



INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

MULTI-COUNTRY

EU support to reconciliation: Enhancing War Crimes Accountability in the Western Balkans

Action summary

In line with the Western Balkans Strategy and the Sofia Declaration, this action aims at fostering reconciliation and good neighbourly relations in the Western Balkans, through strengthening criminal accountability and the rights of victims of the 1990s conflicts in the former Yugoslavia. The action will (1) enhance the prosecution of war crimes at domestic level and (2) increase public knowledge and understanding of crimes committed. The International Residual Mechanism for Criminal Tribunals (IRMCT) will implement this action.

Action Identification			
Action Programme Title	IPA II Multi-country Action Programme 2020 – part 2		
Action Title	EU support to reconciliation: Enhancing War Crimes Accountability in the Western Balkans		
Action ID	IPA 2020/042-350.02/MC/ReconciliationWarCrimes		
Sector Information			
IPA II Sector	9. Regional and territorial cooperation		
DAC Sector	15160 – Human Rights		
Budget			
Total cost	EUR 3.21 million		
EU contribution	EUR 3 million		
Budget line(s)	22.020401 - Multi-country programmes, regional integration and territorial cooperation		
Management and Implementation			
Method of implementation	Indirect management		
<i>Indirect management:</i>	International Residual Mechanism for Criminal Tribunals (IRMCT)		
Entrusted entity			
Implementation responsibilities	Directorate-General for Neighbourhood and Enlargement Negotiations– Unit D.5 Regional Cooperation and Programmes		
Location			
Zone benefiting from the action	Western Balkans (Republic of Albania, Bosnia and Herzegovina, Kosovo [*] , Montenegro, Republic of North Macedonia, and Republic of Serbia)		
Specific implementation area(s)	N/A		
Timeline			
Final date for contracting including the conclusion of contribution/delegation agreements	At the latest by 31 December 2021		
Final date for operational implementation	72 months from the adoption of the Financing Decision		
Policy objectives / Markers (DAC form)			
General policy objective	Not targeted	Significant objective	Main objective
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	<input type="checkbox"/>	X	<input type="checkbox"/>

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
RIO Convention markers	Not targeted	Significant objective	Main objective
Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

As emphasised in the Western Balkans Strategy of 6 February 2018¹, regional cooperation and good neighbourly relations are essential preconditions for the Western Balkans progress towards a European perspective. The EU's enlargement policy aims at exporting stability. In the context of the Western Balkans region, an important emphasis needs to be placed on reconciliation and restoring trust among citizens and societies in view of firmly anchoring peace, ensuring lasting stability and socio-economic development in the region. Establishing an accurate record of past atrocities and acknowledging them is one of the key components to reconciliation and good neighbourly relations in the region.

Over time, Bosnia and Herzegovina, Kosovo and Serbia have made progress in handling at the domestic level the prosecution of international crimes committed during the 1990s conflicts in the region (hereinafter "war crimes"). However, more efforts are needed to combat impunity, particularly as ethnic-based radicalism and nationalist speech feed on the denial of past atrocities. Domestic judicial authorities in the region still face significant backlogs of war crimes cases. In Bosnia and Herzegovina, approximately 350 complex cases, and several thousand suspects in total, still need to be investigated and processed. In Kosovo, approximately 1,000 cases are still to be investigated and prosecuted. In Serbia, the judiciary faces a large backlog of war crimes cases, estimated at around 800, and there is a need to address the impunity of senior- and mid-level officials. In Montenegro, a smaller but not insignificant number of cases are expected to be processed in the coming years. While Albania and North Macedonia do not share the same challenge in prosecuting war crimes cases, they may still benefit from lesson learnt from other jurisdictions. Overall, regional cooperation is key to the prosecution of war crimes and needs to be further enhanced, including in view of processing a significant number of cases to be transferred from one jurisdiction to another.

The primary stakeholders involved in handling war crimes are domestic war crimes investigative and prosecution services. These services need strong institutional and organisational support to tackle the large backlog of cases, including in particular complex cases involving senior- or mid-level suspects and/or challenging crimes such as cases involving conflict-related sexual violence. Complex war crimes cases present a range of challenges, including a large and difficult evidentiary record to master, novel and/or advanced legal issues in international criminal law and international humanitarian law and a heightened need for strategic prosecution case theories.

Beyond the need to increase the capacity of domestic authorities to efficiently and effectively process war crimes, recent developments in the region, such as the glorification of convicted war crimes criminals or the denial of facts judicially established, have shown the need to widely inform the public about past facts and to promote a wide dissemination of a strong historical record resilient to revisionism. This is key to continue building dialogue and trust within and between communities in the region. Targeted stakeholders will include journalists and media professionals, teachers, students, social influencers and civil society organisations (CSOs) who can act as important multipliers of accurate and unbiased information related to war crimes from the 1990s. However, they need access to such information as well as support to increase their capacities and skills to understand, disseminate, report about and discuss past facts. Moreover, it is crucial that key stakeholders from the Western Balkans – students, teachers, journalists and CSOs – have opportunities to jointly learn about and discuss issues related to crimes committed in 1990s conflicts. This would facilitate a cross-border and cross-community understanding of the recent violent past of the region and acceptance of a joint narrative about those events. A better and more systematic use of facts established in cases before the International Criminal Tribunal for the former Yugoslavia ("ICTY") is particularly relevant to address these challenges.

¹ Commission Communication on "A credible enlargement perspective for and enhanced EU engagement with the Western Balkans", COM (2018) 65, 6.2.2018, pp. 7 and 18.

The ultimate beneficiary of enhanced criminal accountability and the rights of victims of the 1990s conflict in the former Yugoslavia is the general public, in particular young people.

OUTLINE OF IPA II ASSISTANCE

The proposed action aims at fostering reconciliation and good neighbourly relations in the Western Balkans, through enhancing criminal accountability and the rights of victims of the 1990s conflicts in the former Yugoslavia. The International Residual Mechanism for Criminal Tribunals (IRMCT), which is the successor of the ICTY will implement this action.

This action will (1) enhance the prosecution of war crimes at domestic level as well as (2) increase public knowledge and understanding of the facts established in the cases adjudicated by ICTY regarding crimes committed during conflicts in the former Yugoslavia since 1991. In the context of this action, “war crimes cases” include cases involving war crimes as such but also crimes against humanity and genocide.

The main indicative activities will include:

- 1) Providing on-request direct expert assistance to domestic authorities on war crimes cases as well as on key legal issues in prosecuting war crimes, including in areas of regional cooperation;
- 2) Preparing dossiers on complex war crimes cases and handing them over to targeted domestic authorities;
- 3) Providing capacity-building activities to key stakeholders (including teachers, students, journalists, social influencers and CSOs) on the understanding, use and dissemination of ICTY material and facts established in ICTY cases. A key element of this activity will be facilitation of regional exchanges between the stakeholders from the targeted IPA II beneficiaries - high school teachers and educators, as well as their respective professional associations, graduate law students and teachers and professors of law faculties.
- 4) Conducting awareness-raising activities and developing communication tools.

The action will start with a 3-month inception phase to establish the baselines for the relevant indicators. The activities will be developed and implemented in close cooperation with the main stakeholders to build on their actual needs and priorities as well as to ensure full ownership and sustainability. While the geographical coverage of this action includes IPA II Western Balkans beneficiaries, the focus will be on Bosnia and Herzegovina, Kosovo, Montenegro and Serbia. North Macedonia will be fully included in all activities aimed at young people and their educators, i.e. capacity building workshops, series of lectures and creation of networks of teachers, their associations, universities and students. To the extent possible and as appropriate, Albania will also be included in such activities aimed at young people and their educators. Furthermore, awareness-raising activities will include targeting audiences in North Macedonia, and Albania, as appropriate.

The activities will produce the following expected outputs: (1) domestic authorities possess relevant evidence and expertise to prosecute war crimes; (2) capacities and skills of stakeholders to understand, disseminate, report about and discuss past facts related to the 1990s conflicts in the region are enhanced, and (3) awareness on past crimes in the region is increased.

RELEVANCE WITH THE IPA II MULTI-COUNTRY INDICATIVE STRATEGY PAPER AND OTHER KEY REFERENCES

The revised IPA II Multi-country Indicative Strategy Paper 2014-2020² highlights the need for further progress from the relevant IPA II beneficiaries towards reconciliation and good neighbourly relations, including through culture.

Reconciliation and good neighbourly relations are key elements of the enlargement and stabilisation and association process, as recalled in the February 2018 Commission Communication on “*A credible enlargement perspective for and enhanced EU engagement with the Western Balkans*” (“Western Balkans Strategy”) and in the Sofia Declaration.³

Specifically, the handling of war crimes cases, including through full cooperation with the IRMCT, is one of the actions of the flagship initiative 6 of the Western Balkans Strategy to foster reconciliation and good neighbourly relations. As highlighted in the 2109 Communication on EU Enlargement Policy, more efforts across the region are needed in the most sensitive areas such as the handling of war crimes: there is no place in the EU for inflammatory rhetoric or the glorification of war criminals, from any side.⁴

This action also contributes to support the implementation of the political commitment made by the IPA II Western Balkans beneficiaries to promote war crimes justice at the London Summit, and reiterated in Poznan in 2019⁵, in the “Joint Declaration on War Crimes in the Framework of the Berlin Process”⁶.

It is developed in support of domestic strategies developed by some of the IPA II Western Balkans beneficiaries to promote their European perspective.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

This action will build upon the results and lessons learned of prior and ongoing actions implemented by the ICTY/IRMCT.⁷ Stakeholders, in particular domestic authorities and prosecution services as well as local civil society actors, have expressed a strong desire for the IRMCT to continue and strengthen its engagement in support of domestic war crimes accountability in the region.

Over the past years, the ICTY – now the IRMCT – has implemented various actions aiming at disseminating the work of the ICTY, including through the establishment of information centres and various outreach activities in the region. Experience shows the importance of engaging a wide range of key stakeholders and partners, including grassroots organisations and young people, to successfully enhance the access, understanding and knowledge of past facts. Consequently, this action will particularly expand on raising awareness and engagement of young people about past facts, while aiming at a sustainable multiplier effect through the engagement of other key stakeholders (such as teachers, network of universities, journalists and social networks).

Under a current on-going action with the IRMCT funded by IPA, domestic authorities have shown great interest in seeking IRMCT’s support in handling domestic cases. The Office of the Prosecutor of the IRMCT (“OTP”) has responded to requests from domestic authorities for assistance on concrete complex cases and

² C(2018) 3442, 31.05.2018, p. 21

³ COM (2018) 65, 6.2.2018, pp. 7 and 18; Sofia Declaration, 17.05.2018.

⁴ COM(2019) 260 final, 29.5.2019, p. 9.

⁵ Western Balkans Summit Poznan. Chair’s conclusions, 5.07.2019:
https://www.premier.gov.pl/files/files/chairs_conclusions.pdf

⁶ Declaration adopted on 10 July 2018:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/724294/180710_WBS_Joint_Declarations.pdf

⁷ For the most recent one, see: Commission Implementing Decision of 31.07.2018, C(2018) 5074 final and Annex (at p. 21 and seq.).

contributed to peer-to-peer exchanges with domestic authorities on investigations and prosecutorial strategies. The OTP also successfully prepared a number of dossiers on complex war crimes cases and handed them over to the relevant authorities. This action has incorporated key lessons learned from previous initiatives, particularly the use of peer-to-peer mentoring and on-going direct engagement on concrete matters to ensure that knowledge transfer is a continuous process rather than an event. The most important lesson learned is the need for local ownership. Progress on war crimes prosecution can only be achieved when local institutions take responsibility. The OTP's role in this context should be seen as a provider of support, reflecting the fact that local stakeholders and institutions are fully responsible for achieving further progress.

Experience also shows that tackling war crimes prosecution in the region requires a coordinated action with a long-term vision, combining grass-root action with a sector-wide approach. In order to promote synergy and avoid duplication, this action will be implemented in close cooperation with other stakeholders, including other United Nations (UN) bodies (such as the United Nations Development Programme - UNDP), the Organisation for Security and Cooperation in Europe (OSCE) as well as relevant international and domestic Non-governmental Organisations (NGOs).

2. INTERVENTION LOGIC:

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE(S) / (IMPACT(S))	INDICATOR'S NAME	OBJECTIVELY VERIFIABLE INDICATORS			SOURCES & MEANS OF VERIFICATION	
		BASELINES (INCL. VALUE & REFERENCE YEAR)	MILESTONES (INCL. VALUE & REFERENCE YEAR)	TARGETS (INCL. VALUE & REFERENCE YEAR)		
<p>Long-term Overall objective: To foster reconciliation and good neighbourly relations in the Western Balkans</p> <p>Intermediate Overall objective(s): To strengthen criminal accountability and victims' rights in the region in connection with the 1990's conflicts in the former Yugoslavia</p>	<p>Level of institutional and public support for processing war crimes cases at the domestic level</p> <p>Level of denial of facts established by the ICTY and of glorification of war criminals.</p>	<p>Low level of institutional and public support for processing war crimes cases at the domestic level.</p> <p>Widespread denial of facts about war crimes from 1990s established by the international and domestic courts. High-level of glorification of war criminals.</p>	N/A	<p>Increased level of institutional and public support for processing of war crimes cases at the IPA II Western Balkans beneficiary level.</p> <p>Decreased level of denial of facts established by the ICTY.</p> <p>Substantial decrease in glorification of war criminals.</p>	Official statements from governments and other officials; media reports; reports from the IRMCT, international organisations, expert organisations and NGOs and relevant opinion polls if available.	
SPECIFIC OBJECTIVE(S) / OUTCOME(S)	OBJECTIVELY VERIFIABLE INDICATORS (*)				SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Specific Objective 1: To enhance prosecution of war crimes at domestic level</p> <p>Specific Objective 2: To increase public knowledge and understanding of the facts established in ICTY cases regarding crimes committed during conflicts in the former Yugoslavia since 1991</p>	<p>S.O. 1: Number of suspects against whom prosecutorial decisions to initiate or complete investigations are taken in complex war crimes cases, including sexual and gender-based crimes cases and cases involving regional judicial cooperation.</p> <p>S.O. 2: Percentage of stakeholders reached reporting improved knowledge of crimes committed in the 1990s (including category-disaggregated data and sex-disaggregated data).</p> <p>Percentage of stakeholders reached reporting increased knowledge about the use of ICTY/IRMCT archival</p>	<p>To be determined during the 3-month inception phase</p> <p>S.O.2: To be determined during the 3-month inception phase</p>	<p>S.O. 1: After Y.1: 20 suspects (including in sexual and gender-based crimes cases and in cases involving regional judicial cooperation)</p> <p>S.O.2: After Y.1 at least 50% stakeholders reached improve knowledge of crimes committed during the 1990s conflict. After Y.1 at least 50% stakeholders reached</p>	<p>S.O. 1: 60 suspects (including in sexual and gender-based crimes cases and in cases involving regional judicial cooperation)</p> <p>S.O.2: At least 50 % of the stakeholders reached by the action report improved knowledge of crimes committed during the 1990s conflict. At least 50% of</p>	<p>IRMCT's reports</p> <p>Records of target groups</p>	<p>Willingness of domestic authorities to investigate, prosecute or try war crimes cases.</p> <p>Willingness of the domestic authorities and partners to support the action's implementation.</p> <p>Partner organisations in the region have sufficient funds, skills and capacity to fulfil their implementation commitments efficiently.</p>

	<p>material in teaching history (including category-disaggregated data and sex-disaggregated data).</p> <p>Reach of specialised information material through social and mainstream media and traffic to IRMCT website and social media profiles (including sex-disaggregated data).</p>		<p>improve knowledge in using archives and ICTY/IRMCT material in teaching history.</p> <p>After Y.1 10% growth in overall reach on relevant social media channels and corresponding increase in traffic to the IRMCT website and social media profiles.</p>	<p>stakeholders reached by the action report improved knowledge in using archives and ICTY/IRMCT material in teaching history.</p> <p>30% growth in overall reach on relevant social media channels and corresponding increase in traffic to the IRMCT website and social media profiles.</p>		
OUTPUTS	OBJECTIVELY VERIFIABLE INDICATORS (*)				SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Output 1 (influencing Specific Objective 1): Domestic authorities possess relevant evidence and expertise to prosecute war crimes</p> <p>Output 2 (influencing Specific Objective 2):</p>	<p>Output 1: Number of transfers of evidence for concrete cases by the action, including sexual and gender-based crimes cases</p> <p>Output 1: Level of transfer of expertise as per the action, including sexual and gender-based crimes cases</p>	<p>Output 1: To be determined during the 3-month inception phase</p>	<p>Output 1:</p> <p>After Y.1: 10 cases handed over to 4 out of 6 targeted jurisdictions (including 2 sexual and gender-based crimes cases)</p> <p>After Y.1: 18 direct case assistance received and resolved from 4 out of 6 targeted jurisdictions (including 3 sexual and gender-based crimes cases and 3 cases involving regional judicial cooperation)</p> <p>After Y.1: moderate level of transfer of additional expertise including on sexual and gender-based crimes.</p> <p>1, 10 online discussions and 10 legal questions addressed from 4 out of 6 targeted jurisdictions</p>	<p>Output 1:</p> <p>15 cases handed over to 4 out of 6 targeted jurisdictions (including 4 sexual and gender-based crimes cases)</p> <p>54 direct case assistance received and resolved from 4 out of 6 targeted jurisdictions (including 9 sexual and gender-based crimes cases and 9 cases involving regional judicial cooperation)</p> <p>High-level of transfer of additional expertise including on sexual and gender-based crimes.</p> <p>1, 30 online discussions and 30 legal questions addressed from 4 out of 6 targeted jurisdictions</p>	<p>IRMCT's reports</p> <p>Records of target groups</p>	<p>Willingness of domestic authorities to investigate, prosecute or try war crimes cases.</p> <p>Willingness of the domestic authorities and partners to support the action's implementation.</p> <p>Partner organisations in the region have sufficient funds, skills and capacity to fulfil their implementation commitments efficiently.</p>

<p>Enhanced capacities and skills of stakeholders to understand, disseminate, report about and discuss past facts related to the 1990s conflicts in the region</p> <p>Output 3 (influencing Specific Objective 2): Increased awareness in the region on past crimes</p>	<p>Output 2: Number of stakeholders trained on the use and dissemination of ICTY/IRMCT material (including category-disaggregated data and sex-disaggregated data). Number of students reached by lectures in international criminal law (including sex-disaggregated data).</p> <p>Output 3: Number of faculties participating in the University network Number of media using IRMCT information and social media</p>	<p>Output 2 To be determined during the 3-month inception phase</p> <p>Output 3 To be determined during the 3-month inception phase</p>	<p>Output 2: After Y.1: 120 history teachers trained on the use and dissemination of the ICTY/IRMCT material After Y.1: 100 university students reached</p> <p>Output 3: After Y.1: 10 universities participating to the University network After Y.1: 15 mainstream media features published based on assistance received from the Action</p>	<p>Output 2: 360 history teachers trained on the use and dissemination of the ICTY/IRMCT material 300 university students reached</p> <p>Output 3: 15 universities participating to the University network 50 mainstream media features published based on assistance received from the Action Cumulatively at least 1.500,000 reach on social media platform of curated material produces for social media campaigns</p>		
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DESCRIPTION OF ACTIVITIES

The action will start with a 3-month inception phase to establish the baselines for the relevant indicators. This action will implement the following main indicative activities.

Expected Output 1: Domestic authorities possess relevant evidence and expertise to prosecute war crimes

- Capacity-building through on-request direct expert assistance to domestic authorities on complex war crimes cases, including cases of sexual- and gender-based violence and in connection with regional judicial cooperation.

This assistance will be primarily provided to domestic prosecution services from Bosnia and Herzegovina, Kosovo, Montenegro and Serbia. Domestic prosecution services of Albania and North Macedonia will also be encouraged to submit requests in relation to any relevant cases they are processing;

- Preparing dossiers on complex war crimes cases and handing them over to relevant prosecution services in Bosnia and Herzegovina, Kosovo, Montenegro and Serbia;
- Providing expert legal support on key international criminal law topics to domestic authorities.

Expected Output 2: Enhanced capacities and skills of stakeholders to understand, disseminate, report about and discuss past facts related to the 1990s conflicts in the region

- Capacity-building activities, including peer-to-peer mentoring and training courses, of key stakeholders, such as teachers, students, journalists, social influencers and CSOs, on the understanding, use and dissemination of ICTY material and facts established in ICTY cases;
- Networking activities of key stakeholders, such as teachers, students, journalists, social influencers and CSOs to promote the understanding and knowledge of past facts;
- Regional exchanges on issues related to the conflicts of the 1990s between high school teachers, teachers' associations, graduate students and university professors.

Expected Output 3: Increased awareness on past crimes in the region

- Implementation of awareness activities, including through social media campaigns;
- Production and dissemination of awareness-raising tools, including for journalists and other media professionals, CSOs.

RISKS

Two main risks are identified for this action.

Risk 1: Lack of political support to investigate and prosecute war crimes cases

The political climate in the region may affect the successful implementation of this action. This may include the insufficient allocation of resources to the concerned authorities in order for them to perform their duties. Insufficient resources would likely affect the work of local partners in quantitative and qualitative terms, and hence prevent the action from delivering the expected results.

This risk will be mitigated by ensuring that domestic war crimes accountability is on the political and diplomatic agendas, and that all stakeholders are fully apprised of developments and challenges. The action will also seek to navigate potential barriers by presenting its activities to domestic authorities as an invaluable opportunity to benefit from tailored assistance to implement their respective strategies and achieve key benchmarks towards their European perspective under Chapter 23 of the *acquis*.

Risk 2: Lack of sufficient interest, willingness or capacity of local partners to cooperate and support the action's implementation

The lack of interest, willingness or capacity of local partners to engage directly in the action may affect its successful implementation. Based on lessons learned from previous actions, this risk could be to a large degree mitigated by close cooperation with a network of pro-active and reliable key stakeholders from each of the following groups: universities, associations of educators, civil society organisations and media. Cooperation could include involvement in action planning and execution and leveraging the multiplier effect of these stakeholders to reach out to new audiences. . The identified stakeholders will enable reach of the audience that is the primary target of the action, as well as the groups which are otherwise difficult to reach. Further, the key stakeholders will act as important multipliers of accurate and unbiased information related to war crimes from the 1990s towards specific segments of the population and/or general population.

CONDITIONS FOR IMPLEMENTATION

There are no particular conditions required for the start of the implementation of this action as both the legal and institutional frameworks to prosecute war crimes at domestic level are already in place. This action will largely build upon and strengthen existing partnerships, activities and relationships within existing frameworks.

In order to ensure the sustainability and effectiveness of this action, the IRMCT will regularly consult target groups to discuss challenges and solutions, solicit technical advice on the action's implementation and ensure that relevant developments are recognised.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

The main stakeholders include domestic war crimes investigative and prosecution services, ministries of justice as well as other relevant domestic authorities, journalists and media professionals, ministries of education, teachers and their associations, students, education experts, social influencers and CSOs.

The IRMCT OTP will implement the activities related to direct expert assistance on war crimes cases, key legal issues and transfer of dossiers on complex war crimes cases, in close coordination with the IRMCT Field Office in Sarajevo, Bosnia and Herzegovina and the concerned domestic authorities. The IRMCT OTP will establish a "Management Committee" to oversee day-to-day management of activities, monitor action milestones and ensure that the achievement of results and objectives is on-track. The Management Committee will be comprised of Legal Officers in The Hague, the Head of Mission in Sarajevo and the Chief of Staff.

The IRMCT Registry will implement capacity-building and awareness-raising activities related to increased public knowledge and understanding of crimes committed during conflicts in the former Yugoslavia since 1991. These will be implemented in close coordination and partnership with key stakeholders including journalists and media professionals, teachers, students as well as CSOs. Where possible and as much as possible, the IRMCT Registry will strengthen its partnership with universities and CSOs.

Whenever relevant and appropriate, at all times during the implementation of the action, the IRMCT will ensure due coordination with relevant regional and international organisations, including other UN bodies (such as UNDP), the OSCE as well as relevant international and domestic NGOs.

METHOD(S) OF IMPLEMENTATION AND TYPE(S) OF FINANCING (SEE ANNEX IMPLEMENTATION – BUDGET)

The method of implementation of this action is indirect management with an International Organisation (IRMCT, with a maximum EU contribution of EUR 3 million. The indicative operational duration of the contract will be 36 months.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

Having regard to the importance of the action, a mid-term evaluation will be carried out for this action or its components via independent consultants.

In case a mid-term evaluation is foreseen: it will be carried out for learning purposes, in particular with respect to informing the European Commission on future actions in the concerned area.

The evaluation reports shall be shared with the relevant IPA II beneficiaries and other key stakeholders. The implementing partner and the European Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the relevant IPA II beneficiaries, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The evaluations should be carried out following the Directorate-General for Neighbourhood and Enlargement Negotiations guidelines on linking planning/programming, monitoring and evaluation⁸. It is recommended that a Reference Group comprising the key stakeholders of this action be set up to steer the evaluation process and ensure the required quality level of the evaluation outputs as well as the proper follow-up of the recommendations of the evaluation.

In addition, the action might be subject to external monitoring in line with the European Commission rules and procedures.

Furthermore, the IRMCT will develop a detailed project implementation plan as a tool for monitoring the implementation of the activities. The IRMCT will ensure the monitoring of the quality of the implementation this action through a variety of means at different levels as follows:

Building on established practices in the ICTY and IRMCT, the IRMCT will continuously capture, record and track key statistical information on the implementation of activities, including all formal and informal requests submitted, timeliness in responding to requests and the amount and kind of information or assistance provided in response to each request. This will enable the IRMCT to track and monitor progress on some results indicators. Mid-action, the IRMCT will review in detail results and progress to identify achievements, challenges and patterns, which would then be addressed.

The IRMCT will monitor and evaluate the capacity-building and awareness-raising activities through feedback solicited from project stakeholders. After each activity is completed, the IRMCT will solicit input from participants and stakeholders to identify strengths and weaknesses in the activities. The results will be used in the planning process of subsequent phases of implementation and future activities. Whenever possible, the IRMCT will implement follow-up actions and will put in place continuous contact with participants. The monitoring methods and sources will include the following:

⁸ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/near_guidelines.zip

action records showing details about events held and actions taken; website and social media analysis showing viewership, reach, and engagement of target audiences; visibility and impact of social media campaigns; number of mainstream media stories published using material provided through the action; and feedback from participants through questionnaires designed for the action.

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities.

5. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

The UN Resolution 1325 on women, peace and security reaffirms the important role of women in the prevention and resolution of conflicts, and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security. Considering the particular impact of conflicts on women and girls and their roles in post-conflict reconstruction, and in accordance with the EU Gender Action Plan II (GAP II), the action will be designed in a way to mainstream gender, with special consideration given to combatting all forms of sexual and gender-based violence (including against men and boys) and promoting gender equality.

The action will ensure the equal participation of women and integrate gender perspectives into its activities as a cross-cutting priority. Furthermore, the action will work with partners to ensure a balanced representation of women and men among action beneficiaries to the greatest extent possible (e.g. the action will not propose or accept single-gender workshops, panels, etc.). Finally, the action will emphasise strategies for maximising the chances that the voices of women and girls will be heard during the accountability process in order to address the bias that has historically resulted in males being the overwhelming majority of witnesses in war crimes proceedings.

The action will fully incorporate and build upon the ICTY and IRMCT OTP's identification of new and more effective strategies for integrating gender perspectives than has historically been the case in international criminal law. The specific strategies utilized in this respect have been informed by the growing body of lessons learned from international courts and tribunals regarding gender, particularly the standard-setting work by the ICTY OTP in its publication "Prosecuting Conflict-Related Sexual Violence at the ICTY" (OUP, 2016).

Important elements of the action's Gender Strategy include the following:

- Action personnel will reflect a balanced representation of women and men. The IRMCT has established gender parity in its staffing at all professional levels. The action fully anticipates similarly achieving gender parity at a minimum in its staff.
- The action will work with partners to ensure a balanced representation of women and men among action beneficiaries to the greatest extent possible. The action will not propose or accept single-gender panels.
- The action will emphasise strategies for maximising the chances that the voices of women and girls will be heard during the accountability process. This is important to address the bias that has historically resulted in males being the overwhelming majority of witnesses in proceedings conducted under the framework of international criminal law.
- The action will provide specific sensitisation on the concept of gender and the manner in which misconceptions and stereotypes can negatively influence the decision making of everyone involved in the criminal justice process. Exercises will help target groups to identify unconscious biases and to develop institutional strategies that assist in overcoming them.

- Sexual and gender based crimes will be integrated throughout all action activities, rather than being considered a separate module or item. This best practice promotes the objective of situating the investigation and prosecution of sexual and gender-based crimes as part of the core work of justice sector institutions. A core principle of the action will be the importance of contextualising sexual and gender based crimes when investigating and constructing case theories. Contextualising maximises the prospect that justice sector officials will accurately understand the intersection between gender and other sources of harm, such as ethnicity, socio-economic status, sexual orientation, etc., so that this can also be accurately reflected in the framework developed for cases.

EQUAL OPPORTUNITIES

A particular attention will be given to ensuring that an equal opportunities approach is built into all aspects of the action. No aspect of the action in any way precludes or inhibits equal opportunities for all. The IRMCT is an equal opportunities employer in accordance with United Nations rules and policies.

The action will ensure that during the design phase, products are created that take into account the needs of people with disabilities, ensuring all information is accessible. Moreover, the action will encourage the involvement of women within the region addressing historic gender imbalances associated with conflict. In developing social media products and messages, as well as material to be shared with mainstream media, special attention will be given to inclusion of wartime experiences of women, people with disabilities, ethnic, religious and other minorities. During the implementation phase, the action will further emphasise its commitment to equal opportunities and ensure monitoring of action activities to guarantee a diverse and inclusive audience.

MINORITIES AND VULNERABLE GROUPS

The victims of the crimes committed in the conflicts in the former Yugoslavia were often ethnic, religious or linguistic minorities. The action will directly support securing justice for them, and indirectly support respect for and defence of their constitutional and human rights.

The action is specifically aimed at ensuring that the voices of the victims of war crimes are heard. As minorities have often been victimised during the conflicts in the former Yugoslavia, particular attention will be given to highlighting their experience and suffering through presenting their stories in action activities. Furthermore, the action will seek to establish cooperation with minority associations throughout the region working on transitional justice issues.

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)

In the development of this action, the IRMCT has consulted civil society actors, victims' associations throughout the Western Balkans as well as youth organizations, organisations of history teachers from the targeted IPA II beneficiaries and the European Association of History Educators.

One of the main segments of the action has a specific focus on supporting CSOs, which are both stakeholders and direct beneficiaries. These civil society groups are important stakeholders under the action and will have an active part in the implementation of activities.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

There is no direct link to the EU environmental *acquis*, as the action is centered on reconciliation within the Western Balkans. However, caution will be taken to reduce any associated environmental impact where possible. The impact of methods of transportation used by action staff will be taken into consideration when travelling to the region. Moreover, the action will aim to make all products and

information accessible online thus reducing the need for physical resources. Consideration will also be given to the location of trainings under the action in order to reduce travel associated emissions for the participants.

Climate action relevant budget allocation: EUR 0
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6. SUSTAINABILITY

Sustainability has been mainstreamed in the action design and is a key outcome to be achieved. It is fully expected that the benefits provided by the action will continue to support improved results following the completion of the action.

To promote the sustainability of the action, the main direct beneficiaries will be directly involved in the implementation of the action. The activities implemented by the IRMCT OTP under this action will largely be driven by the target groups, who will determine, in consultation with the IRMCT OTP, the specific cases and issues the action will address. In addition to capacity-building through knowledge transfer, the activities implemented by the IRMCT OTP will also have institutionally sustainable results by providing information, evidence and materials to target groups that will continue to be valuable to further cases to be investigated and prosecuted. This should continue contributing to the reduction of the backlog and improved results in domestic war crimes justice following the completion of the action. Once information, evidence and materials are provided, particularly when accompanied by the provision of expertise to understand and utilise them appropriately, they will remain available to the target groups and should continue to prove of value in undertaking further investigations and prosecutions in related cases.

The action further aims to have policy level sustainability in the area of regional judicial cooperation. At least some of the cases for which direct case assistance will be provided will have a regional dimension and require judicial cooperation from other criminal justice sectors in the Western Balkans region. It is anticipated that resolving concrete challenges in regional judicial cooperation in war crimes matters will at a minimum contribute to improving working methods in this vital area.

The activities implemented by the IRMCT Registry are conceived to empower the local communities and enable them to carry on the work themselves. The IRMCT's strengthened approach to cooperation with local actors in civil society, media and youth education and creation of local networks will outlive the IRMCT's mandate and in that way enable continuous dissemination of accurate information and judicially-established facts related to the 1990's conflicts.

The activities that will be developed and implemented with NGOs, academic institutions and media will enhance the capacity of these groups to initiate, plan and implement their own undertakings. This will yield benefits not only in the short-term but in the longer perspective and will contribute to the sustainability of the action.

7. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the action. The implementation of the communication activities shall be funded from the amounts allocated to the action.

All necessary measures will be taken to publicise the fact that the action has received funding from the EU in line with the EU communication and visibility requirements in force. All stakeholders and

implementing partners shall ensure the visibility of EU financial assistance provided through IPA II throughout all phases of the programme cycle.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives, as well as the benefits of the action for the general public. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions and will promote transparency and accountability on the use of funds.

Communication actions should aim to show the links between the funds invested and the policy priorities behind them. Where relevant, the communication and visibility plan will be based on an agreed communication narrative and master messages customised for the different target audiences.

The IRMCT will mainstream donor visibility during all stages of the action implementation. The IRMCT will take necessary measures to publicise the fact that the action has received funding from the EU. Communication actions should also ensure that all relevant stakeholders, and where possible, also final beneficiaries, are informed about donors' involvement, joint actions and their results. Effectiveness of communication activities may be measured, inter alia through surveys, whenever this is relevant.

Visibility and communication aspects shall be complementary to the activities implemented by the Directorate-General for Neighbourhood and Enlargement Negotiations and the EU Delegations/Office in the field. It is the responsibility of the implementing partner(s) to keep the EU Delegations/Office and the European Commission fully informed of the planning and implementation of the specific visibility and communication activities.