



Joint Submission of
“Partnership in Truth for
Peace and Reconciliation”
to 3rd cycle of the
Universal Periodic Review
of the UN Human Right
Council of the Republic of
Slovenia

The Society New Slovenian Covenant

*The Society United at the Linden Tree of
Reconciliation*

*The Commission Iustitia et Pax of the Slovenian
Conference of Bishops*

Ljubljana, March 2019

1. Members of the “Partnership in Truth for Peace and Reconciliation”

1.1. The Society New Slovenian Covenant / Društvo Nova Slovenska zaveza

- 1.1.1. Nova Slovenska zaveza (NSZ, URL: www.zaveza.si) was founded and registered as a Non-Governmental Organization on 12th May 1991 as a society of private members who were survivors or relatives of non-surviving victims of communist totalitarian and revolutionary violence perpetrated in the period from 1941 to 1990 by the various organizations within the Liberation Front and its armed forces or the secret police and corrupt justice systems operating after the end of World War II in Slovenia and Yugoslavia. The activities of NSZ were first focused on identifying, naming and listing deceased victims, as a majority of these victims were officially not recognized as deceased by the post WWII government. Through donation collections the society funded the construction of memorial plaques commemorating more than 15.000 listed deceased at over 200 local cemeteries. In parallel, the organization identified many hidden mass grave sites and pressured various governments to explore them and exhume bodies with an intent to identify and hand over the found deceased to their family graves.
- 1.1.2. NSZ is recognized as a civil society with a representative role for victims of totalitarian violence and persecution and has been unofficially granted one member of the Government Commission for questions concerning hidden mass war graves under the governing law adopted in 2015. It has been granted recognition of being a “Society operating in public interest” in the area of mass grave exploration and identification, however not provided with public funding for the execution of related activities.
- 1.1.3. To preserve historical witness accounts, NSZ began publishing a quarterly magazine *Zaveza* in 1991, which is publicly available. The majority of funding for operations of the society comes from private donations, membership dues and sales of publications issued by NSZ.

1.2. The Society United at the Linden Tree of Reconciliation / Društvo Združeni ob Lipi sprave

1.2.1. Društvo Združeni ob Lipi sprave (United at the Linden Tree of Reconciliation, URL: www.lipasprave.si) - was established in 1989, the year of changes and of democratisation of Slovenia. It was formally registered on 31.1.2006 as a Non-Governmental Organization. On 13.2.2017 it was formally recognized by the state as a “Society operating in public interest”. The first president was Stanislav Klep, Attorney at Law. Since 31.1.2013 the president is prof. emer. Janez Juhant, PhD, MTh. The society was formed in order to facilitate efforts to remove the residues of the traumatic revolutionary past and acknowledge victims of the totalitarian communist regime. The society prepared a declaration of national reconciliation which was presented to the members of the National Assembly of the Republic of Slovenia several times for formal adoption in order to formally declare the end of the revolution in the Slovenian Society. It was never adopted, even though it was debated in 1997. The aim of the organization is to contribute to reconciliation in our nation and has identified the issue of a dignified burial of unearthed victims as a key step in achieving peace and justice.

1.3. The Commission Iustitia et Pax of the Slovenian Conference of Bishops

1.3.1. The Justice and Peace Commission (JPC, URL: www.katoliskacerkev.si/ssk/komisija-pravicnost-in-mir) is the working body of the Slovenian Bishops' Conference (SBC) for areas of social justice, peace and respect for human rights. It examines open and pressing issues, investigates and offers opinions on issues regarding social justice, peace and respect for human rights in the Republic of Slovenia and internationally.

1.3.2. JPC also works with the Commissions for Justice and Peace of the European and other Bishops' Conferences and maintains regular contacts with the Pontifical Council for Justice and Peace in Rome. Its efforts also include cooperation with other organizations, movements, and institutions with similar purposes and spirit.

1.3.3. The Justice and Peace Commission was founded on September 24th 1985 and officially began work on January 1st 1986.

1.3.4. The work of the Commission reflects primarily in statements for the Slovenian and international public that were collected in a printed form for the 10th

anniversary of the Commission's existence (1995). Its statements reflect concern regarding respect for human rights and the democracy. The Commission had the honour to work in one of the most crucial periods of the Slovenian nation and actively participate in the efforts to democratize the Slovenian society. It encouraged the Slovenian Catholics to work for social justice and expressed the semi-official positions of the leadership of the Slovenian Catholic Church regarding the issues that have sometimes been scorching.

1.3.5. On the 10th anniversary of the Commission's operation, the then President Msgr. Dr. Anton Stres wrote: *"How right were the Slovenian bishops when they founded the Justice and Peace Commission a decade ago, although in the beginning, it was only a commission at the provincial conference of Slovenian bishops. Soon after its foundation, the democratic awareness in Slovenia was rapidly awakening and asserting. The Catholic Church, together with some other religious communities, was the only area exempt from the direct leadership of the ruling party and its members, refusing to yield to its monopoly, suffered greatly. By this very fact, the Catholic Church was at the forefront of democratic aspirations. The Justice and Peace Commission consciously adopted this Church mission and engaged in defending human rights and social justice. From the very beginning, the members of the Justice and Peace Commission were clearly aware that their task was not only the defence of the rights of the Church and its members, although it was not possible to avoid those loads. However, the rights of the Church and its members are only part of the common human rights and can be protected only in a democratic social environment. This environment has yet to be established. In fact, freedom, democracy, social justice, and mutual respect are never completed tasks, therefore, the mission of the Justice and Peace Commission is unlimited."*

1.3.6. From 1986 to the present day, JPC has prepared and published 114 statements.

2. Executive Summary

2.1. The Partnership in Truth for Peace and Reconciliation was formed for the purpose of jointly contributing to the third cycle of the Universal Periodic Review (UPR) of the Republic of Slovenia by Društvo Nova Slovenska zaveza (New Slovenian covenant), Društvo Združeni ob Lipi sprave (United at the Linden Tree of Reconciliation), and Komisija pravičnost in mir pri Slovenski škofovski konferenci (Commission Iustitia et Pax of the Slovenian Conference of Bishops).

2.2. This contribution deals with:

- 2.2.1. The unresolved issues of discovery, marking and exploring concealed mass graves of victims killed during and mostly after World War II as well as exhuming, identifying and burial of victims from these concealed mass graves.
- 2.2.2. The unresolved questions dealing with mid and post-World War II application of justice, resulting in systemic violations of the right of individuals to a hearing by a fair, competent, independent and impartial tribunal as well as the right to appeal and the right to be presumed innocent.
- 2.2.3. The complacency of the Republic of Slovenia and its various authorities with the lack of progress of investigation of crimes of which concealed mass graves and over 100.000 victims of different nationalities (inter alia: Slovenian, German, Russian, Italian, Croatian, Montenegrin, Serbian, Bosnian, Albanian, Ukrainian, Roma) were a consequence, the prosecution of those responsible and the adoption of a system of remedy and compensation to victims.
- 2.2.4. The Republic of Slovenia's failure to comply with international human rights and international humanitarian law obligations as well as its own adopted laws.

2.3. It is claimed that the Republic of Slovenia should adopt an unambiguous legal stance of the current constitutional democratic state toward the pre-1990 system of justice, rule of law, application thereof and the remnants of such a system (i.e.: verdicts, suppositions and prejudices). This obligation should be recognized, inter alia, under Parliamentary Assembly of the Council of Europe Resolution number 1096 adopted on June 28th 1996 as well Resolution number 1481 adopted on January 25th 2006 as well as European Parliament Resolution number P6_TA(2009)0213 adopted on April 2nd 2009.

3. Background

- 3.1.** The mass murder and existence of concealed mass graves of civilian, military or prisoner of war victims was common knowledge throughout the era 1945-1990, even though any mention of such concealed mass graves was strictly prohibited and punished by the former Socialist Federative Republic of Yugoslavia and the Socialist Republic of Slovenia.
- 3.2.** Over 15.000 civilian and prisoner of war victims were executed without trial after 1945 by government military and police forces, while over 4.750 civilians were executed from 1941-1945 without trial, some ending in mass concealed graves. The cited figure

is for Slovenian nationals, but an additional several tens of thousands of victims were of other nationalities, who were mainly prisoners of war.

- 3.3.** The governing international treaties at the time of these mass executions were the Geneva Conventions of 1929, based on the ratification of said Conventions on 25.5.1931 by the Kingdom of Yugoslavia.
- 3.4.** Under the Tito-Šubašić Agreements these treaties are binding also for the recognized government of Yugoslavia under the leadership of Tito from November 1st 1944 until the Adoption of the Geneva Conventions of 1949.
- 3.5.** Yugoslavia was succeeded in 1991 by the Republic of Slovenia. The accession to the Geneva Conventions of 1949 was declared under the Vienna Convention on the Law of Treaties by act of parliament of the Republic of Slovenia on March 19th 1992.
- 3.6.** Exploration of sites of concealed mass graves began immediately after democratic elections in 1990 and continued under different state and local governments in an unclear legal framework. The authority of officials named for the purpose of such tasks was often undermined by lack of funding or ambiguity of regulatory powers, biased negative media coverage and lack of political will to pursue any systemic approach.
- 3.7.** The role of Non-Governmental civil society organizations, committed to helping mourning family members find evidence of missing victims' grave locations and seeking the burial of remains in family graves, became the primary power of movement on this issue for many years, even though public funding for the activities of these organizations was rare, if provided at all.
- 3.8.** More than 600 concealed grave sites have been officially evidenced and listed in a state register¹.
- 3.9.** The adoption by the National Assembly of the Concealed War Graves and Burial of Victims Act in 2015 introduced explicit reference and application of the Geneva Conventions of 1949 to Slovenian state policy regarding concealed graves and buried victims from 1941 – 1990, building on the previous recognition of equal status granted to all graves of victims of revolution and war by the War Grave Sites Act of 2003.
- 3.10.** The United Nations Office of the High Commissioner for Human Rights was a co-author of the report “Unearthing Atrocities: Mass Graves in territory formerly controlled by ISIL” from November 6th 2018² which in many aspects should also apply to the issues this joint contribution identifies in Slovenia. We request that the logic and recommendations within this cited report be applied as a general rule to all states dealing with issues of mass graves, including Slovenia.

4. Human Rights Violations

4.1. Article 17 of the Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Army Forces in the Field, 12/8/1949: as the adopted Concealed War Graves and Burial of Victims Act of 2015 directly references the use of this Convention, this section references the binding official published Commentary of 2016³ in order to highlight areas where violations of Article 17 are evident. The applicable comment is cited directly and referenced by comment number as per original published document.

4.1.1. Burial of victims in an individual grave

4.1.1.1. (1645) *The preferred option is the return of the remains of the deceased to their families so that they may bury or cremate them in accordance with their religious beliefs and practices. Another reason why this option is preferable is that it enables the families to mourn their loved ones. Indeed, return of the dead to their families can be considered a basic humanitarian goal, recognized in both conventional and customary humanitarian law.*

4.1.1.2. (1650) *The obligation to bury or cremate the dead individually is to be construed strictly. If circumstances do 'permit' burial in an individual grave or individual cremation, that is required as a matter of legal obligation. Circumstances that merely make burial in an individual grave or individual cremation more difficult do not excuse the Parties from their obligations under the article. This will be a question of fact. Burial in a collective grave is also rendered unnecessary if facilities for temporary conservation of the bodies, such as ice, electricity or embalming fluids, are available. Burial in an individual grave or individual cremation is necessarily a more onerous and time-consuming task than burial in a collective grave or collective cremation. This does not, by itself, excuse the Parties from their obligation as the obligation would then be vitiated; it only excuses the Parties if this transforms the circumstances into ones that do not permit individual burial or cremation. It is only in such cases that burial in a collective grave is permitted as it is preferable to the deceased being left on the battlefield.*

4.1.1.3. **Application to Slovenian current practice:** 1416 individuals, victims exhumed from *Huda jama* mass grave site, were buried in a mass grave at Maribor cemetery in October 2017, despite protests from the submitting

parties of this review and other members of the general public, clearly in defiance of Article 17⁴. Letters of distraught relatives hoping to bury the dead individually were sent in protest and are evidence of mourning relatives being denied the option of reuniting the deceased with other family members in family graves. The unreasonable distant location of the current chosen burial site, as well as lack of any religious symbols or markings is contrary to provisions of Article 17 and disrespectful to the victims' next of kin.

4.1.2. Identifying the deceased

4.1.2.1. (1661) *The identity of the deceased is to be established with as much certainty as possible. All feasible measures must be taken in this respect. They include a thorough examination of all documents and other objects found on the deceased's person. Besides examining such items, recourse must be had to other methods which will make it possible to establish the person's identity. In the past, measurements and description of the body and its physical features and examination of the teeth were the methods of choice. Since then, methods of identification have evolved considerably, and a wider range of possibilities is available today to assist Parties in complying with this obligation. These include taking photographs and/or video of the body and the face, taking prints of all the fingers, and collecting a hair sample (including the roots) for later DNA analysis. However, a description of the person's physical features remains important, while the more recent means of identification should be regarded as complementary. A holistic approach to identification is required, as visual recognition on its own, including through photographs, can be unreliable. Although not all Parties may have access to all forms or means of identification, the absence of a qualified forensic service or poor technical capabilities cannot excuse a Party's failure to comply with the underlying principles on which the provisions are built. Organizations such as the ICRC can also assist Parties with the development and dissemination of protocols, capacity building and the acquisition of the necessary equipment.*

4.1.2.2. (1663) *The person's identity is to be established in order to account for the missing and provide information to the families, in the light of one of the central principles of this area of the law, namely 'the right of families to know the fate of their relatives'.*

4.1.2.3. (1665) *The obligation to take all feasible measures to identify the deceased extends beyond the conclusion of the conflict. This is evident from the obligations in respect of the missing.*

4.1.2.4. **Application to Slovenian current practice:** it is to be recognized that protocols enacted by the current Government Commission established under the Concealed War Graves and Burial of Victims Act of 2015 follow the procedures outlined in these comments to the extent as they pertain to the methods of examination of the deceased. Crucially however, the collection of data from the deceased, including body samples for later DNA analysis, is pointless in the absence of a structured and legally sound framework which would enable families of the missing to provide comparative DNA samples and then obligate authorities to exercise prescribed due diligence in comparing DNA samples of deceased to DNA samples of relatives, thus establishing identity. Furthermore, the Commission applies the collection of body samples arbitrarily depending on expected victim nationality. This arbitrary practice should be prevented and the procedural protocol subject to a bilateral agreement with States holding a material interest in returning exhumed victims from mass grave sites in Slovenia to their families or native states. The Commission has identified a significant legal vacuum in relation to the issue of DNA collection, analysis and database creation for the purpose of meeting the intent of the Geneva Convention and national law related to identifying deceased victims and assuring that families are informed of their fate as well as the possibility of the victims' burial in family graves. This legal vacuum is to be primarily addressed by responsible departments within the Ministry for Interior Affairs (Police and National Forensic Laboratory), but movement on this issue has been slow or non-existent. While recommendations by the submitting parties to this report were to apply a similar framework to that was used (with success) in Srebrenica, the inclusion of interested civil societies and general public in finding a solution encompassing a practical and fair process has not been granted. Slovenia must be obliged to follow recommendations as unanimously agreed to at the 2003 conference "The Missing: International Conference of Governmental and Non-Governmental Experts"⁵. The United Nations Human Rights Council has published a relevant document A/HRC/14/42⁶ which should also be

included in recommendations to Slovenia in regards to “Mechanisms established to clarify the fate of missing persons” and “The right to know”.

4.1.3. Honourable interment

4.1.3.1. (1684) *The obligation to inter the dead honourably is an absolute one. It has both positive and negative aspects. Parties must respect the body of the deceased, the burial site and the interment ceremony. This includes, for example, choosing an appropriate site for burial if the body of the deceased is not returned to the family. It also prohibits the deliberate contamination of the site and offensive acts on the site, such as littering or urination. It prohibits burial of the deceased with, for example, items that may be considered offensive to the deceased such as the insignia of the adverse Party. It involves respecting and not disrupting the interment ceremony, for example observing a minute’s silence if that is a feature of the ceremony. The Party must also ensure that other persons respect the interment process.*

4.1.3.2. (1685) *Criminal prosecutions have been brought for preventing the honourable burial of the dead.*

4.1.3.3. **Application to Slovenian current practice:** several discovered and exhumed mass and individual grave sites of Roma civilian victims, including women and children, have resulted in more than 70 individual remains being prepared for burial at Ljubljana central cemetery Žale as this was identified as the appropriate burial site by the government Commission under the Concealed War Graves and Burial of Victims Act. However, the Mayor of Ljubljana (Capital City of Slovenia) and the municipal cemetery authority have declined the option of providing (under usual commercial terms) space to the State for such a burial.⁷ The State Government’s deferential response to a politically powerful local mayor is in direct conflict with the same State’s obligations under Article 17 as outlined in the commentary.

4.1.3.4. This attitude toward the Roma people constitutes a flagrant violation of Article 2 of the 1948 Universal Declaration on Human Rights, as discrimination is attributed to an obvious prejudice toward Roma people for their ethnicity and religion.

4.2. Violation of the 1948 Universal Declaration on Human Rights, the 1966 International Covenant on Civil and Political Rights and 1950 European Convention on the Protection of Human Rights and Fundamental Freedoms:

4.2.1. The Right to Life (UDHR, Article 3), (ICCPR, Article 6), (ECHR, Article 2)

4.2.1.1. The Republic of Slovenia fails to respect the right to life, which is a norm of jus cogens and is protected by international and regional treaties, customary international law and domestic legal system. The right not to be arbitrarily deprived of life is a foundational and universally recognised right, applicable at all times and in all circumstances.

4.2.1.2. In this regard the 1989 UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) (The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions) provide international standards regarding prevention, investigation and legal proceedings with the aim to protect the right to life. The Protocol further includes detailed information on the international legal framework on the right to life, accountability and remedies, the triggering and scope of the duty to investigate and on elements and principles of investigations. The 2016 Minnesota Protocol further addresses the issues of professional ethics, conduct of investigation and gives detailed guidelines on the conduct of state authorities in such circumstances. It is generally recognised that the duty to investigate is an essential part of upholding the right to life. Further, the State must ensure that identified perpetrators are prosecuted and, where appropriate, punished through a judicial process. De jure or de facto impunity is incompatible with this duty. In other words, a failure to respect the duty to investigate is a breach of the right to life. Investigations and prosecutions are essential to deter future violations and to promote accountability, justice, the rights to remedy and to the truth, and the rule of law.

4.2.1.3. Under human rights law the Republic of Slovenia is clearly obliged to conduct a diligent, rapid, independent, impartial and fair investigation into the crimes against humanity that were committed on its territory. It includes the annulation of illegal structures, laws and judicial acts of the former regimes. Such an annulation could restore the legal suppositions for the victims of former regimes and cancel/abandon the residues of totalitarian praxis in the procedures of the democratic state of Slovenia. In this way, it is

obliged to comply with its positive obligations to conduct effective investigations into the nature and scope of the crimes and identify alleged perpetrators of the crimes.

4.2.1.4. This obligation has clearly not been undertaken as the number of victims, the number of mass concealed graves, the number of claims filed for judicial oversight and appeal as well as payments made in of millions of euros in restitution from an established State fund is in stark contrast to the fact that not one person has been formally indicted for the act of such crimes, let alone been tried or found guilty. This sad balance in itself is prima facie evidence that the Republic of Slovenia is avoiding the application of justice and thus violating the Right to Life of citizens who are victims through means of being direct descendants of those killed or were themselves witnesses to such crimes and have been deprived of trust in the State as a guarantor of Human Rights.

4.3. Violation of the 1966 International Covenant on Civil and Political Rights and 1950 European Convention on the Protection of Human Rights and Fundamental Freedoms:

4.3.1. The Right to Fair Trial (ICCPR, Article 14), (ECHR, Article 6)

4.3.1.1. The Republic of Slovenia has continued to limit access to a Fair Trial and has severely limited the right to be presumed innocent until proven guilty by means of a fair and public hearing by a competent, independent and impartial tribunal.

4.3.1.2. The Republic of Slovenia has failed to delegitimise courts and court rulings by applicable act of parliament, despite a far-reaching list of Supreme Court decisions overruling numerous guilty rulings due to breach of due process and false application of law. It must also be recognized that the Slovenian Constitutional Court had in 1996 (decision U-I-248/96) struck down the law applied in the prosecution and consequential judicial process against the victims due to the law being “in fundamental contradiction to general legal norms used contemporarily by civilized nations”. Victims and their family members were deprived of basic citizen rights as a consequence of being found guilty. The resulting legal position of victims and family members following the decision of the Constitutional Court of Slovenia was and remains “guilty until proven innocent”, which is a fundamental

deprivation of Rights established under Article 14, paragraph 2 of ICCPR. Victims or immediate families were instructed to undertake an individual legal appeal process ending in the overruling of the unlawful previous conviction. This list of successful appeals includes, inter alia, these Supreme Court cases:

- VS RS I Ips 78/2013 from 5.12.2013
- VS RS IV Ips 145/2013 from 18.2.2014
- VS RS IV Ips 148/2013 from 18.2.2014
- VS RS I Ips 65988/2012 from 17.10.2013
- VS RS I Ips 188/2013 from 6.6.2013
- VS RS I Ips 77/2013 from 24.10.2013
- VS RS I Ips 54192/2012 from 23.12.2015
- VS RS I Ips 114/2009 from 1.10.2009
- VS RS I Ips 556/2013 from 9.5.2013
- VS RS I Ips 84/2013 from 3.10.2013
- VS RS I Ips 126/2009 from 11.2.2010
- VS RS I Ips 79/2013 from 24.10.2013
- VS RS I Ips 48523/2015 from 24.5.2018

4.3.1.3. The procedural hurdles imposed by the Republic of Slovenia are stark: a typical example is case VS RS I Ips 13660/2012, initially filed in December 1996 and finally successfully concluded with an acquittal by the Supreme Court on September 17th 2015, it shows the absence of any will of the current state to recognize the victims of a fundamentally unjust jurisprudence of the courts of 1945 as deserving either an expedited individual or (preferably!) a general dismissal and annulment of all decisions of such a system, thereby returning dignity to the victims (posthumous, where applicable).

4.3.1.4. The process has burdened next of kin by requiring their individual petitions for judicial review of cases, creating an unfair hardship both financially as well as psychologically, often taking years to complete and imposing on them excessive requirements to reconstruct historical judicial documents from archives.

4.3.1.5. Changes to the Criminal Procedure Act have, as of 1/1/2013, removed even this individual appeal possibility and have transferred the right to file

an appeal solely to the State Prosecutor's Office. This severely limits the individual's right to have his or his ancestor's conviction and sentence reviewed, thereby perpetuating a guilty record upon the victim of such a conviction. It should also be noted that the State Prosecutor arbitrarily may or may not file an appeal upon receiving such a petition. Personal political views of State Prosecutors have been known to affect such decisions and also establish internal department policy of questionable fairness in the decision process. Such circumstances further erode the confidence of citizens in a fair and balanced judicial system.

5. Recommendations for actions

5.1. This Joint Contribution by the Partnership in Truth for Peace and Reconciliation calls on the Slovenian Authorities to:

- 5.1.1. Ensure that all exhumed victims from mass graves are given a burial in individual graves, preferably reunited with family after a positive DNA identification or at locations agreed to by Civil Society Organizations representing the interest of families of missing victims.
- 5.1.2. Ensure that independent monitoring is granted to representative Non-Governmental Organizations representing the interest of families of missing victims and religious communities in all stages of exhumation of victims from concealed grave sites.
- 5.1.3. Adopt a legal framework for the identification of exhumed victims, including a systemic database and DNA collection of victims' relatives to enable an identification process as soon as possible.
- 5.1.4. Provide for the burial of Roma and all other exhumed victims on locations as deliberated and decided by the duly appointed Government Commission on Concealed War Graves.
- 5.1.5. To include and provide funding for Non-Governmental Organizations whom it recognizes as representative for the interest of victims in order to facilitate their work in aiding the government as well as the general public in performing tasks related to identification and burial of victims as recommended by the UN Human Rights Council Resolution 12/11 of October 1st 2009 "Human rights and transitional justice" and so promote necessary processes of reconciliation.
- 5.1.6. To adopt legislative and other measures as necessary to return the presumption of innocence to all who were convicted under laws which the Constitutional Court has struck down thus eliminating the need for individual case by case retrial or appeal of such convictions by the State Prosecutor or the victims and their next of kin.
- 5.1.7. To immediately and with due professional diligence undertake the investigation and prosecution of crimes committed in violation of the Geneva Conventions of 1929 as well as crimes of genocide and murder from 1941-1990, conspiracy to commit such crimes, the aiding and abetting of such crimes by means of

prosecution or intimidation of witnesses and the destruction or withholding of evidence or material information.

5.1.8. To establish either as a national entity or as a public-private partnership a Museum of Truth and Reconciliation in order to exhibit artefacts and other audio and visual material gathered from uncovered mass grave sites for the benefit of a national healing and reconciliation process.

¹ URL: <https://podatki.gov.si/dataset/geopedija-vojna-grobisca> (accessed 26 March 2019)

² Unearthing Atrocities: Mass Graves in territory formerly controlled by ISIL, UNAMI/OHCHR, 6.11.2018
URL: https://www.ohchr.org/Documents/Countries/IQ/UNAMI_Report_on_Mass_Graves4Nov2018_EN.pdf
(accessed 26 March 2019)

³ ICRC, Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 2nd edition, 2016 URL: <https://ihl-databases.icrc.org/ihl/full/GCI-commentary> (accessed: 26 March 2019)

⁴ URL: <https://katoliska-cerkev.si/glas-krvi-tvojega-brata-vpije-iz-zemlje-k-meni-1-mz-4-10> (accessed 26 March 2019)

⁵ See https://www.icrc.org/eng/assets/files/other/themissing_conf_03.2003_en_90.pdf (accessed 26 March 2019)

⁶ UN Human Rights Council, Progress report of the Human Rights Council Advisory Committee on best practices on the issue of missing persons, 22 March 2010, A/HRC/14/42, available at: <https://www.refworld.org/docid/4c0613072.html> (accessed 26 March 2019)

⁷ The correspondence between the responsible Government Commission and Žale (Ljubljana Cemetery Authority) and the City of Ljubljana involved 4 attempts with all 4 results being negative. The dates and reference numbers of each document is listed: Commission 131-1/2017/96 (8.8.2017), Žale ZAL-020-027/2017-011 (23.8.2017), Commission 131-1/2017/149 (17.10.2017), City LN 131-2/2017 (25.10.2017), Commission 131-1/2017/201 (28.11.2017), City 131-2/2017-4 (29.11.2017), Commission 131-1/2018/40 (28.6.2018), Žale ZAL-020-010/2018-010 (4.7.2018).