

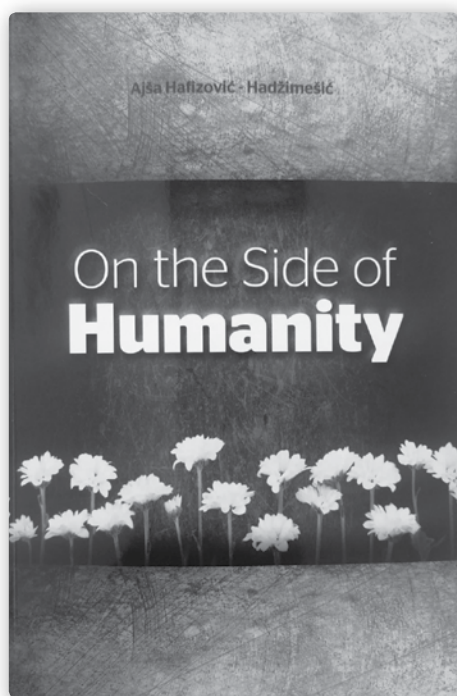
Amella Bashoviq

Ajša Hafizović-Hadžimešić ON THE SIDE OF HUMANITY

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Srebrenica massacre is a genocidal killing which occurred in July 1995 where 8 372 Bosniak males were killed by Bosnian Serb Army of Republika Srpska under the command of Ratko Mladić. Srebrenica Genocide Memorial Center, known as Srebrenica - Potočari Memorial and Cemetery is the memorial-cemetery complex set up to honor the victims of the genocide, which currently counts 6 504 graves out of 8 372 craved names. However, Serbia and its officials still deny in various forms that Serbian Military forces committed genocide.

United Nations Security Council adopted resolution 827, which passed on May 25, 1993, to establish The International Criminal Tribunal (ICTY) for the former Yugoslavia whose main objective is “to try those individuals most responsible for appalling acts such as murder, torture, rape, enslavement, destruction of property and other crimes listed in the Tribunal’s Statute”. ICTY is the first established international criminal court, after Nuremberg and Tokyo, which enormously contributed to interna-



tional criminal law and left behind a rich legacy.

Many people curiously followed ICTY investigations, trials and convictions but only few of them knew what exactly ICTY team did. In order to prove that, remarkable book titled “On the side of humanity” of indefat-

igable and dedicated journalist Ajša Hafizović-Hadžimešić exposed a seriousness and tireless work of ICTY team and also raised a set of complex feelings, emotions, and responsibility towards humanity.

Reading this book, one can on one side only empathetically think of words such as genocide, mass murders, ethnic hatred, sexual violence and rape, justice, human rights, impunity, Tribunal, evidences, victims, witnesses, indictments and convictions. On the other side, the author with her brilliant idea documented, through her interviews, outstanding and serious work of ICTY professionals and others who supported ICTY in achieving justice. The author explained how Bosnia and Herzegovina's contribution to ICTY's achievements and international criminal law is considered of significant importance. She shared work of ICTY team, the tireless work the Association "Mothers of the Srebrenica and Žepa Enclaves" whose main goal is to advocate for justice for victims of the Srebrenica massacre and the support of other people advocating against genocide; she diligently shared remarkable wisdom and genuine messages of each interviewee.

Largest part of book's narrative is ICTY team, composed of judges, prosecutors and investigators. Other interviewees are Amir Amić, ICTY Bosniak Liaison Officer, Munira Subašić from the Association "Mothers of the Srebrenica and Žepa Enclaves", Dunja Mijatović, CoE High Commis-

sioner for Human Rights, Adama Dien, former UN Special Adviser on the Prevention of Genocide, Tanja Fajon and Igor Šoltes, Slovenian members of European Parliament, Waqar Azmi, British Charity "Remembering Srebrenica" and Jasmila Žbanić, a famous Bosnian film director, screenwriter and producer best known for her film "Quo vadis, Aida?"

It is astonishing how the book reveals ICTY's tireless work which from 1993 to 2017 resulted in 10 800 trial days and heard 4 650 witnesses, having in its archive 3 million pages of transcripts, 2 petabytes of digital data and 30 000hrs of unique audiovisual recordings. Another astonishing fact documented is that the Office of the Prosecutor alone left behind approximately 10 million pages of documents, 14 thousand audio tapes, 10 thousand vides, 4 thousand electronic discs and 14 thousand cases. Such unprecedented amount of work!

The book mentions ICTY's decisions, as the first international criminal court to convict rape as a form of torture and sexual enslavement as a crime against humanity, which surely made a turning point in international criminal law, especially when it comes to sexual violence and gender-based violence. UN Security Council based on the Tribunal's ruling adopted 4 important Resolutions as UN SC Resolutions 1325 (2000) on Women, Peace and Security; UN SC Resolutions 1820 (2008) eliminated gender-based violence in armed conflicts; UN SC Resolutions

1888 (2009) combats sexual violence against women and children in conflict and UN SC Resolutions 1889 (2009) address obstacles to women's participation in peace processes and peacebuilding.

Another important fact about ICTY documented in the book, is that the ICTY model is used as basis for the International Tribunal for Rwanda and Special Court for Sierra Leone, ad hoc legal mechanisms such as Kosovo Specialist Prosecutor's Officer and the African Union Hybrid Court for crimes in South Sudan and out-of-court accountability mechanism which was established for Syria aiming is to investigate and gather evidence of violations of international humanitarian law and human rights.

Herewith are extracted from the book few remarkable wisdom and genuine messages of distinguished ICTY team members.

Carmel Agnus, President of ICTY/IRMCT, stated that the "role of the humble victims and witnesses is of fundamental importance. Bravery of the victims despite immense suffering combined with a determination to move on with their lives and comes carry a greatest significance than the evidence itself. Inspiration to expose the truth and participate in justice process, encourage societies to confront reality. Victims demonstrated extraordinary strength, resilience and courage".

Richard J. Goldstone's, Chief Prosecutor of ICTY/ICTR, message is that

"Srebrenica will be remembered by history and will be a call to future generation not to allow a repetition of that evil".

Serge Brammertz, Chief Prosecutor of ICTY/IRMCT, stated that "perpetrators were among the most powerful actors in their societies and had a responsibility to protect people. To see how powerful abused their authority to destroy, would and kill is definitely repugnant. The most important moments in 10 years were meeting victims and witnesses".

Theodor Meron, President of ICTY/IRMCT, stated that "Law cannot stop all conflict or all brutality but hold accountable persons committing it. Establishment of international criminal tribunals expresses utter repudiation of the act itself and to say in essence "never again"".

Mark Harmon's, senior trial Attorney at the ICTY, message is that "the world will be safer place because of your strength and efforts".

Kenneth Scott's, senior Trial Attorney at ICTY, powerful message is that the "real and durable peace cannot be achieved unless justice is done and seen to be done. The continuing challenge for international criminal justice is a deep culture of impunity and irresponsibility in terms of human cost".

Amir Ahmić, an outstanding Bosniak Liaison officer with ICTY/IRMCT, emphasized the important role which the Islamic Community had in the great victory for Bosnian society.

Two distinctive females whose significant role was presented in the book

and was significant in ICTY in regards of the sexual and gender-based violence, are surely Patricia Viseur Sellers, Legal Advisor for Gender, Acting Head of the Legal Advisory section and Prosecutor at ICTY, and Michelle Jarvis, ICTY/IRMCT Deputy Prosecutor. Patricia Sellers's challenging responsibility was to devise policies, strategies and operation guidelines, which would redress war crimes and crimes against humanity. She helped in prosecuting cases of crimes of sexual violence against both female and male survivors/victims, having charged 70 individuals where most of charged were found guilty of sexual violence. Prof. Sellers stated that the ability to secure a conviction for the most powerful perpetrators, who have caused widespread damage to their population, is an exciting and evolving aspect of international criminal law. Michelle Jarvis also proved that sexual violence can be prosecuted as war crime, a crime against humanity and genocide. Her commitment to prosecution of conflict-related sexual violence was presented in her book "Prosecuting Conflict related sexual violence at the ICTY", co-edited with ICTY Chief Prosecutor Brammertz.

Remarkable and tireless work in advocating for justice for victims, presented in the book, are Munira Subašić, President of Association "Mothers of the Srebrenica and Žepa Enclaves, and Kada Hotić, Vice President. Munira Subašić, a heroine of a century, lost her husband, son and 50 close relatives in Srebrenica. She made

sure that through her activism the victims' voices are heard throughout the world. Initial objective of Mothers of the Srebrenica and Žepa Enclaves was to find the truth about missing persons in July 1995 and of all those who went missing from 1992 to 1995 in Srebrenica, Žepa, Sokolac, Han Pijesak, Rogatica, Vlasenica, Bratunac, Zvornik, Višegrad and Foča. In course of time, objectives expanded from participating in exhumations, identification and collective funerals, testifying at ICTY and BiH courts to assisting with in solving issues if members' children, alerting local and international communities to survivors' issues as well as the problem of genocide denial. Ms. Hotić lost her son, husband, two brothers and 52 close relatives.

Several most important commitments of Ms. Subašić and Ms. Hotić are diligently presented in the book, proving that for many years of tirelessly continuing to advocate against genocide, fight for victims' and witnesses' rights, makes sure that atrocities committed in Bosnia are not forgotten while aiming to globally preserve universal human values.

"On side of the humanity" is extraordinary book whose title sends a very powerful message to readers and it seriously documents tireless and enormous work of ICTY. Many issues and lessons can be drawn from the book, which screams very powerful message of truth, end of impunity, justice and human rights. This book should certainly be promoted to the legal practitioners in the region as well as to the whole world.