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!Court Proceedings Are Not a Sufficient Response to the Violent Past



*Mario Mažić
Photo: personal archive*

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In a recent discussion with colleagues who are dealing with confronting the past in different parts of the world, historian **Elazar Barkan** said that the aim of the dialogue on history isto reach a level where such dialogue becomes open and different opinions tend to be based on arguments and various rational considerations, and not on membership of different groups (ethnic, national, religious...).

Only a few days prior to that discussion, the ICTY (International Criminal Tribunal for Former Yugoslavia) had reached its verdict in “Operation Storm” Case. Several days afterwards, the verdict was also reached in the “Haradinaj and Others” Case. Reactions to the verdicts were clearly divided along ethnic lines, with very few exceptions. One group was overjoyed; another was deeply distressed, and a third simply approving of the verdicts. We have just entered the year 2013, in which one more ex-Yugoslav country, Croatia, will become a member of the European Union, and here we are still: divided along ethnic lines. Although the two trials cannot be compared, the pattern of reactions is the same and their origin clear. Perhaps even more disheartening, and a further illustration of the same pattern of reaction by all “sides”, is the almost total lack of compassion for the victims. Worse, not only was compassion for the victims missing, but there was hardly any mention of them. And in those rare cases where they were mentioned, political abuse was evident.

More than ever before, the importance of war crimes trials was clear to me, but also their insufficiency on their own. Only now are certain countries in the region contemplating and preparing a strategy of transitional justice. They failed to do so earlier. The international community did not have a transitional justice strategy for the region either, while Croatia is accessing the EU without ever having had one. Except for war crimes trials before the ICTY and local courts, very little has been done. The trials have not instigated the public debates expected, because the focus of the public is not on established facts, but only on the outcome in the forms of the guilt or innocence of the persons on trial, and on the length of the prison sentences, which is mostly discussed on the grounds of a particular community’s perception of someone’s guilt.

We clearly need a change in the public discourse, irrespective of who has been pronounced guilty

or innocent, and of who is and who is not yet in the process of acceding to the EU. This should be a change which will, as regards the violent past, place an emphasis on the victims. Only then shall we, as societies, be able to respond adequately to violence in the recent past. And only then shall we be able to build decent societies on the basis of compassion and to develop a culture that offers no justification for crimes, irrespective of circumstances.

We need a change in the relation towards the violent past, which would place the emphasis on the victims.

The young people of the region, the people of my generation, grew up or were born in times of conflict. As a consequence, our favorite music stars were not rebellious rockers, but warmonger singers.

Our idols were not authors and thinkers with fresh ideas, but men in bloodstained uniforms. We do not cheer our sportsmen in the stadiums, but threaten those from across the borders. Do not misunderstand me - young people also carried out the signature-

collecting campaign for RECOM. Young people have also been sticking up the posters for civil-democratic parties in the region. But the influences on our childhood and adolescence are still visible. Thus, every signature collected, every poster stuck up, indicate what we still have to fight for on account of the wrong decisions made by those in power. They had and have no right to make such decisions, and no right to oppose our initiatives now. To provide us with assistance and support in building a future which shall be considerably different from our past is their debt towards us.

RECOM will be directed towards the victims. By publishing the human losses registry and by organizing public hearings, and later on by giving recommendations to the states, RECOM will be emphasizing the victim. It could help build that different culture. The least that those in power can do this year is to repay us that debt from the past.

Mario Mažić

The author is the Director of the Youth Initiative for Human Rights in Croatia

IN THE NEWS – NEWS ABOUT RECOM

**!Presidents
of Croatia,
Macedonia and
Montenegro
Appoint
Personal Envoys
to RECOM**



***Inicijativa za REKOM
Initiative for RECOM
Иницијатива за РЕКОМ
Inicijativa për KOMRA
Pobuda za REKOM***

25-28 January 2013

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Croatian President **Ivo Josipović**, Macedonian President **Gjorge Ivanov** and Montenegrin President **Filip Vujanović** have appointed their personal envoys to RECOM. The envoys will take part in the work of the Regional Expert Group tasked with considering the Draft Statute put forward by the Coalition for RECOM and examining the constitutional and legal grounds for establishing RECOM. The meeting of the Presidents' Envoys, to be attended by representatives of the Coalition for RECOM, will take place under the auspices of a president in the Region. Media will be excluded from the meeting.

President Josipović appointed **Zlata Đurđević**, a professor at the Faculty of Law at the University of Zagreb; President Ivanov appointed **Luben Arnaudovski**, Deputy Secretary-General in charge of legal and organizational affairs at the Office of the President of Macedonia; and President Vujanović appointed professor **Sonja Tomović-Šundić**, Dean of the Faculty of Political Science in Podgorica and the President's Adviser on Minority and Human Rights.

In December 2012, the Coalition for RECOM called on the State Presidents in the region to adopt a decision on the establishment of RECOM. The initiative is sponsored by the Regional Coalition and supported by 543,000 signatures collected in all the post-Yugoslav countries.

In its letter to the State Presidents, the Coalition for RECOM points out the significant results achieved by human rights NGOs in documenting the victims of the Wars of the 1990s. It adds that the results would help RECOM to carry out more speedily and efficiently its primary task of personalizing the people who lost their lives or went missing during the 1991-2001 wars and making sure that they are publicly recognized.



!The Bosnian Book of the Dead

Sarajevo, 21 January 2013

The Bosnian Book of the Dead, jointly published by the Research and Documentation Centre (IDC) and the Humanitarian Law Center of Serbia, was presented in Sarajevo on 21 January 2013 to an audience of more than 200 people amidst heavy media presence. The audience was addressed by the author of the book, **Mirsad Tokača**, Professors **Osman Ibrahimagić**, **Zdravko Grebo** and **Ivan Šarčević**, retired General Jovan Divjak and the Founder of the Humanitarian Law Center, **Nataša Kandić**.

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The following are excerpts from the addresses by the promoters of the book:

Mirsad Tokača: "The victims' name list is important, because there will be no more games about numbers. We are introducing standards whereby people who want to talk about victims will have to furnish names. In this way, we will also preserve the memory of our fellow citizens and try to free our daily narrative from myth, ideology and political and national interests and tell it as it was, giving the numbers their names, that is, giving the first name and family name of the victim," said Tokača, adding that the list of killed and missing persons was not final. "This is the number we have established so far. The fourth book contains nearly 5,000 names in respect of which we have not been able to establish the circumstances of death with absolute certainty, so the book remains open not only to the addition of the names of newly-identified victims, but also for further research.

The Bosnian Book of the Dead is based on information from various sources, including 7,725 witness statements, information culled from 5,500 daily and periodical paper articles, 750 video and audio records and 1,500 pages from various documents, including data from the State Commission for Missing Persons of Bosnia and Herzegovina (BH) and the archives of 725 organizations, including those of justice institutions," he said.

Nataša Kandić: "Thanks to the legacy of the Hague Tribunal, we cannot forget the past and the evil deeds committed in the wars during the 1990s. This book, together with all the other name lists of people who lost their lives in the wars, will prevent public silence about the victims

and their being treated as mere statistics. In the name of the dead, this book calls for public recognition of all the victims, because without it there can be no reconciliation and construction of a new culture of remembrance.

The Bosnian Book of the Dead is the most reliable authority so far regarding the people who lost their lives in the war in BH. The database on which this book is based includes information from all existing public and numerous private sources, as well as information additionally collected by the IDC.

This is the first time that we have a document in which people's names are listed not according to nationality, address, occupation or social origin, but because they are dead, regardless of whether they lost their lives in combat or as civilians, or whether they went missing in war circumstances, with their fates still unclear.

The Bosnian Book of the Dead, on account of its metaphysical responsibility to the dead and the living, is an exceptional contribution to the new culture of memory and of interethnic solidarity.

This book is also very important because it has encouraged further work towards identifying the victims of the war. The RECOM Initiative is based on the same idea, namely to launch the process of reconciliation by naming and identifying the victims. Whereas names are checkable, numbers without names are a source of abuse for political ends. Our Balkan cultural background, the First and Second World Wars and the Wars of the 1990s evince our political, social, professional and human predilection for numbers and for remembering numbers. But now we have the names, and this puts paid to the abuse and manipulation of the victims. This is the beginning of reconciliation. It now remains for the states in the region to embark on a public recognition of the victims, and that has to bear the seal of the State.

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The fact that out of a total of 95,000 killed, 62,000 were Bosniaks, with more than 30,000 of them Bosniak civilians, indicates in no uncertain terms that the war in BH was effectively a war against civilians."

Professor Dr Zdravko Grebo described the book as a "heroic" undertaking. He proposed a number of "friendly suggestions": any future edition of the book should be renamed *The Bosnia-Herzegovina Book of the Dead*; the entry "name of father" should be replaced by "name of father or mother"; the term "uncertain", used to denote a victim's nationality as in "Bosniak, Serb, Croat and uncertain", should be discarded, and an alternative found; and a new term, 'place of death', should be considered as a replacement for the term "place of injury". Professor Grebo also said that "the war started the moment we heard, back in 1992, that 30 people had been killed, without any man, woman or child being named". In conclusion, he called for the acknowledgement of the fact that "all these people have death as their lowest common denominator".

The General of the Army of BH, Jovan Divjak, characterized the book as a major monument to people, both civilians and soldiers.

Professor Omer Ibrahimagić said that *The Bosnian Book of the Dead* puts a stop to a culture which regards the dead person as a mere statistic. "This book helps us to systematize memory and not forget the past. It is certain to make a substantial contribution to reconciliation among the people in BH and to the humanization of its society. Research of this kind, not only in BiH but also in the region and in countries elsewhere in the world in which wars have been fought, will promote the humanization of mankind and of every national society-state – the humanization

of the ethics of responsibility for evil done, of the culture of coexistence between peoples of the world at global and local levels, of our mutual responsibility for one another irrespective of our ethnic, religious or ideological affiliations – of peoples who are aware that, when all is said and done, they should continue life together in a future of peace.'

Father Ivan Šarčević, a professor at the Sarajevo Theological College, said that society had been presented with "four books which are as grave as history itself". *"The Bosnian Book of the Dead*, on account of its metaphysical responsibility to the dead and the living, is an exceptional contribution to the new culture of memory and of interethnic solidarity. This book puts an end to the denial of others; armed with it, we rise up against the culture of oblivion, in solidarity with the suffering of others."

The UNITIC Business Centre in Sarajevo also hosted an exhibition presenting 51 works by 10 BH artists who illustrated the book. The artists, including **Elena Monaco**, Dr **Goran V. Janković**, **Mehmed Slezović** and **Vedran Babić**, donated their work to the Research and Documentation Centre.

A large number of portals, radio stations and print media carried highly favourable reports on the event, including excerpts from the promoters' addresses. However, although several TV crews were present and interviewed all the book promoters, no TV channel reported on the event.

!The Promoters of Reconciliation in the Region

"The 21st century clearly is not the time for great gestures like that of Willy Brandt's. Such behaviour is not even on the horizon when it comes to our politicians."

The debates on reconciliation held recently in Sarajevo and in Belgrade demonstrated that artists have the largest capacity for sending out the message of reconciliation, while the academic community offers the smallest participation in that process.

The two debates, in Sarajevo (12/7/2012) and in Belgrade (12/13/2012), organized by the Coalition for RECOM, focused on the issue of how to proceed on the road to reconciliation in the region and who should be the principal promoters, who would also animate those segments of



*Keynote speakers at Belgrade debate
Photo: HLC archive*

society which have been indifferent towards any inclusion into this process. The debates were organized with prominent persons of the artistic and academic community of both societies, who discussed how to proceed with the reconciliation process. They identified the weak points of engagement in this process so far, and looked into the ways the RECOM process could contribute to the reconciliation.

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Participants in both debates reached the same conclusions: Art has the key role in the reconciliation process, as it has the greatest potential for fostering empathy, understanding and acceptance of the suffering of others. The Arts are the irreplaceable and most powerful instruments for coming to terms with the difficult past and for answering the need for reconciliation.

On the Power of Art

In his opening address to the Sarajevo meeting, the theater director **Dino Mustafić** stated that “the ruling regional policies still manipulate facts, praise criminals as heroes and cultivate oblivion, for the sake of keeping politicians in power and preserving their position”, but “there are numerous valuable works of literature, film, theatre, music and painting which nourish a particular kind of creative remembering, appropriating thereby the space of freedom in the realm of a difficult past, a past full of evil and blood”. Mustafić added that “cultivation of empathy must be included in some future platform for reconciliation”. It is, therefore, necessary to reform the system of education, which is currently “a sort of institutionalized oblivion”.

"Public testimonies of the victims make sense, they have the right strength, but only if they are organized by the state."

The actor **Ermin Bravo** said that empathy is crucial for the reconciliation process. “Justice is essential for achieving peace. When justice takes root, reconciliation becomes possible. Trust is needed to reach reconciliation. But it looks like the foundation of all this is empathy. How to define it, how to actually institutionalize it? How to make some person believe in the results of empathy, how to make peace with the experience of the victim, to pacify one’s own ghosts? This leads to some sort of catharsis, then to empathy, which enables one to reach an understanding of the position of the other. It makes it possible to put oneself in someone else’s shoes, and fosters not only understanding, but also the acceptance of it emotionally. I have the feeling that this is the goal of all our actions, the goal of RECOM, of our entire initiative. With regard to this, I believe

that the artistic community does not achieve empathy by following this whole series of steps, but more directly. It is essential that this is the only thing which resists institutionalization. However, I believe that there are institutions adequate for this - and I reckon that this is Art. So, I shall speak from my position: theatre is institutionalized empathy," he concluded.

Andrej Nosov, student, theatre director, Director of the *Hartefact* Foundation, said that in the last four to five years a whole series of art works related to the past have appeared, but the main problem is how to make them socially visible.

The actor **Branko Cvejić** stated in Belgrade that artistic circles almost never encountered any problem while promoting their mission of reconciliation within the theatrical and other artistic communities. However, the main artistic challenge is to "step down from the stage and continue teaching about the past".

Theatre director **Stevan Bodroža** agreed that the power of Art to influence an advancement of consciousness in people is huge, but theatre audiences cannot be compared to those of television, popular music or Internet. However, theatre is able to change the particular persons who enjoy theatre, to touch such persons, to provoke catharsis. The participants at both meetings concluded that art forms capable of reaching a larger circle of people should be considered in the future. It was suggested that the forthcoming debates on reconciliation should be organized in connection with various festivals.

Nataša Kandić, the Foundress of the Humanitarian Law Center, stated that "the artistic community is unique at this moment because, as compared to the other communities, other civil society components, other professional groups, it can achieve more in the confrontation, reconciliation and rapprochement of different views on what happened in the past, based on that minimum about which all of us can say, 'All right, this is that minimum on which we have formed a clear joint attitude.'"

The Actual Obstacles: Distrust

"The reconciliation of the two presidents was their personal matter."

Participants in both debates concluded that a huge obstacle to reconciliation has been the fact that most of the communities in the region had got used to glorifying war criminals as heroes and to denying the crimes committed against other ethnic groups, although there is now irrefutable evidence related to those crimes now available. The participants also considered that the series of acquittal verdicts from the ICTY had contributed to that. While certain participants were of the opinion that these verdicts had delivered an irreparable blow to the reconciliation process, the majority of them agreed that courts stick to their own logic – a logic based on the process of consideration of evidence. However, the outcome of the trials does not mean that the crimes did not happen, or that there were no victims. This is the message which must reach the wide audiences which create public opinion. The facts demonstrated and proven before the ICTY (and the national courts) should also be known. They tell us about the crimes and the suffering, and they can thereby contribute to a better understanding of the "others" and to the process of reconciliation.

Miloš Šolaja, Professor of Philosophy at the Faculty of Political Science in Banja Luka, said that there is no reconciliation at the level of the society as a whole, and there cannot be any, because there is no trust any more between the ethnic groups. The entire loss of trust occurred in the wake of the Hague verdicts on Gotovina and Haradinaj. Trust at the individual level does exist, but Šolaja does not see any sense in insisting on reconciliation, because it not possible any longer at the collective level. This is particularly noticeable in rural areas.



*At Sarajevo debate
Photo: HLC archive*

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The political scientist **Vlade Simović** pointed to the problem of particularity of all areas of life in BH and in all professional and ethnic communities. That problem can neither be denied nor resolved by changes “from above”, but must proceed from the level of small communities indoctrinated by the educational system and public political discourse. Only changes in the textbooks and the establishing of truth commissions could instigate changes, he concluded.

Professor of Philosophy **Vlada Milutinović** considers that “the main problem is that the victims of war are in some way connected with the collective guilt. Since ordinary people as a whole see that a certain crime is linked to the collective guilt, which implies a collective punishment, they want to reject such guilt, and the punishment entailed, which they consider undeserved and unjust”. He judges it necessary to avoid the issue of collective responsibility.

The Need for New Proponents of Reconciliation

Vesna Pešić said in Belgrade that it is necessary to reach down towards the deeper layers of society, where the motivation to continue the reconciliation process is perhaps strongest. On this, Mustafić commented that “it is true that it is there that there is the greatest interest in reconciliation and confronting the past”.

Zlatiborka Popov-Momčilović of the Faculty of Philosophy in Eastern Sarajevo reported the results of the research on reconciliation building in BH, executed in collaboration with the University of Edinburgh. Answering the question, „Which components are important for building reconciliation and trust at the level of the entire country?” citizens of BH had expressed their strongest trust in the educational institutions and in teachers, particularly those who are not nationalists. The greatest distrust was felt for the organizations representing the victims. “The bottom was occupied by journalists and politicians”, stated Popov-Momčilović.

Politicians, Yes or No

The lawyer **Dragan Pjevač** said that there is little trust in politicians. Although “some politicians

try to redeem their past sins, which is good and which we support”, it mostly boils down to “cheep intellectual juggling”. “It is important that Serbia is not at war any longer, and reconciliation is the duty of the Serbian elite. We need to live in peace with our neighbours, with the world and with ourselves. In my view, this is the right measure for patriotism and love of ones motherland or fatherland”, he concluded.

The playwright and author **Ljubica Ostojić** said in Sarajevo that the politicians’ efforts towards the reconciliation appeared “abstract to date”. “Even were one to try, one cannot imagine persons like Josipović or Tadić shooting people, killing and torturing - and then they apologize in the name of the state and the nation, or similar. On the other hand, the killer, torturer or whoever, has not tried to find his/her victim or victims and apologize to them”. She added that it is necessary to see what young people think about the reconciliation and how to address them and animate them for this process.

Vincent Degert, the Ambassador with the Delegation of the European Commission in Serbia, said that “our effort should be directed towards cooperation between politicians”, and there were significant efforts in that direction, which had sent important messages, like the meeting of Josipović and Tadić in Vukovar.

Professor of Law **Vesna Rakić Vodinelić** held the opposite opinion. She said that the reconciliation between the two presidents was “their own personal affair, in which no other institutions, neither of the Republic of Croatia nor of the Republic of Serbia, were included”. It was done for political show and it did not leave any significant trace. Numerous other participants also expressed doubts as regards the expectations that politicians could act as the leaders of the reconciliation process. “The 21st century clearly is not the time for great gestures like that of Willy Brandt’s. Such behaviour is not even on the horizon when it comes to our politicians”, said Mustafić and added that “education and working with the youth holds the key to everything; that is probably the real target group, whom we must keep addressing”.

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The Importance of Education and Awakening of the Academic Community

The conclusion was reached in both debates that a great part of the academic community keeps very passive as regards reconciliation. **Saša Madacki**, the Director of the Centre for Human Rights in Sarajevo, said that the problem with the academic community is that “it does not at all exist as a totality”. There are just isolated groups, not on ethnic grounds but by their locations, like the legal community, the historians’ community, etc.” and there is no exchange or dialogue between them. “We do not know how they teach, what sort of content we are in general transferring to those generations. This is an example of apartheid as a division between education professionals and society”, said Madacki. He pointed out that the academic community itself needs opening up and critical assessment, to enable it to begin re-examining the content of what it is transferring to young people.

Nataša Kandić said that the possibilities of nongovernmental organizations had been limited in the reconciliation process, and that a register of the names of victims constitutes the greatest contribution which they can make to this process. Revision of textbooks must start as an initiative of the institutions themselves; otherwise it will not have any effect. “The academic community is able to do more than that, and it is their obligation to establish the scientific facts. If we [nongovernmental organizations] establish the forensic facts, there is also a chance of defining the scientific facts which rank above the judicial ones. The forensic facts decrease the margin of lies,

manipulation and falsification. That is the minimum - and at the same time, it is the maximum from which we can start and which can then lead us towards a certain degree of trust. That is how I see the role of the academic community. It can provide much more precise answers than the civil society”, said Kandić.

Tanja Šljivar said that “the key problem lies in the family, in the media and in the educational system. These three mechanisms function strongly and as areas of solidarity in every entity of BH and in the entire region. Therefore, no kind of reconciliation can be achieved if it does not start from those three basic levels”.

In Belgrade, Kandić concluded: “We, the nongovernmental organizations, as well as the artistic community, cannot be the proponents of the act of public recognition of the victims. We cannot do that because we cannot replace the institutions of the state in according such recognition. Public testimonies of the victims make sense, they have the right strength, but only if they are organized by the state. We must be aware of that. We must also be aware that we are in a position to encourage them, to keep constantly encouraging others to become the promoters”.

The Importance of Judicial Justice

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In addition to artists, scientists and professors, several ambassadors participated in the debate in Belgrade. They spoke about the importance of the judicial justice, but they also stated that the reality tells us that judicial justice is not sufficient for the process of reconciliation. As the Ambassador of Switzerland **Jean Daniel Ruch** put it, “The right to justice is only one aspect of the need of the victims”. Ambassador **Vincent Degert** pointed out that for the European Union the rule of law is “a non-negotiable value and we continue relying on it, in spite of the surprising verdicts which we heard from the International Tribunal”. He said that the next step has been the investment in schools and educational programmes, which is already in progress.

Professor of Law **Zoran Pajić** spoke, both in Belgrade and in Sarajevo, on the discrepancy between the court verdicts and the expectations of the victims, but he pointed out that justice and the satisfaction of the victims (primarily through the access to the right to reparations) can open the road towards the reconciliation. Professor **Milan Podunavac** agreed with Professor Pajić that the region had been burdened by a negative legacy and the absence of critical reflection. He added that Serbia has an even more complex problem. According to him, Serbian society has been additionally burdened “by the fact that it is a post-dictatorship society and a defeated society”. Defeated societies encounter a huge problem while attempting to form some sort of basic political consensus about which there is no political struggle, or political competition; a society within which agreement has been reached on the fundamental values of such a society”, said Podunavac, in explaining the key obstacles to the progress of the process of reconciliation with neighbours.

Several participants at both meetings concluded that there is very little trust in the associations of victims. Pajić and Kandić emphasized that politicians had abused such associations, and that therefore they cannot be the leaders of the reconciliation process. Tanja Šljivar cited the “frustrating example of the President of the Association of Mothers of Srebrenica, who congratulated Croatia for the acquittal verdicts on Generals Gotovina and Markač. Someone who is the symbol of a civilian victim does not accept the other civilian victims. That makes me think that reconciliation is really very, very far away”.

Jelena Grujić

TRANSITIONAL JUSTICE IN THE REGION

**!Justice
for Victims –
the Only Path
to Peaceful
Co-Existence**

**The truth must be based on the facts
of what actually happened in the
past, and RECOM is the kind of body
that could establish this truth.**

On November 29, 2012, the International Criminal Tribunal for the former Yugoslavia (ICTY) acquitted **Ramush Haradinaj**, **Idriz Bala** and **Lah Braahimi** of charges that included murder, torture, rape, inhumane treatment of prisoners of war and violent expulsion of Serbs from their homes. The Trial Panel, following the partial re-trial, acquitted them of all charges. According to the first indictment, in the period from March 1 through September 30, 1998, in the Dukadjini / Dukagjin operational zone, specifically in the village of Jablanica / Jabllanicë in the municipality of Djakovica / Gjakovë, there was a camp where detainees were exposed to cruel treatment and torture about which all three of the defendants were informed. However, the prosecution failed to present the evidence which would link the defendants to the crimes, despite the fact that their presence in the area where it is believed that the crimes were committed between March and September 1998 was established at the trial. The defence easily discredited the prosecution witnesses, who were members of the security services of Serbia. The defence accused the witnesses of having served as important links in the chain of murders and disappearances of Albanians. It is significant that the prosecution managed to prove that, during the period covered by the indictment, in that particular territory war crimes were committed and the victims can be identified.

The trial received wide media attention, both in Kosovo and in Serbia. While Haradinaj and his comrades were glorified in Kosovo, and their activities in the liberation war were considered pure, in Serbia, they were seen as criminals in a war waged with the aim of cleansing the territory of non-Albanians and political opponents. In Kosovo, therefore, the war is interpreted as a struggle for the creation of a free and independent Kosovo, while in Serbia it is seen as a war for the „Albanization“ of Kosovo and persecution of non-Albanians.

This media debate omits the most painful part of the story – the victims. The goal of the ICTY was not to determine the nature of this or that war, nor was it tasked with determining whether the war was just or unjust. Instead, its one and only goal was always either to determine individual criminal responsibility (whether of masterminds, perpetrators or supporters) in war crimes cases and cases involving serious human rights violations, or, in certain other cases, to determine the existence of a joint criminal enterprise. With the exception of non-governmental organizations, which during all court proceedings keep seeking justice for the victims, the institutions of both



*Ramush Haradinaj
Photo: www.lbnelert.com*

Kosovo and Serbia, along with their media and intellectuals, have focused on the character of the war; while the ICTY, depending on the discourse and the circumstances, has been characterized either as politically motivated or as an institution providing a fair trial. Issues concerning the basic needs of the victims, including their right to know the fate of their family members, and their right to justice and reparations – these were not on the agenda for society in Kosovo or Serbia.

- 14** On his return from the Hague, Haradinaj did not address the issue of the victims. He mostly talked about the need for the return of all the displaced from all ethnic groups in Kosovo, about the need for co-existence among all peoples, and about the common path towards the European Union, which can be built only through good inter-ethnic and inter-state relations. At no point did he explain how he imagined this trust might be built or how reconciliation might be achieved. Nor did he speak about the need to prosecute the perpetrators responsible for the murder of more than 40 non-Albanians (mostly Serbs) in the zone of his command responsibility. Haradinaj never addressed the problem of reparations, or the need for the rehabilitation of victims' families.

This kind of public attitude toward the victims in all the states of the former SFRY, coupled with the fact that justice for victims has not been achieved through war crimes trials, only increases the need for establishing a regional fact-finding commission for war crimes and other serious violations of human rights (RECOM). The truth must be based on the facts of what actually happened in the past, and RECOM is the kind of body that could establish this truth. Facts determined in such a way would put an end to the cycle of manipulation of victims statistics, and should be integrated in the official state policies of all countries in the region. The prosecution of war crimes and other violations of human rights by national courts will continue to be of particular importance. Criminal law has the power to strengthen our faith in the rule of law, but this faith can be additionally strengthened by enabling victims to exercise their right to reparation. This is how the idea of the coexistence of different ethnic communities can be taken seriously and begin to make sense.

Kreshnik Sylejmani

The author is Coordinator of the „Informal Education“ Project of the Humanitarian Law Center Kosovo

!Jasenovac in front of Challenges of Memory

**Jasenovac was the biggest camp
of extermination, incarceration
and forced labor in the Independent State of Croatia during the
World War II.**

Holocaust Museums deal with the representation of the only element the human dignity of millions of people was reduced to – remembrance. Therefore the role of Holocaust Museums should always be directed towards a more complete future life. Such museums should instigate thinking not only about “what it was like for some”, but also the considering of questions like “who we are?”, “who is like me?” and “how I can realize the collectiveness?” In the realm of confronting the past, however, history has shown us many times that the road to a fuller future, founded on solidarity, reconciliation and building of the communal memory, is often a stray road full of avenues of multiple rememberings, interpretations and presentations of the past. In the complex meshes of the reconstruction of past events, in the meshes of remembering and forgetting, the past becomes a social construct which may be presented and retold in different ways – in versions which have been distorted, concealed, diminished, overblown, forgotten, neglected, abused, instrumentalized, banalized, or manipulated.

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The Memorial Museum of Memorial Site Jasenovac has a special status and a special mission among the museum monuments not only in the Republic of Croatia, but in the wider geographical region as well. Its specific historical background makes it a place of constant recontextualization. The general human tragedy inscribed in that place, and presented in the exhibition, must represent a constant challenge to every form of closing in, of hate and of intolerance. However, the question arises as to whether the Memorial Museum in Jasenovac does in fact present enough of a challenge to hatred and intolerance? As an historical and symbolic place, Jasenovac used to be and still is a rather controversial place of remembering, therefore it has been the theater of national conflicts and misappropriations. For instance, the files of the Trials in The Hague demonstrated how that very notion of ‘Jasenovac’ was an incentive for a whole chain of crimes that took place. In the Jasenovac Camp, which was the largest camp of incarceration, forced labor and death in the entire Independent State of Croatia at the time of WWII, the Ustashes brutally slaughtered Serbs, Roma and Jews, and Croats who were opponents of the Ustasha regime. The ordeal of numerous victims belonging to different ethnic and national groups, and the current inability of such groups to develop a communal memory, account for the major part of the Jasenovac trauma. The construction of memory has to be founded on the truth, as well as on a zealous engagement in finding paths to a communal dialogue at state/political level as well as at the equally important societal/cultural level. Emerging from disagreements over



*Memorial area of Jasenovac
Photo: en.wikipedia.org*

the number of victims all the way through to questions over the forms of commemoration, the discrepancies between the collective memories of Serbs, Jews and Roma constitute an obstacle to the establishment of a common dialogue.

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In reference to this, the Memorial Museum of Jasenovac has deep symbolic importance. As the sole space of remembrance, this museum functions as the place of encounter with the most horrible periods of the national history related to it. These periods, inseparable from the ideologies and totalitarian regimes then prevailing, left deep and diverse social and cultural impressions on the collective memories of the Croatian people, but also impressions on the everyday lives of citizens, thus influencing their relation to other national and ethnic groups. The history of Jasenovac crime and persecution in the collective, but also individual memories, underwent the development from denial and repression through inflation to banalization, which is the basis of the abuse of the history and remembrance of Jasenovac. Therefore, we have to ask ourselves how “Jasenovac” could become a place of reconciliation, i.e. a center for the reconstruction of memories of past suffering which might become an encouragement to the expansion of solidarity and empathy. The current museum exhibition, entitled “The Victim is a Name”, represents a very important shift in the understanding of the trauma by placing the victim in the center. From the same perspective, it insists on their historical positioning, and tries to avoid their abstract configuration.

While praising the museum’s exhibition and honouring the rich and profound historical-scientific work produced in this research into Jasenovac, we must be warned that “Jasenovac” as a challenged place of remembrance requires permanent review and additional study and observation. As represented so far, the trauma of Jasenovac does not enable the creation of joint frameworks for a mutual sharing of the memories and burden of the suffering, and consequently, it does not influence interethnic relations positively.

Within the scope of the search for a human approach marked by more solidarity between all the nations and ethnic groups involved in the trauma of Jasenovac, the questions posed by the issue of the Jasenovac Museum’s manner of (re)presentation are: How to actualize an encounter

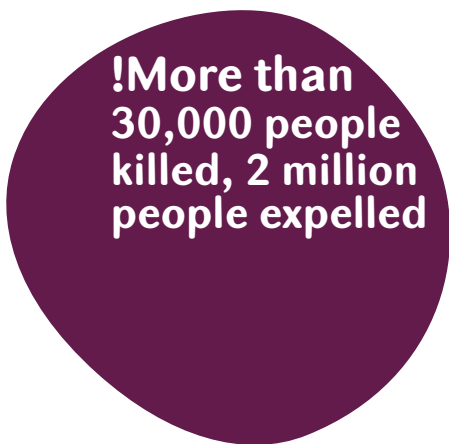
which would enable the (re)structuring of memory in a way inclusive of the Other? Is it possible to achieve it at all, by means of a museum exhibition? The leading idea at the foundation of all the Holocaust Museums in the world was the same – the realization of a more peaceful future through coming to terms with the past. Only by permanent confronting of the past, acceptance of responsibility, apology and exchange of memories in an active, critical dialogue by all groups involved in the Jasenovac tragedy and trauma, will we be able to take the road towards a more peaceful future.

Andriana Benčić

The author is a doctoral student of sociology (Ph.D. thesis on the sociology of recollection and remembering, the sociology of cultural trauma); Address at the Training in Transitional Justice organized by the Youth Initiative for Human Rights of Croatia

FROM OTHER MEDIA

Radio Free Europe: Nataša Kandić and Vesna Teršelič



Omer Karabeg (Radio Free Europe): We are talking with **Nataša Kandić** of the Belgrade Humanitarian Law Centre and **Vesna Teršelič** of the Zagreb NGO the Documenta Centre for Dealing with the Past. In September last year, activists of the RECOM Initiative sent the presidents of all the states in the territory of the former Yugoslavia RECOM postcards asking them to launch an official procedure for setting up a Regional Commission for establishing the facts about the war crimes. What was the presidents' reaction?

Nataša Kandić: We carried out a brief enquiry of our own. We called the offices of the presidents of the states in the region to find out about their reactions. Macedonian President

Ivanov responded by immediately calling Professor **Biljana Vankovska**, the RECOM Initiative representative in Macedonia. In Belgrade, we were told that President **Nikolić** had understood that the postcards were presents. Zagreb informed us that President **Josipović** had read the postcards. That was all we were able to find out. There were no reactions to the contents of the RECOM postcards. All this shows that our high-ranking politicians are not used to communicating with ordinary people, that in general they do not react to messages from the citizens.

Omer Karabeg: What is the Croatian government's attitude to RECOM?

Vesna Teršelič: The government remains reserved. The questions we keep putting to it remain unanswered. However, the support we are receiving from President Josipović, who has upheld the initiative to establish RECOM on several occasions, is of exceptional importance.

Omer Karabeg: Ms. Teršelič, you said in an interview that RECOM should produce a large book of the dead containing the full names of all those who were killed as from 1991, as well as of all who are listed as missing. You said that the circumstances of their deaths should also be established. Would that be possible?

Vesna Teršelič: It would be possible, above all because substantial research has already been carried out. It has been carried out by civil society organizations such as the Research and Documentation Centre in Sarajevo, the Humanitarian Law Centre in Belgrade and Priština, and our Centre for Dealing with the Past – Documenta, which has been documenting crimes in Croatia. Much information has also been collected by government services and scientific institutions. I think that all the governments in the region have the responsibility to make public through RECOM the full names of the killed and missing persons, as well as the circumstances of the crimes in question. They owe this above all to the victims, but also to each of us. Every citizen of a post-Yugoslav country is entitled to access to such information. As to the numbers, we are unfortunately still talking about estimates; however, I believe that we can say with a fair degree of certainty that more than 130,000 people were killed or went missing.

Nataša Kandić: How did we arrive at this number of some 130,000 killed or missing? In Bosnia and Herzegovina 69,000 lost their lives, and in Croatia about 11,000 Croats and between 6,000 and 7,000 Serbs. As regards Serbia, which, according to what its late president used to say, was not at war – some 1,600 citizens of Serbia and Montenegro lost their lives on the territory of Croatia and Bosnia and Herzegovina. With respect to Kosovo, 13,500 people were killed there between January 1998 and the end of December 2000 during the armed conflict and shortly afterwards. About 250 people were killed in the war in Macedonia in 2001 and about 50 members of the former JNA [Yugoslav People's Army] and the Slovenian Territorial Defence were killed on the territory of Slovenia at the outbreak of the war.

Omer Karabeg: Are there any approximate figures regarding the number of expelled and displaced persons?

Nataša Kandić: What is certain is that at least two million people no longer live at their old addresses. There has been some local relocation, people having moved from one village to another. All things considered, my estimate is that there are about two million displaced persons, including over 600,000 who have left the territory of the former Yugoslavia for good and are now living abroad – in Europe, America, Australia, other continents.

Omer Karabeg: The ICTY has the largest archives for war crimes committed in the territory of the former Yugoslavia. Would RECOM take over those archives after the closure of the ICTY?

Nataša Kandić: All the evidence on which the sentences of the ICTY are based is available on the Internet. It can be used by researchers, historians, political scientists, sociologists. We at the Humanitarian Law Centre also make use of the ICTY archives available on the Internet. This is terribly important, because we would never have obtained this information from our state institutions. The Humanitarian Law Centre had for years been asking the state institutions of Serbia for documentation concerning the disposition, movement and presence of particular military and police units in Kosovo, Bosnia and Croatia – and we never received any. The unvarying explanation was that all that had been destroyed in the NATO air raids, but then we found all those documents on the ICTY website. There is one part of the archives, namely the archives of the ICTY Office of the Prosecutor, which has not been used in the trial proceedings and which contains very important information that could be misused should it fall into the wrong hands. I am referring, above all, to the documents and information provided by individuals who wanted to help the ICTY but who insisted that they should never be made public and, in particular, that they should not be allowed to come into the possession of the states they came from. So far no decision has been taken as to what to do with those archives of the Office of the Prosecutor; but in any case they must not be returned to the countries from which the people who supplied the information and documents come, because certain services might be tempted to misuse them for political ends.



Join RECOM Coalition

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For your own sake.

So that everybody knows. Lest we forget.

So it doesn't happen again. To move on.

Omer Karabeg: The way I see it, you have done the better part of the job and now the ball is in the court of the states – but they are keeping silent. Do you think there will be a breakthrough in 2013 so that RECOM could become officially operational in, say, 2014?

Nataša Kandić: We are not waiting. We keep working on the list of names of those who were killed or went missing in the wars during the 1990s. Civil society has the capacity to do what the Balkan states have never done. For the first time in the history of the Balkans, a list of names of war victims will be drawn up to put an end to the Balkan practice of manipulating the numbers of victims, which have always been inflated or reduced depending on the political interests of those who present them. You cannot manipulate names. It should be remembered that public support for establishing RECOM is beyond dispute and is growing all the time. I was sure that this support would influence political backing for our initiative; however, I was bitterly disappointed to realize that these two kinds of support do not correspond; the fact that people keep signing things, sending RECOM postcards to state presidents, asking questions – has no influence on the politicians whatsoever.

Vesna Teršelič: It will be important to establish RECOM as soon as possible, because much time has passed since the crimes. Too many people have died before receiving any recognition of their suffering. The establishment of RECOM must not be postponed also because too often we see politicians from countries of the former Yugoslavia blaming and accusing each other. For instance, politicians in Croatia still blame Serbia for the 1991 expulsion of Croats, while from Serbia we hear accusations regarding the 1995 exodus of Serbs. In this connection, various figures are bandied about by the different sides, in accordance with what is to their advantage. RECOM will establish



Sign for Establishing RECOM

Name and surname _____

Country _____

Address _____

Email _____

Registration number _____

ID card number _____

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So it doesn't happen again. To move on.

the facts and lay the foundation for recognizing the suffering of all the victims. While many of them have not lived to see any penal justice, all expect recognition of their suffering or at least establishment of the facts. That's why I think that the governments of the post-Yugoslav states owe RECOM to all of us, and to the victims in particular. Whether they will establish it this year or some other year – that's in the hands of the politicians - the ball is in their court.

Vesna Teršelič: When we published *Jedna povijest, više historija* a few years ago, the greatest amount of controversy was stirred up by the page bearing two photographs next to each other, the one of defenders returning to Zagreb from Operation Storm and the other of refugees leaving Croatia. According to the information of the High Commissioner for Refugees, just over 132,000 people have returned to Croatia, but only about 48 percent of them permanently. So it seems returns are still a formidable challenge - they have been stopped by the Croatian authorities and the crimes hushed up. All that constitutes the heavy burden of dealing with the past which we in Croatia are still coping with. The interpretations of what happened during Operation Storm vary widely, and we from the NGOs are trying to bring them closer together. The facts about the killed, the missing, the torched villages ought to be established and should not give rise to any debate among us. It would be improper for us to argue about facts. This is why we need RECOM as a joint mechanism for establishing the facts. Without it we can hardly lay the groundwork for building confidence and normalizing relations.

The Books of the Dead and the Memory Books

Nataša Kandić: On 21st January this year, the Research and Documentation Centre in Sarajevo and the Humanitarian Law Centre in Belgrade will present *The Bosnian Book of the Dead*. The four-volume book contains the names of 96,000 people who were killed or went missing in the war in Bosnia and Herzegovina between 1991 and 1995. It will be the only monument to all those people who lost their lives. All of them are there, there's no distinction between those who were on this, that or the other side. Incidentally, in September 2001 the Humanitarian Law Centres of Serbia and of Kosovo put out the first volume of *The Kosovo Memory Book*, containing 2,050 names. The circumstances of the deaths of each man, woman and child are presented along with their names. At present the Centre for Dealing with the Past – Documenta - and the Humanitarian Law Centre are preparing a list of people who were killed in the war in Croatia from 1991 to Operation Storm and afterwards. We will therefore be doing most of the work; it will remain for the states of the former Yugoslavia to establish RECOM, which would verify the facts we have collected and do the most important thing – something we cannot do, namely, ensure public recognition of the victims. Only states have the power to do that. These names will form a bridge linking everybody together. The names are verifiable and that's something that will be respected by all. I don't see any problem arising in that connection. What is problematic, however, is how these facts are construed. We don't think that it lies with RECOM to establish a common truth. Every victim and every family is entitled to their own truth, and that is something no one can alter. What we want to do is bring about understanding of the views of the other person, trying to see things from their point of view – what they are actually seeing, what it was that happened to them which we are not seeing. This is to approximate different truths/ bring different truths closer together, something that can only be achieved through empathy. When that comes about, when there is understanding for the point of view of another person, then dealing with the past will be on the right track. But we cannot achieve that without the state, without the politicians - without the state affixing its seal to what has been accomplished by the NGOs which have been advocating the establishment of RECOM.

Taken over from daily Danas

INTERVIEW

Interview: Prof. Stephan Parmentier !Regional dialogue is crucial for reconciliation in Former Yugoslavia



Profesor Stephan Parmentier
Photo: The Kings University of Leuven

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Prof. **Stephan Parmentier** teaches sociology of crime, law, and human rights at the *Faculty of Law of the K.U. Leuven*. Among numerous important roles worldwide in the field of criminology is his membership of the Advisory Board of the *Oxford Centre of Criminology* where he also teaches, a visiting professor at institutes and universities in Spain, Costa Rica, Australia, Netherlands, South Africa), etc. He worked as an advisor to the *European Committee for the Prevention of Torture*, and was vice-president of the Flemish section of *Amnesty International*. Prof. Parmentier is currently the co-editor of the new international book Series on Transitional Justice. He has published numerous articles and books about reconciliation in Former Yugoslavia.

With your team, you were conducting a survey about dealing with the horrors of the past, both in Bosnia and Serbia. Can you tell us what where your findings and conclusions?

Indeed, in our two surveys in Bosnia (June 2006) and Serbia (June 2007) we asked questions about what types of harm people had experienced during the war (type of victimization) and about peoples' opinions in relation to dealing with the past (strategies and mechanisms of post-conflict justice). The research has been funded by the University of Leuven and we worked closely together with local partners in both countries.

It is of course very difficult to summarize all our findings, but let me try to sketch some of the most important ones. First, it is clear that many people have been victimized by the armed conflict. In Bosnia, the following types of harm during the conflict were listed (the figure below only shows those saying that they were 'very much' affected): about 37% denounced physical harm (injuries, family members missing, killing of family members), 73% indicated material harm (forced displacement, loss of property, loss of income), and 85% of respondents reported emotional harm (in terms of feelings), which is the highest category of all. Also in Serbia people have suffered the same types of harm and in the same order, but the percentages tend to be between 10 and 20% lower. It means that many people have been severely traumatized during but also after the war, and it is far from clear if they have been able to cope with their trauma and what kind of services are available to assist them.

Further statistical analysis of the data, at least for Bosnia, has revealed that trauma has a negative impact on people's opinions on post-conflict justice in general, and on reconciliation in particular.

When it comes to dealing with the past crimes, it is clear that Bosnian and Serbian people alike have a strong desire to share their experiences and tell their stories about what happened to them during the war. Both groups of respondents think that such stories should be told in a variety of settings like truth commissions, at public events (roundtables and workshops), and even in small groups in the community, particularly when members of other ethnic groups are present. A large number of respondents in both groups also thinks that stories of the war should be told in courts, although the percentage is somewhat higher in Bosnia (83%) than in Serbia (74%).

Another aspect relates to reparations for victims. Particularly in the case of Bosnia, but also in Serbia, respondents were very clear that the best way for them to repair their harm is when offenders take active responsibility for their past behaviour. This means that they would acknowledge their guilt by confessing to what they have done and apologising for it (more than 80% of the respondents). Also important actions are the return of stolen property, or if this is no longer possible, paying compensation to the victims (over 65%). Also memorials for victims are considered important forms of (symbolic) reparation, but more so by

Both Bosnians and Serbs feel an urge to share their experiences and to tell their stories.

Bosnians (over 60%) than by Serbs (about 40%). This is just a very brief summary of the findings. Obviously, one should always be careful with the interpretation of these results, because this type of quantitative research also has certain weaknesses and the figures never constitute the full reality of people's opinions about the many difficult issues of post-conflict justice.

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How would you evaluate the process of transitional justice in the Former Yugoslavia today? What do you see as crucial obstacles for further progress?

This is a tough question, for the simple reason that it was not our aim to fully evaluate and judge the whole process of transitional justice in the former Yugoslavia. We basically wanted to add new insights into the strategies and mechanisms of transitional justice that could be useful to policy makers, to non-governmental organizations (NGO's), to foreign actors, and also to the population at large. Nevertheless, some features have struck us as researchers and that need further reflection. For example, the figures clearly indicated that there was still a very high level of trauma in the countries that we investigated, and it seems to us –at first sight– that little attention has been paid to this problem. In another question, we asked about the actors that have been more or less helpful in rebuilding trust between ethnic groups. In Serbia, more than half of the people thought that the time lapse since the end of the war, the positive memories of the pre-war period, the acknowledgment of each other's suffering, and the role of (NGO's) have had positive effects on inter-ethnic trust. When it comes to negative factors for trust-building, the Serbian respondents clearly pointed at politicians, schools, the media ... and the high level of trauma in society. The figures –and the proportions between the categories– were very similar in Bosnia.

Even though you analyse all the mechanisms of transitional justice in the region, it seems you paid particular attention to the war crimes trials. Can you tell us why?

Well, we could of course not avoid to also ask questions about criminal prosecutions, because this type of strategy tends to dominate any discussion about war crimes committed in the Balkans.

In fact, the official discourse of the international community puts a tremendous emphasis on the importance of criminal trials, with the International Criminal Tribunal the former Yugoslavia (ICTY) as its spearheading. The respondents in our survey provided a far more nuanced view about such prosecutions. First of all, they indicated that they prefer criminal prosecutions in one of the countries of the former Yugoslavia over prosecutions in a country outside of ex-Yugoslavia (both Serbs and Bosnians think the same about this issue, although the preference of Bosnians for “internal” prosecutions (70%) is higher than that of the Serbs (63%). Furthermore, the role of the ICTY was clearly a bone of contention between the two groups: while half of the Serb respondents indicated that the ICTY has not been helpful in rebuilding trust between ethnic groups, half of the Bosnian respondents thought the contrary and said that it had been helpful in promoting reconciliation. Interesting to note is that the non-response of the Serbian group was much higher (almost 20%) than the Bosnian group (12%), which suggests that many people were in doubt about this question and may want to reflect further.

Is it a reconciliation process the same for every conflict and every country?

24 Questions about reconciliation are always among the most difficult ones in discussions about post-conflict justice, for the simple reason that there is no common understanding of what reconciliation actually means. Some say that the mere process of bringing former enemies together already amounts to reconciliation, others argue that there should be tangible results in the relationship between individuals or between groups. The Truth and Reconciliation Commission in South Africa talked about four levels of reconciliation (intrapersonal, between individuals, between communities and within the nation state) and the Peruvian truth commission related reconciliation to three areas of life (interpersonal, social and political). The same diversity in conceptions was illustrated in our survey, when we asked the open question “What does reconciliation mean to you”? Although the answers widely differ, it is very striking that three basic concepts emerge in the top 5 both in the case of Serbia and Bosnia: first on the list in both countries was ‘peaceful coexistence’ (22% and 24%), immediately followed by ‘forgiveness’ (12% in Serbia but 21% in Bosnia), and also ‘respect’ was in the top 5 in both cases (12% and 9%). Judging from these findings, one would be tempted to argue that sustainable reconciliation implies that former enemies can live together in a peaceful, non-violent way, over a longer period of time, nothing more and nothing less. But asking the same question to other people in other countries may produce very different results.

What are your recommendations for further progress, what should be the next steps?

From a thorough statistical analysis of the Bosnian data we could conclude that the strongest predictor of trust and reconciliation in a society is ‘dialogue’. This means that processes that are based on forms of dialogue between individuals and among groups stand a better chance of leading to peaceful coexistence, to recall the terminology used above. We need further analysis to fully understand what kinds of dialogue are more conducive to trust and reconciliation, but for the time being we assume that all types are useful, both in small groups and in large groups, even within a society as a whole, as long as people can interact in a reciprocal way (and that ‘monologues’ are avoided). This is what we have called elsewhere a “process approach” to dealing with the past. For the moment, we cannot yet confirm that the Bosnian findings will be exactly the same in the case of Serbia but these interpretations continue to take place and we hope to be able to inform you in the near future.

How do you consider the RECOM process so far and how do you see its future?

Although we have not studied the initiative of the Regional Truth Commission in detail, we think that this process fits very well into the importance and the need for dialogue in the countries of ex-Yugoslavia. Discussions inside of groups of victims and combatants, and between such groups seem particularly useful for people in order to gain a better understanding about what happened to themselves as well as to other individuals and groups. However, the real strength of RECOM in my view lies in its trans-border character, through which the consultations and discussions are taking place in more than one area and more than one country of the former Yugoslavia. In this way, it is definitely producing a more inclusive and more balanced view of people's opinions and proposals about how to deal with the past and how to build a better future.

Jelena Grujic

THE VOICE OF VICTIMS

Testimony:
Obren Viktor

**!Thirst, Hunger
and Kicks, Two
Years Long**

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Obren Viktor spent 44 months in the camps of Silos, Krupa, Hrasnica and Viktor Bubanj. He testified on his ordeal at the Third Regional Forum on Mechanisms for Establishing the Facts Related to War Crimes in Former Yugoslavia, held in Belgrade 11-12 February 2008.

Viktor testified that he was 78 kilos in weight when he was taken to the camp, but after the 35 days of his confinement at *Silos*, "I was less than 40 kilos". In that camp, "I did not eat anything for the first two days. Later they started giving, not only to me but to everybody, one little crust of bread each, [...] and sometimes they skipped even that. That is why I lost my weight in such a short time. They used to take me out for certain interrogations. Whenever they picked on someone from my village or from the Turčin area, I had to come as well, I do not know why. I would like to say that I had not been any kind of an activist; I had not done what I was not supposed to do. With any such taking out [interrogation], beating up was the usual practice. [...] It went on like this, those abuses, until October, when they permitted us to have a little food

brought from home. Even prior to that, my wife used to manage somehow... We were pretty well off, comfortable, so, if she wanted to prepare me a sandwich, for me to receive it she had to bribe a camp guard, who was my neighbor, with some 10 or 20 marks, to cause him to deliver it to me. Sometimes, she would send some money, too. If she had set aside 20 marks, I would receive a carton of 'Opatija' cigarettes priced at 4 marks [the guard would keep the rest]."

"They said that we received lunch packs daily, that the prison authorities had been distributing those, but we received them only on the day of the visit of the Red Cross [11/26/1992]. After that, they distributed them every three or four days, not every day. The Red Cross delegation told us that we would be receiving those lunch packs every day. But it was never like that. It was somewhat better, I admit, when they permitted us to get some food from home. You would receive one loaf of bread, for instance. [...] Firstly, you had to share it with those who did not have anybody to send them some. Then you split the remainder into 15 daily portions. If you ate up the portion set aside for the next day, you would not have anything to eat on that day."

"At *Krupa* it was a little better for us. The food was the same or worse, but the cell doors were made of wire mesh. They could open, so at least we had eye contact with the outer world, whilst at *Silos* that was not possible. *Silos* is an area for silos for grain. Each silo is five meters wide, five meters high and ten meters long. No light, nothing, just concrete. You know what a silo is. It is made so as to prevent grain from spoiling. Well, I think that prevented us from spoiling as well. We had it good [at *Krupa* camp]. We could go out for the call of nature at any time, while it was not permitted at *Silos* camp. There, when they opened the door, they used to say: 'Four of you get out.' There were 45 of us. Four could step out; the others were not permitted to exit. Let me repeat: there were 45 of us, sometimes 35. In one cell there were even 57 people. We were given 1.5 litres of water for 24 hours."

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"We knew these guards very well. They were our neighbours, whatever. Within the first day or two, massive abuse started. Many neighbours who had turned into camp guards were there. On January 6 [1993], Christmas Eve, they took out Savić Milomir, who was called 'Lako', Stevo Viktor and Vojin Milanović. They were beaten unconscious. When they threw them back into the cell, we thought they wouldn't survive. Well, they did. We had to feed them with a straw for a couple of days."

Viktor was transferred to *Hrasnica* with a group of prisoners. They were greeted with cries of 'These are Chetniks', "although I am not a Chetnik, I am a civilian". Also, "at the arrest [on 05/30 /1992], they came to find and collect my arms, both personal and for hunting. I did not have anything of that sort at home, just the JNA uniform which everybody had to keep at home. Five days after they found it, they destroyed all structures at the property except the house. Everything. They left only the house, which was habitable only until January 1996, my release. When I returned, they destroyed that as well [...]"

"I was digging the access path and the entrance to the house with that cellar [which was actually the tunnel under the Butmir airport]. I did not know its purpose. When the following group returned, and after talking with the conscripts of the BH Army engineering squad, I learned that we were the ones who had started it, and that they were digging on one end while the prisoners from Sarajevo were digging on the other. And that there were not only prisoners; there were also soldiers, engineers' squads, everybody, to dig it through. So, I was in *Hrasnica*, doing this and similar jobs. In that Butmir trench, at the farm compound, it sometimes happened that I had to crouch with the shovel, with a gun barrel pressed against my ribs, while being jumped over by



*Obren Viktor (in the middle)
Photo: HLC archive*

soldiers, sometimes Serbs, sometimes Muslims. I apologize for calling them Muslims. At that time Bosnians used to declare themselves as Muslims. So, soldiers from both sides jumped over me and over that guard next to me. [...] The building had two entrances, one for Serbs, the other one for Muslims. You can imagine the soldiers returning after 2-3 hours of battle - they come back [...] and discharge all their anger on us [...].”

“I did all sorts of things. [...] I carried logs. You know, same as when you mount an easel on a horse, just we had no easel. Those logs had to be moved, though. He [the guard] says: ‘You may carry two or four at a time. Nobody may carry three’, in order to prevent us from mentioning the Holy Trinity. [...] But he said: ‘It would be better for you to carry four’. So I carried four logs, you know. They are heavy.”

“When they brought us to *Viktor Bubanj*, we did all kinds of jobs. We replaced a group of 30 people. They brought 30 of us, too. Only three of those 30 had not been wounded. The others came without an arm, a leg, with open wounds. Some were treated at the former military hospital, now the state hospital in Sarajevo. Some of them never recovered. It was a mess. My predecessors and I were digging the *Ceneks* trench there. [...] Under the 50 meters long concrete slab, handcuffed, on a rope not tied to the handcuffs, but put through them, and I did not have anything to cut it with. That guard kept both ends of the rope. He would release me forward or pull me back. I had to fill a plastic bag with soil and return with it. I used to pass it to a prisoner behind me. Then I had to return to digging. We dug the tunnel through. There were some other strange situations, as well. We were digging towards a bunker. There were some more excavations alongside, all of them under the concrete slab. Countless shells hit that slab above us. In other words, we were deep enough down. Where the tunnel ran shallow, we covered it with a

waterproof slab. Until then I did not believe that no shall could pierce it unless it had been placed against something solid. If it is placed over the channel, nothing can harm you, at least not the infantry and artillery weapons used at that time. So, the tunnel had reached its last leg. One side was already completed. The previous group had dug it up to the Serbian bunkers. Can you believe that they had tied canisters with explosives to my back, to shoot at if I failed to do as ordered? He also gave me another canister, to place it in that same trench. But first, I had to wrestle with a Serb there. We had managed to remove one side of a wall made of sandbags. Whoever participated in the war knows what that means. When we reached the other side, there was a soldier right behind it. We fought over the bags, he pulls, I pull, and I say: 'Serb, I'll kill you!' 'Go ahead! Man, I don't care, will I be killed by you or by him.' Many times I felt sorry about that... And I am still sorry, believe me, for having survived all this. They abandoned it - that Serbian unit withdrew. But first they buried us all there - I do not know how and with what. But we, the prisoners, managed somehow... I had some people from my group behind me. Then we heard the cries of the soldiers who had guarded us. They even asked for knives to kill themselves. But the prisoners found some opening, managed to get out and we were saved."

"Close to the end of October, I was still at *Viktor Bubanj* barracks when the Dayton Agreement was signed [The Dayton Peace Conference took place 1-21 November 1995]. I was returned to *Silos*. There was more brutality than ever before. Until 01/21/1996 there was an astonishing amount of beating and abuse. [...] There were 43 of us survivors. We expected and were told that they were going to execute us in retaliation for certain Muslims who disappeared in 1992. We were convinced of that. But from 19th through 27th the Red Cross delegates visited us every day, so they kept us in a more or less stable physical condition - because they had told us, as I said, that they intended to execute us. I consider that only dear God and the Red Cross saved us."

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"I said at the beginning that I used to have everything: a comfortable life, a healthy family, a home. All that a man and a head of family ever needed. I forgot one more thing. On the 7th of July, my younger son was wounded in the apartment. He was shot through the bathroom window, near the bathroom doorway - a five years old kid wounded in the corridor. He is still 70 percent disabled. He is missing his left hip and half of the intestines in his stomach. In whose way was he standing? Every bullet fired from BH Army positions [even] from a 6.35mm calibre gun which has the shortest range, fell on civilians, on the children in *Hadžići*. Countless shells. [...] Now, after I have told this story, I am off to Saint Sava temple, to light a candle for all my friends who have died or were killed, and for the good health of those who have survived the ordeal, like me. And may this never happen again to anybody."



THE RECOM PROCESS

The debate about the best way to uncover the truth and for truth-telling about the past was launched in May 2006 at the First Regional Forum for Transitional Justice, organized by the Humanitarian Law Center (Serbia), the Research and Documentation Center (Bosnia and Herzegovina) and Documenta (Croatia). At the Forum, participants – representatives of NGOs and associations of missing persons and victims from the successor countries of the former Yugoslavia – committed to a regional approach in the establishment of the facts about war crimes, arguing that the war had taken place in more than one country, and that in most cases victims and perpetrators did not reside in the same state.

The Coalition for the founding of a Regional Commission for Establishing the Facts About War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia (RECOM) was constituted at the Fourth Regional Forum for Transitional Justice on October 28, 2008 in Pristina/Prishtinë. Over the course of three years, through intensive consultations across the former Yugoslavia, with over 6,000 participants, the Initiative for RECOM prompted the most extensive social debate ever in this region. Based on the proposals, requests, needs and views of the participants in the consultative process, a Draft Statute was drawn up and presented to the public on March 26, 2011. It was then submitted, together with more than half a million signatures in support of the process, to the highest state institutions of the countries in the region.

In October 2011, a regional team of Public Advocates for RECOM was established to press for the final stage of the RECOM Process. The states in the region have been requested to institute an independent, inter-state regional commission for the establishment of the facts about all victims of war crimes and other serious human rights violations committed on the territory of the former Yugoslavia between 1991 and 2001. The official position of the Coalition for RECOM is that RECOM's main task should be to establish the facts about war crimes and to compile a list of all casualties, killed and missing persons and that the final decision on other objectives and tasks should be made by the governments of the region who will jointly establish RECOM.

The main goal of *The Voice* is to provide information about the RECOM Process to the members of the Coalition for RECOM, to the many supporters of the Initiative and to all those interested in its development. In addition to this, *The Voice* focuses on the progress of transitional justice in the region.

It is available in in Bosnian/Croatian/Serbian/Montenegrin, Albanian, English, Macedonian and Slovenian.

coalition for
RECOM



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A TOTAL
of 13,527
PEOPLE WERE
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