

# SPEECH

Konrad-Adenauer-Stiftung e.V.

RULE OF LAW PROGRAM  
SOUTH EAST EUROPE  
THORSTEN GEISSLER

July 2015

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## **SPEECH HELD BY THORSTEN GEISSLER ON THE OPENING OF THE 9<sup>TH</sup> INTERNATIONAL SUMMER SCHOOL SARAJEVO: “TRANSFORMING LEGAL SYSTEMS OF SOUT-EAST EUROPEAN COUNTRIES TO RE- SPOND TO HUMAN RIGHTS CHALLENGES”**

SARAJEVO, 15 JULY 2015

It is a great pleasure for me to welcome you to the International Summer School 2015 on behalf of the Rule of Law Program South East Europe of the Konrad Adenauer Foundation.

It is the 9th edition of this summer school and I would like to express my profound thanks to our partner organization PRAVNIK with which we co-organize and host this event.

I wish to congratulate the 25 successful applicants who will participate in this event. You were chosen because of your outstanding qualities and because we 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 Albania, Bosnia & Herzegovina, Bulgaria, Croatia, Macedonia, Romania and Serbia but also from Belgium, Costa Rica, the Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Poland, Portugal and Spain. It is always both interesting and enriching to exchange views and opinions with students and young professionals

from other countries; however I am also convinced that you will enjoy the international atmosphere of this summer school.

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

The Konrad-Adenauer-Stiftung is a political foundation affiliated to the Christian Democratic Movement and stands for the Christian Democratic values of freedom, solidarity, and justice.

We work in more than 120 countries, having more than 80 offices all around the world, 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.

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.

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The Rule of Law Program has existed since 1990. It consists of five regional programs, one in Latin America, based in Bogota, 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 the latest one for Middle East/ North Africa, based in Beirut.

The Rule of Law Program South East Europe comprises Romania, Bulgaria, Croatia, Serbia, Albania, Macedonia, Kosovo, Montenegro, Moldova and Bosnia Herzegovina.

Our priorities are the consolidation of democracy, the protection of human and minority rights and the fight against corruption.

2015 is a special year for Bosnia and Herzegovina.

It marks the 20<sup>th</sup> anniversary of the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina known as the "Dayton Agreement".

The immediate purpose of the agreement was to freeze the military confrontation, and prevent them at all costs from resuming. It was therefore defined as a "construction of necessity".

The agreement's main purpose was to promote peace and stability in Bosnia and Herzegovina, and to endorse regional balance in and around the former Republic of Yugoslavia.

Furthermore the present political divisions of Bosnia and Herzegovina and its structure of government were agreed upon as part of the constitution that makes up Annex 4 of the General Framework Agreement balance in and around the former Republic of Yugoslavia.

The agreement mandated a wide range of international organizations to monitor, oversee, and implement components of the agreement.

It also created the legal basis for the institution of the *Office of the High Representative (OHR) in Bosnia and Herzegovina* to oversee the civilian implementation of the agreement, representing the countries involved in the Dayton Accords through the Peace Implementation Council.

The agreement can be seen as a success because it led to peace and secured the continued existence of Bosnia and Herzegovina as an independent and democratic state within internationally acknowledged boundaries.

However, tensions between the ethnic groups in Bosnia and Herzegovina never stopped and the complicated structure of government makes it difficult to govern this country successfully. And as long as the Office of the High Representative exists, Bosnia and Herzegovina is not a fully sovereign state.

2015 also marks the 20<sup>th</sup> anniversary of the Srebrenica massacre.

More than 8,000 Muslim Bosniaks, men and boys, were organizedly killed in and around the town of Srebrenica by units of the Bosnian Serb Army of Republika Srpska in July 1995.

In 2013 Serbian President Tomislav Nikolic said that he was kneeling down and seeking forgiveness for Srebrenica.

And only a couple of days ago Serbian Prime Minister Aleksandar Vucic condemned the "monstrous crime" committed in Srebrenica.

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But when he attended the Memorial Ceremony last Saturday Vucic he was chased away by stone-throwing protesters.

Vice President of the European Union Commission Federica Mogherini rightly condemned these attacks by saying: "Peace can be built only on reconciliation".

But reconciliation is a complicated process. It requires people to forgive, however painful their memories may be.

And it requires them to confront the past of their own people in an honest manner and not to neglect crimes committed by fellow countrymen.

But the still high number of open war crimes investigations against known perpetrators and the reluctant prosecutions show that many people are still not willing to do so but deny these crimes.

"In remembrance lies the secret to redemption," once said 18th century Jewish mystic Baal Shem Tov.

What is the part that the judicial system can play in this context?

This is exactly the question that you will discuss this and the following week as the motto of this International Summer School is "Transforming legal systems of South East European Countries to respond to human rights challenges."

In this context five key elements must be observed: perpetrators must be prosecuted, violations of the law must be documented and acknowledged also by non-judicial means, victims must be provided with reparations and reconciliation processes must be facilitated.

But we do not only have to cope with the past.

It is of equal importance to deal with the structures that made these crimes possible

and to examine whether the institutions that were involved in, or that failed to prevent, the commission of heinous crimes were sufficiently reformed to be able to prevent such crimes and human rights violations from occurring again.

And when we discuss such issues let us not forget in which city we are.

Here in Sarajevo the longest siege in modern warfare took place. It started on 5<sup>th</sup> April 1992 and lasted until the 29<sup>th</sup> February 1996. During these 44 months snipers and mortars fired from the hills surrounding the city. 11, 541 people lost their lives, among them about 1,500 children. Do not miss out to visit the Memorial for the Children killed during the siege, it will definitely touch your heart.

This International Summer School is not only about academic debate and research. It is about building bridges and it is my sincere hope that it will also lead to lasting friendships among you.

May you all enjoy the 2015 International Summer School of Sarajevo!