The International Journal of Human Rights*, 20(1), 1-32.

## Missing persons by region/events up to 2017

(ICMP data, 2017)



Made with Livegap Charts

Besides the International Commission on Missing Persons (ICMP), many other institutions play a key role in the complex and multidisciplinary task of identifying the missing in Bosnia and Herzegovina. The State Missing Persons Institute of Bosnia and Herzegovina coordinates the search for the missing within the country, while cooperating with domestic and international partners, including families of the missing, CSOs, and international institutions. Local morgues and forensic teams are responsible for exhuming mass graves and analyzing human remains, using deoxyribonucleic (DNA) analysis methods and other forensic techniques with the support of international experts. The Forensic Institute in Sarajevo, together with other forensic laboratories, provides vital services in DNA analysis and other forensic aspects of identification. CSOs and associations of families of the missing play an indispensable role as advocates for the rights of the missing and their families, making sure that their voices are heard and that their needs are adequately addressed. These organizations cooperate with institutions in providing support and information to families of the missing. The Podrinje Identification Project (PIP) in Tuzla, which focuses on victims of the Srebrenica genocide, and the Center for Reassociation in Lukavac, which addresses the challenges of separating and reassembling mortal remains, are examples of specialized projects that illustrate international cooperation and forensic expertise in practice. The Krajina Identification Project also works on identifying victims from the Krajina region, using advanced forensic techniques. These and many other projects and initiatives are key to addressing the missing persons issue, which is a vital part of post-conflict reconstruction and reconciliation in Bosnia and Herzegovina. Through joint efforts, the ongoing work to identify and bury victims with dignity lays foundations for justice, reconciliation, and a more peaceful future.<sup>72</sup>

<sup>72</sup> Sarkin, J., Nettelfield, L., Matthews, M., & Kosalka, R. (2014). *Bosnia and Herzegovina: Missing Persons from the Armed Conflicts of the 1990s: A Stocktaking*. International Commission on Missing Persons (ICMP).

The work and coordination of civil society organizations, including associations of families of missing persons in BiH and the region, reflect the importance of cooperation and solidarity across the borders that defined the conflict. This approach enables families of the missing to work together on advocating for their rights, to exchange information and resources, and get support in their search for truth and justice. Regional coordination also enables the associations to take joint actions towards the international community and domestic institutions, strengthening their position and ability to influence policies and decisions related to missing persons. Joint commemorations are symbolic events that enable communities affected by conflict to remember and honor the missing together. These events are important not only as an expression of grief and remembrance, but also as an opportunity to promote mutual understanding, empathy and respect among ethnic and national groups. Through shared remembrance and mourning,<sup>73</sup> communities can find common ground and foundations for reconciliation, working to build a future in which similar tragedies will not happen again.<sup>74</sup>

Prosecution processes and establishment of truth in the context of post-war Bosnia and Herzegovina are key elements in attempts to respond to the legacy of conflicts and crimes committed during the war in the 1990s. This chapter deals with key aspects of these processes, relying in particular on the role of forensic evidence<sup>75</sup> in the International

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<sup>73</sup> The war in Bosnia and Herzegovina (1992-1995) was more than a military conflict – it was also a “war of memories”, where different narratives built on deep-rooted history, culture and tragedies clashed. Haris Halilovic explores the concept of “memoricide”, which describes a systematic destruction of cultural and historical symbols by adversaries. The stories of survivors show how acts of remembrance serve as resistance against attempts to deny the past, and help preserve local narratives and build bridges towards reconciliation. The analysis of the clash of memories in Bosnia and Herzegovina provides an insight into the complexity of post-conflict societies, where the struggle for control of the past shapes the present and future of communities. Halilović, H. (2022). *Missing People and Missing Stories in the Aftermath of Genocide: Reclaiming Local Memories at the Places of Suffering*. U M. Rauschenbach, [et al], *Localising Memory in Transitional Justice: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship* (str. 208-232). Taylor & Francis Group.

<sup>74</sup> Sarkin, J., Nettelfield, L., Matthews, M., & Kosalka, R. (2014). *Bosnia and Herzegovina: Missing Persons from the Armed Conflicts of the 1990s: A Stocktaking*. International Commission on Missing Persons (ICMP).

<sup>75</sup> It is also worth mentioning that the scientific search for victims of the war in Bosnia and Herzegovina, using forensic methods, had a twofold goal: to identify victims for humanitarian purposes and to provide judicial evidence of international crimes such as war crimes and genocide. Forensic investigations have revealed an extensive use of mass graves, requiring sophisticated techniques such as DNA analyses to link the graves together. The discovery of mass graves in Bosnia and Herzegovina has revealed a complex system of primary, secondary, and sometimes tertiary graves. To debunk this pattern, it was necessary to apply various forensic techniques such as excavation, analysis of body parts, artifacts and soil samples, and DNA analysis. The International Criminal Tribunal for the former Yugoslavia (ICTY) relied on testimonies of forensic experts, including archaeologists, anthropologists and pathologists, who played a key role in the identification and analysis of human remains, and the preservation of evidence. Forensic evidence was key to disputing defensive arguments that claimed that disarrangements in primary graves and re-burials in secondary locations were part of “post-combat sanitation projects” or that the buried bodies were fighters killed in action. This evidence enabled the ICTY to confirm that victims from mass graves were Bosniak civilians of military age, which was a key element for the classification of genocide. The ICTY Trial Chamber in the Krstic case rendered a verdict supported by forensic evidence: “The forensic evidence presented by the prosecution also shows that, over a period of several weeks in September and early October 1995, Bosnian Serb forces dug up many of the primary mass graves and reburied the bodies in even more remote locations. Such extreme measures would not have been necessary had most of the bodies in these primary graves been battle casualties.” More recently, forensic evidence has helped the Trial Chambers in the Karadzic and Mladic cases determine the number of victims, their gender, civilian character, as well as the cause and time of their deaths. Fournet, C. (2020). *Forensic Evidence in Atrocity Trials: A Risky Sampling*

Criminal Tribunal for the former Yugoslavia (ICTY) and the importance the evidence had in prosecution and justice. Forensic evidence collected for the ICTY played a decisive role in prosecuting individuals responsible for war crimes, crimes against humanity, and genocide. DNA analysis, exhumations of mass graves, and forensic reconstruction of events enabled the prosecution to present irrefutable evidence of crimes and to identify victims. This work was essential not only for ICTY trials, but also for encouraging national courts within Bosnia and Herzegovina and the region to take similar approaches in prosecuting war crimes. Forensic evidence made it possible to overcome dependence on testimonies of survivors and witnesses, providing independent and objective information that could substantiate or supplement the testimonies. The exhumation and identification processes not only served as key elements in judicial processes, but also enabled families of the missing to find out the fate of their loved ones and bury them with dignity. The work of the ICTY and its application of forensic evidence set a precedent for international justice,<sup>76</sup> showing how technological progress and scientific discoveries can be used in the service of human rights and justice. In addition, the ICTY's activities instigated the development of domestic capacities to prosecute war crimes in Bosnia and Herzegovina, encouraging the establishment of judicial institutions specializing in war crimes. This approach to establishing truth and justice through forensic evidence and judicial processes is a key step towards understanding the past and building a foundation for a future based on justice and reconciliation. Efforts to discover the truth and call for accountability are vital to healing the wounds of the past and ensuring that crimes will not be forgotten and repeated.<sup>77</sup>

Initiatives by survivors to pursue legal means for the purpose of encouraging local authorities to investigate cases of missing persons have been key in raising awareness of this problem. The Chamber of Human Rights of Bosnia and Herzegovina, established under Annex 6 of the Dayton Peace Agreement, had been the main institution for initiating such proceedings until its closure in 2003. After that, the missing persons issue has been dealt with by the Human Rights Commission and the Constitutional Court of BiH, and some cases have even reached the European Court of Human Rights. One of the most striking cases that attracted attention was the case of Esma Palic, the widow of Colonel Avdo Palic, who disappeared in the UN security zone of Zepa in 1995. Following

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Strategy? *Journal of Forensic and Legal Medicine*, 69, 101852; Fournet, C. (2020). 'Face to Face with Horror': The Tomašica Mass Grave and the Trial of Ratko Mladić. *Human Remains and Violence*, 6(2), 23-41.

<sup>76</sup> The International Criminal Court (ICC) uses forensic evidence to prove international crimes, following the practice started by the ICTY. This tendency to focus on exceptional crimes demonstrates the broad and systematic character of the crimes. Due to the ICC's global jurisdiction, exhaustive investigations are often unrealistic, so a sampling strategy is applied, which carries the risk of simplifying the massiveness of crimes. Unlike in domestic contexts, in international crimes the linking of forensic evidence to individual defendants may be limited. This complexity requires a multidisciplinary approach that combines forensic evidence with testimonies, documentary evidence, and context analysis. In Bosnia and Herzegovina, forensic investigations of mass graves have made it possible to identify victims and understand the circumstances of death, thus laying the foundations for international judicial processes. This practice shows how forensic evidence can build convincing judicial cases. Still, Fournet warns of the risks of this practice, particularly in the context of international criminal justice, where the wide range of crimes can complicate the provision of a comprehensive picture. The sampling strategy can trivialize the complexity of crimes, which can affect the outcome of trials. It is important to acknowledge the importance of forensic evidence, but also to understand its limitations. A multidisciplinary approach in international criminal justice is key to effectively facing the challenges in prosecuting international crimes.

<sup>77</sup> Sarkin, J., Nettelfield, L., Matthews, M., & Kosalka, R. (2014). *Bosnia and Herzegovina: Missing Persons from the Armed Conflicts of the 1990s: A Stocktaking*. International Commission on Missing Persons (ICMP).

unsuccessful attempts to obtain information about her husband, Mrs. Palic turned to the Human Rights Chamber in 1999, demanding information and reparations from the Republika Srpska. In 2000, the Chamber ruled that Colonel Palic was a victim of enforced disappearance, which was a violation of the European Convention on Human Rights. The Chamber then ordered the Republika Srpska to conduct a thorough investigation, release him or make his remains available, and pay KM 65,000 for non-material damage, which was quickly paid. The investigation into the disappearance of Colonel Palic was unprecedented, leading to the establishment of two ad hoc commissions. In November 2001, Republika Srpska authorities admitted that Colonel Palic had been kept in a military prison in Bijeljina, after which he was taken out of the prison by a Bosnian Serb Army officer. Although his remains were identified and buried with military honors in 2009, this delay prompted the International Commission on Missing Persons (ICMP) to re-examine its processes, given that they had been in possession of relevant DNA samples since 2001. This case illustrates the complexity and challenges faced during the identification and research processes in post-conflict societies.<sup>78</sup>

The missing persons issue in Sarajevo remains open and controversial. During the initial stages of the war, several complaints were filed against Bosnia and Herzegovina and the Federation of BiH by Serb relatives whose family members had gone missing. The Human Rights Commission found that the Federation of BiH violated the provisions of the European Convention on Human Rights, ordering the Government of the Federation of BiH to pay each claimant KM 5,000 and provide the requested information about the fate of their missing family members. The Commission also requested the Federation of BiH to conduct a thorough and detailed investigation into the events that led to the human rights violations. In 2004, the Parliamentary Assembly of Bosnia and Herzegovina tasked the BiH Council of Ministers with establishing a commission to investigate the fate of Serbs gone missing during the war. At a Council of Ministers' session held on May 25, 2006, a decision was adopted to establish the commission on the condition that its mandate included the suffering of all residents of Sarajevo during the war. The commission had ten members, with three representatives of each of the constituent peoples—Bosniaks, Serbs, Croats—and one additional member representing other ethnic groups. The Commission made decisions by consensus, or, in the absence of consensus, required at least two positive votes of representatives of each of the constituent peoples. The Council of Ministers instructed the Commission to investigate murders, detentions, rapes, expulsions and disappearances in Sarajevo during the period from 1992 to 1995 and to elaborate in detail a scientific research project covering the scope of the research. There were divergent opinions about the focus of the Commission's work: representatives of the Serb community believed that the research should concentrate on Serb victims in Sarajevo, while Croat and Bosniak representatives emphasized the need for an impartial approach that included all victims, as well as an investigation of material damage caused by the shelling of the city. In December 2006, the Commission finalized a proposal for a two-year research project involving up to 1,500 people, with an estimated cost of KM 3.5 million. At the final session of the Council of

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<sup>78</sup> Sarkin, J., Nettelield, L., Matthews, M., & Kosalka, R. (2014). *Bosnia and Herzegovina: Missing Persons from the Armed Conflicts of the 1990s: A Stocktaking*. International Commission on Missing Persons (ICMP).

Ministers that year, the project was rejected. Although the Commission was not formally dissolved, it did not continue to operate.<sup>79</sup>

Between November 2001 and March 2002, more than 1,800 family members of missing persons from Srebrenica submitted requests to the Human Rights Chamber of Bosnia and Herzegovina, seeking information about the fate of their loved ones. In a March 2003 decision, the Chamber ruled in favor of the requestors, obliging the Republika Srpska (RS) authorities to pay 4 million convertible marks (BAM) as reparations to all requestors and families of victims of Srebrenica. The Chamber also demanded that the RS authorities immediately reveal the locations of mass graves containing the remains of Srebrenica victims. The verdict highlighted the negligence of the RS authorities in searching for the missing and cooperating with organizations such as the ICTY and ICMP. At the insistence of the Office of the High Representative, the RS authorities established the Srebrenica Commission in 2004, which acknowledged that mass killings took place in July 1995 and identified more than 30 mass graves. This event represented a turning point at the time, marking the first official recognition by the RS authorities of the scope of the crimes that occurred during the Srebrenica genocide.<sup>80</sup>

The identification of victims of the Srebrenica genocide is one of the most challenging aspects of dealing with the past in Bosnia and Herzegovina. More than 8,000 Bosnian Muslims, mostly men and boys, were killed in July 1995. It was crucial for justice and closure to their families to find, exhume, and identify their remains. The identification process began with exhumations of mass graves, often relocated to cover up the crimes. Forensic experts used DNA analyses to reliably link the remains to the missing. DNA identification, which is made possible by ICMP technology and expertise, has brought precision and speed to the process, enabling many families to know the fate of their loved ones. The right to truth, a fundamental human right, has become central in the case of Srebrenica. Recognition of genocide by international and domestic courts, as well as formal confrontation with the facts of the past, are key for justice and reconciliation. The process of identification is not just a legal or technical matter, but a deeply humane process aimed at healing wounds and building the basis for a lasting peace and prevention of future crimes. These efforts emphasize the importance of human dignity, justice, and preservation of memory of victims, and serve as a reminder of the necessity of history not repeating itself.<sup>81</sup>

The search for missing persons in Bosnia and Herzegovina has a significant impact not only on the lives of immediate families, but also on the entire population of four million people. The process of locating and identifying missing persons is considered essential for building a lasting peace in the country. In 2011, the International Commission on Missing Persons (ICMP) commissioned a survey to examine citizens' stands on the issue. The survey revealed that the vast majority of citizens, regardless of their ethnicity, believe that the search for the missing should be carried out regardless of the religious or national

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<sup>79</sup> Sarkin, J., Nettelfield, L., Matthews, M., & Kosalka, R. (2014). *Bosnia and Herzegovina: Missing Persons from the Armed Conflicts of the 1990s: A Stocktaking*. International Commission on Missing Persons (ICMP).

<sup>80</sup> Sarkin, J., Nettelfield, L., Matthews, M., & Kosalka, R. (2014). *Bosnia and Herzegovina: Missing Persons from the Armed Conflicts of the 1990s: A Stocktaking*. International Commission on Missing Persons (ICMP).

<sup>81</sup> Sarkin, J., Nettelfield, L., Matthews, M., & Kosalka, R. (2014). *Bosnia and Herzegovina: Missing Persons from the Armed Conflicts of the 1990s: A Stocktaking*. International Commission on Missing Persons (ICMP).

affiliation of the missing. Through telephone interviews with a random sample of 1,015 people it was found that nearly 8% of respondents had a family member who had disappeared during the war. In addition, face-to-face interviews were conducted with 155 family members of the missing in key regions. The majority of respondents are not actively involved in civil organizations dealing with this issue, and only 6.5% of respondents are members of CSOs. The survey also showed that citizens perceived the search process as biased, with more than half of the general population believing that the process favors one ethnic group over the others. Despite this, a smaller percentage of families of the missing share this view, which may indicate the influence of nationalist politics on the perception of the process. About 70% of missing persons have been found, which is a significant success compared to other post-conflict countries. However, most citizens are not aware of this success, which points to the need for better information of the public, especially in entities such as the Republika Srpska and the Brcko District. A majority of citizens also believe that the process of locating and identifying missing persons contributes to reconciliation, with more than 80% of respondents believing that resolving most cases of missing persons from the 1990s wars contributes to the reconciliation process. The survey also showed that a majority of citizens support the continuation of state funding to address the missing persons issue, with a high support percentage noted among all ethnic groups in the country. This figure highlights the general support for the process that is not only considered a technical or legal issue, but also a key element in building a fairer and more humane society in Bosnia and Herzegovina.<sup>82</sup>

The ongoing search for 373 children who disappeared during the war continues to be an emotionally difficult chapter. Although decades have passed, the families of these children are still seeking closure, faced with faded memories of witnesses. This search points to the profound and lasting consequences of the conflict on the society and the ongoing struggle for justice and reconciliation. The case of Remzija Gurdic, who managed to bury only parts of her son Mehrudin, painfully illustrates the fragmentation of physical remains and the collective memory of the war. This fragmentation affects not only individual families, but also complicates the broader societal efforts to heal. The remains of Mehrudin Gurdic, as well as many others, were found scattered in multiple mass graves near Zvornik, indicating the chaotic and brutal nature of the mass killings and subsequent attempts to cover up these crimes. His mother's repeated attempts to provide him with a dignified burial reveal a deep personal and shared need for an adequate resting place as a step towards closure. The Srebrenica genocide, as a key element of international and local struggle for justice, remains central to understanding the missing children issue. The Association "Mothers of Srebrenica and Zepa," led by Munira Subasic, continues to advocate for the identification and burial of the youngest victims, emphasizing the continued pain that the community feels. The story of a baby who was killed while her family was trying to escape further highlights the inhumanity that the victims endured. The BiH Missing Persons Institute, in charge of locating and identifying these children, faces significant technical and emotional challenges. With only 15 investigators and dwindling new information, their efforts symbolize a broader fight against time and faded memories. A lack of sufficient staff and resources complicates these efforts, reflecting broader problems of post-war recovery and prioritization of resources in Bosnia and

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<sup>82</sup> Sarkin, J., Nettelfield, L., Matthews, M., & Kosalka, R. (2014). *Bosnia and Herzegovina: Missing Persons from the Armed Conflicts of the 1990s: A Stocktaking*. International Commission on Missing Persons (ICMP).

Herzegovina. The discovery of the remains of four-month-old Amila Dzaferagic in a mass grave, after a careful search, highlights the arduous nature of the search and the emotional burden it requires from those involved. Each story contributes to a broader context of grief and shared for the truth about the missing, memory and justice [?]. The broader social and political context, in which these searches take place, cannot be ignored. Ethnic divisions and political complexities complicate the process of finding and identifying the remains, posing significant obstacles to resolving the fate of the missing.<sup>83</sup> As Sara Salihu of the Missing Persons Center said: “Hope never dies. The families of the missing are always hopeful. They all say the same thing: every day they wait for their loved ones to open the door and enter the house.”<sup>84</sup>

## 5. Key challenges

### Truth commissions.

1. Lack of political will: Local politicians in Bosnia and Herzegovina have generally shown no enthusiasm for initiatives to deal with the past, and any attempt to set up truth commissions was halted once reaching the political level. Localized commissions faced political manipulation and controversy, including a lack of clarity in its mandate, which ultimately led to the commission failing to deliver a report or perform tasks in line with its objectives.
2. Resistance of victims’ associations: Surprisingly, resistance to the commission’s project also came from victims’ associations, who were supposed to be the greatest beneficiaries and supporters of such a mechanism. Victims’ associations and women’s organizations expressed concern about the potential stigmatization and re-traumatization of victims of wartime sexual violence who might participate in hearings. There were concerns among victims’ associations due to inadequate involvement in the process and fear of a “compromise truth” that could create a symmetry between their suffering and that of others. The associations were almost unanimous in rejecting the idea of a commission.
3. Financial challenges: Funding for commissions was considered an alternative approach that would require significant resources, often from the same source of funding as court proceedings, creating a dilemma for donors and government agencies.
4. International and domestic resistance: Truth commissions faced resistance both at the international and domestic level. The ICTY was one of the main opponents of the establishment of truth commissions, fearing that the commission could undermine the Tribunal’s work. Many viewed truth and reconciliation initiatives as a possible distraction from justice, preferring judicial processes. There is generally low public trust in the effectiveness and transparency of national and international judicial initiatives, including those related to transitional justice.
5. Perception of threat to autonomy: In the Republika Srpska, there was resistance to truth commissions due to them being perceived as a threat to the autonomy and

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<sup>83</sup> Begić, J. (2024). As Search for Bosnian War’s Missing Children Goes On, Parents Keep Hoping. BalkanInsight.

<sup>84</sup> Kaufmann, N. (2022). *The Unresolved Fate of the Missing: Ambiguous Loss and Intergroup Trust in Post-Conflict Kosovo* [Master’s thesis, Utrecht University]. Utrecht, Netherlands.



existence of the RS, as well as accusations that the commissions portrayed the RS as a “genocidal creature.”

6. Complexity of the Constitution: Bosnia and Herzegovina is a society with a complex ethnic structure based on the Dayton Peace Agreement, which makes it difficult to establish single narratives and historical interpretations that would be accepted by all communities.
7. Amnesty and justice dilemma: The amnesty debate highlights the need to find ways to encourage perpetrators to come forward and reveal the truth, which could include limited amnesty for minor offences with meaningful consultation with victims’ associations.
8. Integration with other forms of transitional justice: Coordinating truth commissions with judicial processes, reparation programs, and other elements of transitional justice can be challenging, but it is key to comprehensively addressing past human rights violations.

## **Education.**

1. Fragmentation of the education system: The education system in Bosnia and Herzegovina was divided on ethnic grounds during the war, due to the architecture of the Dayton Peace Agreement and nationalist policies, making it difficult to create common narratives and promote the right to truth. There is a significant gap in the quality of education between certain urban and rural schools, which can affect different understanding and acceptance of historical facts and the right to truth.
2. Lack of adaptability in curricula: Curricula are often biased or neglect certain aspects of the past, making it difficult to promote an objective and comprehensive understanding of history. There is resistance among certain groups towards a revision of school textbooks to allow for a fairer and more objective portrayal of history, which would promote the right to truth.
3. Lack of training for teachers: Teachers rarely receive adequate training to teach sensitive topics such as war crimes and human rights, which can lead to an inadequate or insensitive approach to these topics in teaching.
4. Political and ethnic tensions: The political and ethnic tensions that prevail in the society are often reflected in the education system, hampering efforts to promote truth and reconciliation. In some cases, the education system is used as a tool to promote nationalist ideas, making objective and neutral teaching difficult.
5. Lack of inclusive approaches: Schools and education systems often fail to integrate inclusive approaches that respect and acknowledge diverse perspectives and experiences, especially those of minority groups. The education system may not pay enough attention to sensitizing students about victims’ rights and the importance of empathy for those who have suffered during the conflicts. A holistic and interdisciplinary approach to education that integrates rights to truth into different subjects and fields is missing.
6. Adaptation of educational materials: There is a challenge in adapting educational materials to cover the past objectively and fairly, without promoting ethnocentric narratives. The education system often does not encourage dialogue and critical

thinking among students, which is key to understanding and accepting the complex historical and social issues related to the right to truth.

7. Resistance to changes: There is a significant resistance within educational institutions and among parents and communities to changes that could lead to more inclusive and equitable education. Young people in Bosnia and Herzegovina may feel demotivated to deal with transitional justice topics and the right to truth due to pessimism about the political and social climate in the country. There is a challenge in providing educational programs for adults, who can also benefit from learning about the right to truth and transitional justice, which can help spread awareness and encourage social changes.
8. Inadequate resources: Schools often face a lack of resources, making it difficult to implement programs that promote the right to truth, such as visits to memorial centers or visits by survivors from different ethnic groups. In some parts of the country, access to quality educational resources and materials to support learning about the right to truth is limited, which can make education on this topic difficult. Teachers who want to introduce topics related to the right to truth into their classrooms may not receive sufficient institutional support or face professional risks, including community pressure or political interventions. Sometimes there are clear policies advocating the promotion of the right to truth and reconciliation, but practical application of these policies in schools may be uneven or insufficient.
9. Neglect of socioeconomic aspects: The education system often neglects the socioeconomic aspects of justice and the right to truth, focusing exclusively on legal and historical aspects.
10. Functioning of the education system in the post-war context: The education system in Bosnia and Herzegovina is still recovering from war damage and trauma, which makes it difficult to create effective and adequate teaching programs for the right to truth and reconciliation.

### **Missing persons.**

1. Political and ethnic instrumentalization: The issue of missing persons is often used as a political tool in ethnic and political manipulation, making it difficult to solve these cases objectively. There is a risk of manipulation of public opinion through the media or political campaigns, which can distort or minimize the missing persons issue for the purpose of achieving political goals.
2. Limited access to information: Families of missing persons may face difficulties in accessing information about their loved ones due to bureaucratic obstacles or lack of transparency. There are also instances of information being withheld from missing persons families.
3. Trauma and psychological effects on families: Long-lasting uncertainty and unfinished search processes contribute to psychological stress and trauma among family members of the missing.
4. International dimension: Some of the missing persons crossed borders during or after the conflict. Although the missing persons problem is recognized globally, there is often a lack of constant international attention and support needed to address these cases.

5. Lack of financial and technical resources: Adequate resolution of the missing persons problem requires significant financial and technical resources, which are often limited.
6. Resistance to investigations and excavations: In some areas of BiH, there is local resistance to excavations and investigations. Families of missing persons, returnees, are often stigmatized in their communities, which can further hamper their fight for justice and truth.
7. Legal and procedural complexity: The missing persons issues are legally and procedurally complex, involving different laws and rules applicable in different parts of BiH, making it difficult to deal with them effectively.

## 6. Conclusion

The right to truth in Bosnia and Herzegovina is a complex challenge in the context of transitional justice, with numerous political, social and international obstacles preventing significant progress. Bosnia and Herzegovina is at a turning point, facing the challenges of social cohesion and democratization, and aspirations for integration into the European Union. The processes through which it is going require an education system capable of preparing citizens to accept and support these changes. In order to successfully respond to these needs, it is necessary to review and transform the existing mechanisms for revealing, determining, homogenizing, and disseminating truth, directing them towards the promotion of the values of peace, tolerance and interethnic understanding.

Although CSOs cover a significant portion of truth-establishing activities, they cannot nor will they ever be able to replace the dominant three different, contradictory, and in some cases denying narratives about Bosnia and Herzegovina's wartime past. Still, the facts gathered by CSOs, such as the Balkan Investigative Reporting Network, the Srebrenica Memorial Center, the Bosnian Book of the Dead, and the Transitional Justice, Accountability and Remembrance in BiH, can serve as a reference point for establishing the truth and confronting the past. If a national truth commission were to be established, because other localized commissions are doomed to failure and ineffectiveness, then this commission could only use credible sources without compromising with war crimes deniers; it is, however, hard to expect this in the structure of the Bosnian state within the Dayton Peace Framework. This does not mean a negation of the Peace Agreement, but its limitations will have consequences for generations to come.

Education in BiH currently stands at the crossroads between being part of the problem and being part of the solution. Long-lasting neglect of education reforms that would lead to a unification and harmonization of curricula has led to a deeper segregation in the education system, reflecting and deepening social divisions. This challenge becomes even more pronounced when one considers the strong political influence on education, which has often been an obstacle to the harmonization of curricula and the promotion of common values.

The problem of missing persons in Bosnia and Herzegovina is a deep wound that continues to affect reconciliation and social cohesion. The identification of war victims is key to healing national traumas, but it faces challenges such as the removal of victims' identity documents and the presence of secondary graves, which complicates identification. The work of the International Commission on Missing Persons (ICMP) has

helped identify thousands of victims through advanced DNA analyses, but the missing persons issue also raises tensions between the entities in Bosnia and Herzegovina, pointing to implications for national reconciliation. The “reconciliation from below” approach emphasizes the importance of local communities in the reconciliation process. For families of the missing, finding the bodies of their loved ones is critical to the grieving process. However, the feeling of closure remains unattainable as long as this situation persists, making it impossible for families to move forward. The missing persons problem stirs interethnic distrust, which represents an obstacle to reconciliation. The lack of inter-ethnic trust seriously complicates the rebuilding of relations between ethnic groups. Families of the missing often believe that other ethnic communities withhold information deliberately, which deepens the gap of interethnic distrust. The missing persons issue requires joint efforts at all levels, from local communities to the international community, to enable healing and reconciliation. Only through a commitment to understanding, empathy, justice and truth is it possible to achieve a lasting reconciliation and build a peaceful society that respects the rights of all its citizens.

## 7. Recommendations

### **Truth commissions.**

1. Strengthening domestic ownership: Ownership and participation of domestic actors in the work of possible future truth commissions should be increased to ensure their perception as legitimate and authentic national institutions. Truth commissions should not be localized or separate from other transitional justice processes, especially reparations. Integrate experts from different disciplines (historians, psychologists, criminologists, sociologists) into truth commissions, in order to ensure a comprehensive analysis and interpretation of past events. The mandate of the commissions should be clearly defined, including objectives, expected outcomes, as well as mechanisms for monitoring and evaluating their work.
2. Transparency and inclusivity: The work of the commissions should be fully transparent and inclusive, ensuring that all ethnic and social groups have an equal role and representation in the process, which can help reduce resistance and increase public acceptance.
3. Victims at the core of the process: It is necessary to ensure that victims are at the core of the process. Their needs and stories should be a priority, and their voice should be heard and respected throughout all phases of the commission’s work.
4. Education and awareness of commissions: It is necessary to carry out educational and information campaigns that will increase public awareness of the role and importance of truth commissions, and to educate citizens about the opportunities that the commissions provide for social reconciliation and justice. Develop strategies to deal with resistance of both political and social structures, which can be an obstacle to the work of the commissions.
5. Cooperation with educational institutions: Commissions should work in cooperation with educational institutions in order to integrate teaching about the recent history of BiH, human rights and the importance of transitional justice into

school curricula. Commissions should also play an educational role, organizing public discussions, workshops and exhibitions that promote understanding and the importance of the reconciliation process.

6. Support from the international community: The international community should provide technical and financial support without imposing its own agendas to ensure that truth commissions can function independently and effectively. The international community should ensure long-term financial support for the work of the commissions to enable their smooth and efficient functioning.
7. Interaction with the judiciary and NGOs: Truth commissions should clearly define their relationship with judicial authorities, ensuring that their work complements and does not disturb judicial processes. Ensure the active involvement of civil society organizations in the work of truth commissions, in order to use their networks, knowledge, and experience in working with communities and victims, or at least the knowledge or facts accumulated by NGOs in documentation. A special focus should be placed on the missing persons issues, where truth commissions can play a key role in finding the truth and providing answers to families. Include in the work of the commissions initiatives that promote interreligious and intercultural dialogue, in order to reduce tensions and promote understanding between different communities.
8. Archiving and access to information: It is important to ensure that all data and documentation collected by the commissions are archived and accessible to the public and researchers, while respecting privacy and data protection.
9. Witness and participant protection programmes: Implement robust protection mechanisms for witnesses and other participants in the work of commissions, to ensure that they can testify freely without fear of retaliation.
10. Long-term monitoring and evaluation: Set up mechanisms for long-term monitoring of the effects of commissions' work and their contribution to social reconciliation and justice, including regular evaluations and reporting on progress.

## **Education.**

1. Integration of the history of conflict into the educational curriculum: Develop and implement curricula that include a comprehensive and objective study of recent conflicts in BiH, in order to promote truth and understanding among young people. Educational reform in BiH should do more to remove nationalist ideology and rhetoric from curricula and textbooks and seek to include a multidimensional perspective on peace education at different levels of education in the country. Legal integration of education at the national level is needed as a step towards local desegregation and the desegregation of the society as a whole. Peace education has not yet been integrated or institutionalized in the formal education system of BiH. Most importantly, increase the authority and capacities at the state level, in particular the Ministry of Civil Affairs and the Agency for Preschool, Elementary and Secondary Education, in order to ensure the coordination and quality of the education system. The Constitution of Bosnia and Herzegovina

should be amended to enable a more effective coordination and implementation of education policies at the state level, reduce political and administrative fragmentation, and promote a unified education strategy.

2. **Trainings:** Organize training programmes for teachers that will enable them to adequately teach on difficult topics, such as conflict and transitional justice, in a way that is sensitive to cultural and ethnic differences among students. The importance of pedagogy in the development of an individual and the society is emphasized, as is the need to focus on a holistic approach to education. Legally regulate and implement mandatory trainings for decision-makers and education staff in order to familiarize them with the concept and benefits of peace education and to more effectively implement peace strategies in the education system.
3. **Promotion of intercultural education:** Develop educational programs that promote interethnic understanding, tolerance and dialogue, as part of a broader strategy for peace building and reconciliation. Revise school textbooks to ensure that they objectively portray events from the recent history, avoiding one-sided narratives that may incite divisions or ethno-nationalist tendencies. A careful approach to feelings of ethnicity and identity, especially in multi-ethnic communities, to avoid manipulation of these feelings, especially among children. It is important to foster the positive aspects of ethnic affiliation without suppressing them, but also without allowing them to become a source of division. Encouraging the development of awareness of the ability to change reality through education, which should free individuals from authoritarianism and enable them to think critically, make decisions, and actively participate in society.
4. **Victim and witness involvement:** Provide platforms within the education system where victims and witnesses of conflict can share their experiences with young people, fostering empathy and a deeper understanding of the consequences of conflict.
5. **Use of modern technologies:** Use digital media and online platforms to spread knowledge about the history of conflict and the right to truth, enabling students to access various information sources.
6. **Public discussions and workshops:** Organize public events, such as panel discussions and workshops, led by experts in the fields of transitional justice, history, and education, in order to increase awareness of the importance of the right to truth.
7. **Partnership with civil society:** Collaboration with civil society organizations working on transitional justice and education issues so as to use resources and knowledge more effectively for educational purposes. The need for more studies and research in order to develop and continuously improve an educational model adapted to the specific conditions in BiH.
8. **Reform and development of educational materials:** Create and distribute educational materials dealing with topics of justice, peace and reconciliation, including case studies, documentaries and literature. It is necessary to make legislative changes, not only in elementary and secondary education, but also in

higher education, as well as curriculum reforms based on good practices models and inclusive of peace education. In this sense, depoliticization and programmes created on the basis of subjective beliefs and interests should be rejected because in the long run they harm the development of children and young people and prevent the realization of the right to truth.

9. Support for educational projects dealing with the past: Financially and professionally support projects that enable pupils and students to explore local history and conflicts, while promoting understanding and empathy for different experiences and perspectives. Encourage and fund academic research that focuses on the right to truth and how education can contribute to reconciliation and understanding of conflict.
10. Multidisciplinary approach to teaching: Introduce multidisciplinary approaches to teaching that will enable students to analyze and understand the historical, sociological, psychological and legal aspects of conflict and justice from different perspectives.

### **Missing persons.**

1. Strengthening institutional frameworks: Enhance the capacities of institutions such as the BiH Missing Persons Institute (MPI BiH) through increased funding, training and technology transfer. This could include partnerships with international bodies such as ICMP to facilitate the adoption of best practices and the latest forensic technologies.
2. Establish a centralized registry of missing persons: Establish a comprehensive centralized registry of all missing persons with detailed information, which would be accessible to the public and updated in real time, to facilitate the process of finding and identifying them.
3. Integration of victims into transitional justice processes: More active involvement of victims in transitional justice processes, with a particular emphasis on ensuring their rights to share their stories and be heard. This could include creating more space for public hearings and supporting victims to ensure that their rights and needs are adequately represented.
4. Coordination: Establish a platform for continuous cross-sectoral coordination between governmental bodies, international organizations and civil society, in order to more effectively deal with cases of missing persons. Encourage and support transnational cooperation in the search for missing persons, in particular in the context of cross-border missing persons and migration issues, using international legal frameworks and mechanisms.
5. Educational initiatives on missing persons: Changing educational curricula to include accurate historical information about the past conflicts, to promote understanding and respect for diversity, and to encourage critical thinking among young people. Implement educational programmes and campaigns aimed at raising awareness of the missing persons problems, their rights and search processes, in order to strengthen public support and understanding. Development

and implementation of educational programs that promote understanding and importance of transitional justice, the right to truth, and the reconciliation process among the general public. Taking steps to address the crime denial issue, which include education, public campaigns, and legal action against those who publicly deny crimes committed.

6. Support to victims and their families: Work on legal and institutional reform to improve mechanisms for effectively addressing the missing persons problem, including exercising of rights and possibilities of compensation. Establish specialized support services for families of the missing, including psychological assistance, legal advice and material support.