

GUIDELINES FOR REPORTING DENIAL OF GENOCIDE



MEMORIJALNI CENTAR
SREBRENICA
MEMORIAL CENTER



British Embassy
Sarajevo



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Dear citizens of Bosnia and Herzegovina, dear victims of genocide, war crimes, and crimes against humanity and their family members,

Denial of genocide, war crimes, and crimes against humanity is not only a moral and historical affront – it is also a criminal act that undermines truth, justice, and coexistence in our country. Every case of denial of genocide, war crimes, and crimes against humanity represents a direct attack on the dignity of the victims, an attempt to revise the facts determined by the courts, and a threat to the stability and security of society.

Why is it important to report the denial?

Protection of the dignity of victims and their families

Denying genocide is an attempt to minimize the pain of those who have lost their loved ones. International and domestic courts have determined that genocide was committed in Srebrenica. Any public statement that denies this fact humiliates the survivors and insults the memory of all those who were killed or otherwise became victims of genocide, war crimes, and crimes against humanity. By reporting such cases, we protect the dignity of victims and demonstrate that we will not allow their lives, which have been interrupted or permanently damaged by the crime, to be erased from memory.

Legal obligation and responsibility

According to the laws of Bosnia and Herzegovina, genocide denial is a criminal offense. By adopting amendments to the Criminal Code of Bosnia and Herzegovina (KZBiH), known as the “Inzko Law”, our country’s legal system has taken a stand in the protection of truth and justice. Any denial, justification, or minimization of the genocide in Srebrenica can be subject to legal proceedings. By reporting these cases, we enable the competent institutions to act and show that the law applies equally to everyone.

Preservation of historical truth and prevention of revisionism

Genocide, war crimes, and crimes against humanity are a proven fact in court. However, those who deny this seek to distort historical facts and replace them with lies that justify the crimes. If we do not report the denial of genocide, war crimes, and crimes against humanity, we allow the spread of lies that can become the basis for new divisions and conflicts in the future. By reporting, we preserve historical truth and prevent future generations from growing up in an atmosphere of denial and disinformation.

Prevention of hate speech and new conflicts

Denial of genocide, war crimes, and crimes against humanity is not just an academic or political issue – it is a form of hate speech that can have dangerous consequences. Experiences from other societies show that tolerating the denial of crimes can lead to new conflicts. If we do not confront the denial of genocide, war crimes, and crimes against humanity, we send the message that denial of crimes is acceptable, thereby opening the door to future divisions and intolerance.

Strengthening trust in justice and institutions

By reporting cases of denial of genocide, war crimes, and crimes against humanity, we show that we believe in justice and the rule of law. Every report helps to document and sanction deniers, sending a clear message that there is no place for impunity in Bosnia and Herzegovina. If institutions are consistent in applying the law, citizens will have greater trust in the legal system, which is crucial for building a peaceful and just society.

The duty for all of us

Every report of genocide denial contributes to the fight for truth and justice. It is not only a legal obligation but also a moral duty of all of us who want to build Bosnia and Herzegovina as a society that respects victims, learns from the past, and looks to the future without hatred and division.

We invite you not to be silent. Report the denial of genocide, war crimes, and crimes against humanity, fight for the truth, and preserve the memory of the innocent victims. Only the truth leads to justice, and justice is the foundation of lasting peace.

How to report genocide denial?

You can report cases of genocide denial to the relevant institutions, primarily the prosecutor's office and the police. It is especially important to report cases that occur in public spaces, on social networks, in the media, and at official events.

Important terms

- Although it is common to talk about genocide denial, it is important to know that the crime includes not only denial as an act of commission but also other forms of acts of commission. It is also important to know that this crime exists not only concerning final concluded cases of genocide and perpetrators of genocide but also concerning final judgments and perpetrators of war crimes and crimes against humanity. The most common actions by which this crime can be committed are approval, denial, gross minimization, and attempt to justify. In addition, the crime exists when someone makes available or distributes leaflets, pictures, and other materials that justify, deny, grossly minimize, or approve of genocide, war crimes, or crimes against humanity.
- **Publicly:** “Publicly” does not necessarily mean that the action was taken in a public place, on a public profile, or in front of a large number of people. “Publicly” means that the act of committing the crime is done or at least started in front of at least three people who are not closely related in any way. This practically means that a post on a private profile on social networks is also considered “public” if at least three people who are not connected in any way have access to that profile.
- **Approving:** It represents the characterization of crimes as right, acceptable, or necessary. It is crucial that the statement expresses a positive stance and thus has elements of solidarity and sympathy. It does not have to refer to the entire legally adjudicated event but can also refer to individual actions. Crimes are recognized as indisputable events, as reality, as something that happened – through approval.
- **Denial:** Actions that challenge or relativize the existence or scope of the above-stated crimes, despite final court judgments and historiographical evidence. Modalities of denial include explicit denial, denial of the qualification of the crime, interpretative denial, i.e. the claim that the genocide was not planned or that it was an inevitable consequence of the war, selective denial of part of the evidence, to create a false picture, drawing false parallels between the relevant crimes and other events and criminal acts.
- **Gross minimization:** Actions that are reflected in a conscious and significant reduction of the number of victims, the scale of the crime, or the degree of responsibility, often to relativize or justify the crime. Modalities of gross minimization are qualitative or quantitative minimization, in the real or virtual world, reducing the number of victims to the point of absurdity, denying the systematic nature of the crime - claims that it was an indiscriminate military action, not a planned extermination, relativizing the crime through false analogies - equating genocide with other war incidents, diminishing the responsibility of the perpetrators - claims that military or political leaders had no control over the perpetrators of the crime.
- **Justification:** It involves an attempt to present genocide, crimes against humanity, and war crimes as justified, inevitable, or legitimate actions that were necessary for political, military, security, or other reasons and, as such, are morally or legally justified. Modalities of justification include presenting crimes as military necessity,

portraying crimes as morally justified, shifting responsibility to victims, referring to other events as justification, and portraying convicted war criminals as heroes.

- **Making available:** “Making available” means providing access to the material without necessarily actively disseminating it. For example, this may include posting on a website, social networks, or blogs, leaving material in a public place (e.g., in a library, school, cafe, on the street), putting up posters, placards, or graffiti in public areas, or some other way to make the content available.
- **Distributing:** “Distributing” means actively spreading material to a certain number of people, which may include handing out leaflets at gatherings, on the streets, institutions, sending material via email, post or social media, distributing books, brochures or magazines with negative content, as well as other ways of spreading material.
- **Leaflets, pictures, or other materials:** The perpetrator will most often distribute leaflets or pictures. However, the crime will exist if they also distribute other materials. Examples of other materials include video materials (documentaries, recordings of speeches, animations, etc.), internet content (articles, blogs, forums, social networks, etc.), books, pamphlets and other works that promote genocide denial, symbolism and graphic representations (t-shirts, flags, murals with messages that deny genocide, etc.), as well as meme images and satirical illustrations that minimize or ridicule genocide, etc.
- **In a manner likely to disturb public order and peace:** This formulation indicates the potential for a denialist statement to provoke social tension, conflict, or violent incidents. For example, this could include publicly denying genocide at mass gatherings, particularly in areas affected by genocide, war crimes or crimes against humanity, chanting denialist slogans at public events, which could provoke a reaction from other groups, or making denialist statements in the context of political gatherings, where there is a real possibility of causing disorder.
- **In a threatening manner:** A threat involves expressing an intent to harm or endanger individuals or groups, either through explicit statements or contextually understandable messages. For example, this may include denying genocide while simultaneously threatening survivors, publicly denying war crimes while emphasizing threats of new violence against members of a particular ethnic group, or posting denialist statements on social media with images of weapons, violent scenes, or direct allusions to new crimes.
- **In an abusive or insulting manner:** This wording covers cases where negative statements insult, humiliate, or psychologically abuse victims and survivors. For example, mocking the victims of genocide through denialist slogans, ridiculing survivors’ testimonies through public speeches or social media using vulgar or derogatory language when denying the crime.
- **Glorification of criminals:** Glorification can be carried out in several ways, and all forms of the act of execution have a common aim: the affirmation and glorification of a person convicted of the most serious international crimes. Glorification of criminals is understood to mean the granting of

recognition, awards, or memorials and includes any formal or informal award, medal, plaque, or honorary status. Thereby, the granting of any privilege or reminder may refer to material or symbolic benefits, such as a scholarship named after the convicted person, the granting of honorary positions, etc. Also, the act is committed by anyone who names a public facility such as a street, square, park, bridge, institution, establishment, municipality or city, settlement and populated area, or similar, or registers a name after or with reference to the person convicted by a final judgment for genocide, a crime against humanity or a war crime, or in any way glorifies a person convicted by a final judgment for genocide, a crime against humanity or a war crime.

- **Official:** An official is an elected or appointed official in the legislative, executive and judicial authorities of Bosnia and Herzegovina and in other state and administrative institutions or services that perform certain administrative, professional and other tasks within the framework of the rights and duties of the authority that established them; a person who permanently or occasionally performs an official duty in the aforementioned administrative authorities or institutions; an authorized person in a business company or in another legal entity that is entrusted with the exercise of public powers by law or other regulation adopted based on law, and who performs a certain duty within the framework of those powers; and another person who, with or without compensation, performs a certain official duty based on the powers provided for by law or other regulation adopted based on law (Article 1, paragraph (3) of the Code of Civil Procedure of Bosnia and Herzegovina).
- **Responsible person:** A responsible person is a person in a company or other legal entity who, due to their function or based on a special authorization, is entrusted with a certain range of tasks related to the application of laws or regulations adopted based on laws, or a general act of a company or other legal entity in the management and handling of assets, or related to the management of production or some other economic process or to the supervision over them. An official person is also considered a responsible person within the meaning of paragraph (3) of this Article when it comes to actions in which the responsible person is designated as the perpetrator, and are not defined as a criminal offense by the provisions of the chapter on criminal offenses against official and other responsible duties, or the provisions on criminal offenses committed by an official person, prescribed in another chapter of this Law or another law of Bosnia and Herzegovina (Article 1, paragraph (5) of the Criminal Code of Bosnia and Herzegovina).
- **Employee:** An employee in a government institution is a person who is employed in government institutions (legislative, executive, judicial), regardless of the legal basis of employment, duration, or length of working hours.
- **Employee in a government institution or any other body financed through the public budget:** Persons who do not have the status of an official, responsible person or person employed in government institutions, but are employed in some other organizational forms, which are partially or fully financed from the public budget. For these persons, the legal basis of employment (employment contract, contract for

Guidelines for Reporting Denial of Genocide, Crimes Against Humanity, and War Crimes

Marking in the final right column indicate the basic elements of the criminal act.

Criminal Code of Bosnia and Herzegovina	Perpetrator	Actions of doing	Publicly ¹	Manner	Mark
145a (3)	Anyone	<p>Example of “approving”:</p> <ul style="list-style-type: none"> “I think that the Srebrenica genocide was justified.” “The Srebrenica genocide was necessary for the stability of the Balkans.” 	Yes	It is not necessary to prove that someone was incited to violence or hatred..	O
	Anyone	<p>Example of “denying”:</p> <ul style="list-style-type: none"> “The Srebrenica genocide did not happen.” “Serious crimes happened in Srebrenica.” “It was not genocide, but a military operation, common and expected during war or armed conflict.” “There are no documents proving the order for genocide.” “What about other war crimes? Why are people talking only about this?” 	Yes	It is not necessary to prove that someone was incited to violence or hatred..	O
	Anyone	<p>Example of making “gross minimization”:</p> <ul style="list-style-type: none"> “There were no 8,000 people killed in Srebrenica; only a few hundred people were killed there.” “That was not a genocide, but a military operation against the armed men.” “If Srebrenica is a genocide, then all the other war crimes are genocide too.” “Leaders did not know what was happening on the field; those were single incidents.” 	Yes	It is not necessary to prove that someone was incited to violence or hatred..	O

¹ “Publicly” means that the act of committing the crime is done or at least started in front of at least three people who are not closely related in any way. This practically means that a post on a private profile on social networks is also considered “public” if at least three people who are not connected in any way have access to that profile. “Publicly” does not necessarily mean that the action was taken in a public place, on a public profile, or in front of a large number of people.

		<p>Example of “justifying”:</p> <ul style="list-style-type: none"> • “Srebrenica was a military aim, and that was a legitimate operation.” • “Without those actions, there would have been even greater casualties, so this was a necessary measure.” • “They knew what was waiting for them; they could run away.” • “They were condemned only because they defended their people.” 	Yes	It is not necessary to prove that someone was incited to violence or hatred..	O
145a (4)	Anyone	<p>Example of “making available leaflets, photos and other materials”² (making access available to):</p> <ul style="list-style-type: none"> • publishing on a website • posting on social networks • writing blogs • leaving material in a public place (e.g., library, school, café, on the street, etc.) • posting posters, placards or graffiti on public surfaces • other ways to make content available for others. 	Yes	It is not necessary to prove that someone was incited to violence or hatred..	O
	Anyone	<p>Example of “distributing leaflets, photos and other materials” (active distribution):</p> <ul style="list-style-type: none"> • distributing flyers at meetings, streets, institutions, etc. • sending materials by e-mail or post, etc. • sending materials on social networks • distributing books, brochures, or magazines with denial content • other ways of distributing materials. 	Yes	It is not necessary to prove that someone was incited to violence or hatred..	O
145a (5)	Anyone	Who approves, denies, grossly diminishes, justifies.	Yes	<p>Public order and peace don’t need to be disturbed.</p> <p>It is not necessary to prove that someone was incited to violence or hatred.</p>	O

² Examples of other materials include video materials (documentaries, recordings of speeches, animations, etc.), internet content (articles, blogs, forums, social networks, etc.), books, pamphlets and other works that promote genocide denial, symbolism and graphic representations (t-shirts, flags, murals with messages that deny genocide, etc.), as well as meme images and satirical illustrations that minimize or ridicule genocide, etc.

	Anyone	Who approves, denies, grossly diminishes, justifies.	Yes	<p>Example of “abusive or offensive”:</p> <p>It includes cases where negative statements insult, humiliate, or psychologically abuse victims and survivors. An example of this kind of action would be mocking the victims of genocide through negative slogans, mocking the testimonies of survivors through public speeches or social networks, using vulgar or belittling language when denying the crime.</p>	O
	Anyone	Who approves, denies, grossly diminishes, justifies.	Yes	<p>Example of “abusive or offensive”:</p> <p>It includes cases where negative statements insult, humiliate, or psychologically abuse victims and survivors. An example of this kind of action would be mocking the victims of genocide through negative slogans, mocking the testimonies of survivors through public speeches or social networks, using vulgar or belittling language when denying the crime.</p>	O
145a (6)	Anyone	<p>Who awards a recognition, award, memorial, any reminder or any privilege or similar to a person convicted by a final judgment:</p> <ul style="list-style-type: none"> • includes any formal or informal award, medal, plaque, or honorary status • scholarships named after the convict, granting of honorary positions, etc. 	Yes	It is not necessary to prove that someone was incited to violence or hatred..	O

	Anyone	Who names a public facility such as a street, square, park, bridge, institution, establishment, municipality or city, settlement, and populated place or similar: <ul style="list-style-type: none"> naming settlements, but also companies, non-governmental organizations, foundations, and other legal entities after convicts 	Yes	It is not necessary to prove that someone was incited to violence or hatred..	O
	Anyone	Who registers a name after or regarding a person convicted by a final judgment.	Yes	It is not necessary to prove that someone was incited to violence or hatred..	O
	Anyone	Who glorifies a person convicted by a final judgment in any way. <ul style="list-style-type: none"> May include any form of glorification not covered by the previously defined forms: public display of images of convicts in a positive context chanting their name at public gatherings organizing events that celebrate them public publication of texts, songs, or videos in which convicts are presented as heroes, etc. 	Yes	It is not necessary to prove that someone was incited to violence or hatred..	O
145a (7)	Službenica ³ ili odgovorna ⁴ osoba	Who approves, denies, grossly diminishes, justifies.	Yes	It is not necessary to prove that someone was incited to violence or hatred..	O
	Zaposlenik u instituciji vlasti ⁵	Who approves, denies, grossly diminishes, justifies.	Yes	It is not necessary to prove that someone was incited to violence or hatred..	O
	Zaposlenik u Any-onejem organu koji se finansira putem javnog budžeta ⁶	Who approves, denies, grossly diminishes, justifies.	Yes	It is not necessary to prove that someone was incited to violence or hatred..	O

3 An official is an elected or appointed official in the legislative, executive and judicial authorities of Bosnia and Herzegovina and in other state and administrative institutions or services that perform certain administrative, professional and other tasks within the framework of the rights and duties of the authority that established them; a person who permanently or occasionally performs an official duty in the aforementioned administrative authorities or institutions; an authorized person in a business company or in another legal entity that is entrusted with the exercise of public powers by law or other regulation adopted based on law, and who performs a certain duty within the framework of those powers; and another person who, with or without compensation, performs a certain official duty based on the powers provided for by law or other regulation adopted based on law (Article 1, paragraph (3) of the Code of Civil Procedure of Bosnia and Herzegovina).

4 A responsible person is a person in a company or other legal entity who, due to his/her function or based on a special authorization, is entrusted with a certain range of tasks related to the application of laws or regulations adopted based on laws, or a general act of a company or other legal entity in the management and handling of assets, or related to the management of production or some other economic process or to the supervision over them. An official person is also considered a responsible person within the meaning of paragraph (3) of this Article when it comes to actions in which the responsible person is designated as the perpetrator, and are not prescribed as a criminal offense by the provisions of the chapter on criminal offenses against official and other responsible duties, or the provisions on criminal offenses committed by an official person, prescribed in another chapter of this Law or another law of Bosnia and Herzegovina (Article 1, paragraph (5) of the Criminal Code of Bosnia and Herzegovina).

5 An employee in a government institution is a person who is employed in government institutions (legislative, executive, judicial), regardless of the legal basis of employment, duration, or length of working hours.

6 Persons who do not have the status of an official, responsible person or person employed in government institutions, but are employed in some other organizational forms, which are partially or fully financed from the public budget. For these persons, the legal basis of employment (employment contract, contract for temporary work, etc.), the duration of the

1. Perpetrator:

- a) Known:_____ (state full name)
b) Unknown:_____ (state their anonymous name, if any)

2. Committed the following (briefly describe):

3. IT was presented on (state):

- a) Social networks:_____
b) Television:_____
c) Radio:_____
d) Printed media:_____
e) In a public place:_____

4. Who else saw/heard that (important because of the “public” element)?

5. Contact:

6. Priložiti ako ima nekih dokaza (slika, snimak, screenshot, dokument, ...)

Submit or deliver the report to the Prosecutor’s Office of Bosnia and Herzegovina.

WORKING TIME OF THE ADMISSION OFFICE: 08:00 – 16:00

PROSECUTOR’S OFFICE OF BOSNIA AND HERZEGOVINA ADDRESS:

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