

6. International Summer School Sarajevo 2012 - Tailoring Transitional Justice

SPEECH HELD AT THE OPENING OF THE 6. INTERNATIONAL SUMMER SCHOOL SARAJEVO
"TAILORING TRANSITIONAL JUSTICE" ORGANIZED TOGETHER WITH ASSOCIATION
PRAVNIK (SARAJEVO, 18-28 JULY 2012)

It is a great pleasure for me to welcome you to the International Summer School 2012 on behalf of the Rule of Law Program South East Europe of the Konrad-Adenauer-Foundation.

It is already the 6th edition of this summer school and I would like to express my profound thanks to our partner organisation PRAVNIK with which we co-organize and host this event.

I wish to congratulate the 30 successful applicants who will participate in this event. You were chosen from more than 160 applications because of your outstanding qualities and because you are convinced that you will valuably contribute to the success of this event.

You come from many different countries, from South East European countries such as Bosnia & Herzegovina, Macedonia, Romania, Serbia, Bulgaria and Albania, but also from Poland the Czech Republic, Italy, the United Kingdom, Poland, Belgium, Austria, Slovenia, Slovakia, the United States of America, and Germany.

It is always both interesting and beneficial to exchange views and opinions with students from other countries but I am also convinced that you will enjoy the international atmosphere of this summer school.

Please permit me to provide you with some information on the Konrad-Adenauer-Foundation in general and the Rule of Law Program South East Europe in particular.

Konrad Adenauer Stiftung is a political foundation affiliated to the Christian Democratic Movement. Its precursor, the Society for Christian Democratic Education Work, was founded in 1955. Nine years later the name was changed to its present one. We are proud to bear the name of Konrad Adenauer. The first chancellor of the Federal Republic of Germany's name and principles are our guidelines, duty and obligation. We stand for the Christian Democratic values of freedom, solidarity, and justice.

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As a think-tank and consulting agency our soundly researched scientific fundamental concepts and current analyses are meant to offer a basis for possible political action. Our headquarters are located in Berlin and St. Augustin near the former West German capital of Bonn. Berlin is also the seat of our Academy which is the national forum of dialogue between the spheres of politics, economy, science and society. We do, however, work in more than 120 countries, having more than 80 offices all around the globe, which are in charge of more than 200 projects. We focus on consolidating democracy, on the unification of Europe and the strengthening of transatlantic relations, as well as on development cooperation.

Our conferences and events attract people "who have a say" – like you. We provide moral and material support to intellectually gifted people young people not only from Germany but also from Central, Eastern, and South Eastern Europe and we stay in close contact with more than 10000 alumni.

The Rule of Law Program exists since 1990. It consists of five regional programs, one for Latin America, based in Mexico City, one for Asia, based in Singapore, one in Sub-Saharan Africa based in Nairobi, one in South East Europe, which was founded in 2005 and is based in Bucharest and one is currently being set up and will be based in Tunis. The Rule of Law Program South East Europe comprises Romania, Bulgaria, Croatia, Serbia, Albania, Macedonia, Kosovo, Montenegro, Moldova and Bosnia Herzegovina.

We concentrate on the following six subject areas in which there is substantial need for reform and consultation within and among the countries of the region.

- Constitutional Law insofar as to guarantee separation of powers and provide mechanisms to ensure an effective system of checks and balances within the state as well as the independence of the judiciary.

- Protection of Human and Civil Rights by both the Constitution and the ordinary legal acts and strengthening of international human rights protection systems

- Protection of Minority Rights by supporting compliance with the internationally recognized principle of non-discrimination. The Rule of Law program aims to secure full compliance with this principle in relation to any minority group, i.e. not only ethnic minorities, but also other socially discriminated groups

- Fight against Corruption above all the promotion of a professional and ethical conduct by legal professionals by means of education about and promotion of international and regional codes of conduct and ethics for the judiciary and by supporting further development of laws and measures aiming at the prevention of conflicts of interest, and the promotion of transparency and free access to public information

- Coping with the Past by Legal Means by promoting the exploration of possibilities of the legal mastering of the authoritarian or totalitarian past

- European Legal Order by assisting the countries of the region to develop their legal structures and cultures to match those of the European Union. In this area there are of course significant differences between the two EU member countries Romania and Bulgaria and the other countries of the program region.

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- By cooperating with local partners the Rule of Law Program seeks to ensure that it responds to the most urgent needs and developments both in each country, and in the region as a whole.

More than twenty years after the collapse of socialism in Europe all the countries in South East Europe are still societies and states in transformation and such are their justice systems. In history twenty or to be more precisely 22 years are a short period of time and it cannot surprise that a lot of challenges are still ahead of these countries.

Transforming a society from a socialist into a free and democratic one is a huge task. You have to convert the economy, build up new democratic institutions, pass modern constitutions, substantive and procedural law, write new curricula at schools and universities, cope with the past and train a new elite – and you have to change mentality. Only one country of the former socialist camp had a brother at his borders, I am talking about my own country, Germany, expertise and billions of Deutschmarks and Euros were and still are transferred from the West to the East after the break down of the Berlin wall. All the other countries received substantial foreign support and assistance but were still not in a comparable privileged situation.

We should acknowledge what has been achieved and we should respect and thank those who made progress and change possible. But this does not mean that we should turn a blind eye to the many problems that still exist and I am afraid to say there are many.

With the help of international experts you can write modern constitutions, you can pass legislation that is in conformity with international and EU standards but it is much more difficult to implement them.

You can organize democratic elections monitored by international organizations and you can elect politicians into political office but what if you have to replace the old political elite which led these countries into disaster by a new one that was not prepared for this job but has to gain experience on the job.

You can set up Constitutional Courts but how difficult is it for them to work if they cannot decide on the basis of former judgments and literature in abundance with doctrinal arguments.

You can guarantee human and minority rights in your own constitutions and by signing international declarations and conventions but at the end of the day it is a question of mentality that will decide whether human and minority rights are truly respected.

How important the respect for human and minority rights is can for sad reasons best be understood in a city like Sarajevo.

2012 marks the 20th anniversary of the outbreak of the Bosnian war. According to the Demographic Unit of the International Criminal Tribunal for Ex Yugoslavia 104,732 men, women and children were killed, soldiers as well as civilians. Up to 50,000 women were raped and 2.2 million were forced to flee their homes.

For the city of Sarajevo the 5th April 1992 marked the beginning of the longest siege in the history of modern warfare. It should last until the 29th February 1996.

The siege forces that had encircled Sarajevo were stationed in the surrounding hills, from which they assaulted the city with weapons that included artillery, mortars, tanks, anti-aircraft guns, heavy machine guns, multiple rocket launchers

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rocket-launched aircraft bombs and sniper rifles.

During this period the once peaceful main boulevard in Sarajevo "Ulica Zmaja od Bosne" which connected the industrial part of the city to the Old Town's cultural and historic sites was called "Sniper Alley" because its many high-rise buildings gave sniper shooters extensive fields of fire.

But Sarajevans did not give up. Instead in January 1993 Bosnian volunteers started constructing the Sarajevo Tunnel working in 8-hour shifts. It linked the city which was completely encircled to the Bosnian-held territory and when it had been completed in mid-1993 it allowed and allowed food, humanitarian aid but also weaponry to come into the city.

It was a moving ceremony that took place in the centre of Sarajevo on 6th April this year. 11,541 red chairs, one for each civilian killed in this city during the siege were standing empty along the city's main avenue and a choir accompanied by a small classical orchestra performed an arrangement of 14 songs, most of them composed during the bloody siege.

"Why are you not here?" they sang to the thousands of empty seats, people place white roses on many of them, while on the smaller seats, symbolizing the more than 1,500 children killed, sat teddy bears, toys, and school books.

Democracy, the rule of law and the respect for human and minority rights must go hand in hand, only if this is a common conviction terrible acts like the ones committed in this part of Europe will never happen again.

This is why it is important that young people like you, future leaders in your

country gather in this city to discuss which lessons must be learned from the past. Some of you come from countries that were at war not that long ago. It is your responsibility to promote the right values, tolerance and respect for minorities and the uncompromising will to solve conflicts peacefully being some of them.

Our partner organizations and the Konrad-Adenauer-Foundation are both happy and proud to provide the venue for such discussions that will also lead to close and sustainable friendship. Last year we invited the Alumni of the first four summer schools to this city for a special conference and many made their way to Sarajevo. I hope that also you will decide to become part of this international network and that you will give me the chance to see you again in the future.

Let me once again welcome you very warmly. Let's all together make the International Summer School Sarajevo a big success.