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Project: *Disclosing hidden history: Lustration in the Western Balkans*
Seminar: *Lustration, Public Debates on the Past and the Rule of Law*
Zagreb, 17-20 February 2005

The Center for Democracy and Reconciliation in Southeast Europe, Thessaloniki and the Croatian Helsinki Committee for Human Rights, Zagreb* jointly organised a seminar in Zagreb. The seminar was attended by 49 experts (legal field, officials of public administration, academics, journalists, NGOs) from 8 countries**. The Programme, the List of Participants and the Executive Summary of the Project are attached. The seminar attracted significant local and international media attention.

The main questions of the seminar were: Have public debates on the past been motivated by the attempt to reconstruct or to restructure the history of the region? Is historical justice in contradiction or in accord with the rule of law? And what are possible approaches to strengthen the rule of law in the Western Balkans? These questions were posed especially in connection with the lustration issue and its impact on efforts to strengthen the rule of law.

The first part of the seminar treated the public debates on the past in the Western Balkans. Case studies gave an overview on how it was dealt with the issue in Albania, Bosnia and Herzegovina, Croatia, The former Yugoslav Republic of Macedonia, and Serbia and Montenegro. In general, the case studies showed that serious and broader debates on the past have not taken place and particular criticism was raised against abuse for political reasons. Therefore, many contributors and participants spoke out against the mingling of history and politics and emphasised the necessity to take away the issue from committees and interested people as a precondition for serious information on and assessment of the past.

The second part of the seminar was devoted to examining the relationship between historical justice and the rule of law. Opinions differed on the possibility of reconciling moral and legal issues in the lustration processes, depending on the respective experiences in the individual countries. There was, however, a general consensus on the necessity of having a clear and commonly accepted definition of “historical justice” and “rule of law” as a precondition for a successful solution that would take into consideration both aspects.

The third part of the seminar analysed the impact of different approaches on the objective of strengthening the rule of law. The contributions and the discussion focussed on different problems with respect to this objective in various cases: contradictions between the sense of justice and the sense of law, predominant influence of external factors and experts, the question if lustration can be a sustainable development and if there has been anywhere a success story in lustration with respect to the aim of strengthening the rule of law.

Overall, participants agreed that legal, political and social preconditions for the necessary catharsis still have to be created. The public acceptance of lustration (i.e. what are the people really interested in) should be taken into serious consideration, as well as the timing and the situation in each individual country. Once more, the thesis was confirmed that in most parts of ex-Yugoslavia, the biggest interest is related to lustration of the 1990s.

* in cooperation with the Albanian Human Rights Group in Tirana, the Center for Antiwar Action in Belgrade, the Center for Interdisciplinary Postgraduate Studies of the University of Sarajevo and the Foundation Open Society Institute Macedonia in Skopje

** (Albania, Bosnia and Herzegovina, Croatia, The former Yugoslav Republic of Macedonia, Germany, Greece, Serbia and Montenegro, USA)

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