



forumZFD

Issue: 09 ~ 03/2018.

Balkan PERSPECTIVES

A magazine on Dealing with the Past

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Lost in Transition?**

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EDIT- ORIAL

Pristina, March 2018

Dear Readers,

Welcome to the 9th edition of Balkan.Perspectives, forumZFD's magazine on dealing with the past! This issue is dedicated to the topic of trials and justice related to the recent history of the Balkans.

Justice surely is an extremely sensitive and comprehensive topic, which raises a plethora of questions. How can justice be achieved, not only on a personal level, but for a society at large or even an entire region, such as the Western Balkans? To what extent are Special Courts able to bring justice? And how does this all contribute to people's ability to deal with the past?

The difficulty of finding answers to these questions is reflected in the length of the articles gathered for this issue of the Balkan.Perspectives. We are pleased to present you with a selection of articles that grapple with the meaning and importance of justice within the process of dealing with the past in the Balkans. For example, our authors cover not only the closure of the International Criminal Tribunal for the former Yugoslavia (ICTY) at the end of last year, its achievements and shortcomings, but also provide a strong critique of the overall societal climate in which these trials took place, such as the article from Serbia by Snežana Čongradin. Our lead article from Bosnia and Herzegovina makes the argument that the ICTY legacy is the investigation and establishment of facts, thereby shedding light on some of the crimes that were committed during the Yugoslav wars. This establishment of official facts, no matter how often they might be denied, could also become one of the biggest strengths of the highly controversial Kosovo Specialist Chambers and Specialist Prosecutors Office (KSC/SPO), which will start the first trials in the upcoming months. Of vital importance for this legal institution is to apply the lessons learned during the trials of the ICTY. Also, the societies affected by the prosecutions should consider the importance of these investigations for the ongoing process of dealing with the past and reconciliation as a society. Justice brought about by courts might not be comprehensive. However, understood as one piece in a larger puzzle of dealing with the consequences of physical and psychological injury, the importance of mechanisms such as recognition and fact-finding might be indispensable for the (re)-establishment of a sense of justice.

Due to the complexity and weight of this topic, some opinions expressed in the articles may be perceived as harsh or controversial.

As always, we are looking forward to your comments and remarks on this issue and hope that you find the reading useful and enriching. If you'd like to subscribe to the magazine or to get in touch, please contact balkan.perspectives@forumzfd.de.

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In your opinion, has justice been attained through courts and war crimes trials? Why?

Bosnia and Herzegovina

I cannot comment on the work of courts, because I am not a lawyer. Also, I did not follow all the trials. What I can say though as an observer is that most of the trials humiliated all victims all over, their destinies were manipulated. Justice, as a universal value to be achieved, has certainly not been attained.

Mirela R. (34)

The Hague Tribunal has largely succeeded in fact-finding, although this has not been completely successful (unavailability of parts of evidence due to the lack of willingness of countries to provide them, political pressure at the local level), but that is only the first step towards justice. Unfortunately, several judgments were very questionable, dissatisfying various war conflict parties. In addition, one gets the impression that these judgments (based on available facts) were not fair, and they certainly have not contributed to the process of reconciliation. However, courts deserve some merit, because we also had very high expectations. Indeed, many war criminals were convicted and thanks to the courts, today it is almost impossible to claim that some things did not happen.

Goran B. (45)

I believe that justice is quite a relative term when we speak about war crimes prosecution, given the fact that these are the most serious forms of violations of the international humanitarian law and that each one of us can have a different view as to whether something is fair or not. I believe that national courts could have done much more regarding prosecution and conviction of war criminals, and I do not think that we can say that justice has been fully attained, given the fact that most war criminals went back to their pre-war places of residence after having served only 2/3 of their sentences, not to mention that many of them were acquitted, that is they were not found guilty of any of the indictment counts. The sentences were also very low, around the legal minimum; they were rarely near the legal maximum.

Vildana Dž.

Kosovo

The question remains: justice for whom? Yes, as a believer in the rule of law and the judicial system of democratic societies, I think that some justice has been attained for the bigger causes, such as group killings, sexual violence/rapes or genocide towards a specific ethnic group. When it comes to the personal level of people, we cannot say that much of justice has been delivered.

The national level courts of former Yugoslav states are very weak and biased to attain justice, the international trials help with fair trials to have objectivity in the justice attained. However, in the fastforward world that we live in today, for some people, these trials take too long. And even when justice is delivered, it does not have the effect that leads to the strengthening of the relations between ethnic groups involved.

So, it is more justice on a political level, between nations, it is jurisdictional and institutional, whereas the most important, the individual citizen, is often not reached by this justice. Nevertheless, the courts and trials remain the crucial prospects to attaining justice.

Ben S. (27)

I would have to say NO.

If we speak about the last war that happened in Kosovo, the answer to that is a BIG NO. It's really uncomfortable when you hear that a special "Court" is being established for crimes that Albanians committed during the war in Kosovo. Meanwhile, no court is being established for the Serbs, who were practically the invaders, while we were the ones protecting our land.

If crimes were committed, it doesn't matter if they were Albanian or Serbian. Justice has to be served, but never just one-sided.

Valton R.

Serbia

I believe that the judiciary in Serbia and throughout the region too has not contributed to attaining justice all these years following the end of the wars in the former-Yugoslavia. It has not contributed to former Yugoslav republics' facing the past. What is even sadder in all this situation, the victims of atrocious crimes and genocide have been left without adequate support or assistance.

For example, war crime trials in Serbia are being obstructed, are very lengthy, there have never been fewer indictments, etc. Non-Serbian victims are humiliated, for example by not allowing them to drink water during their testimony, which can last for hours. Even when courts convict someone, such sentences are miserable, even ridiculous, so that victims are thus humiliated even further.

To put it simply, everyone is protecting their own. That is, domestic courts are protecting their own. This is the case in Bosnia and Herzegovina, and Croatia too. Mostly this happens in Serbia. Ironically, Serbs committed the largest number of crimes. Nevertheless, maybe it can be said that the courts in Bosnia and Herzegovina do their job better than courts in Serbia or Croatia but not even this is sufficient for people in this region to face the past and all atrocities that happened during the wars in the '90s in order to have a brighter future.

History is being relativised even in court judgments. So we might expect that someday, there will even be no justice but rather a situation in which domestic courts "have established" that there were no crimes at all.

Jelena D. (37)

Unfortunately, justice has not been attained before international courts, and even less so before domestic courts competent for war crimes. This requires political will, which obviously lacked in different parts of the former Yugoslavia, but also the international community. The Hague Tribunal has been contested and criticised by different parties and many of their judgments are certainly disputable, but I have the feeling that without the Tribunal, the situation would be even worse. Who would answer for the genocide committed in Srebrenica if it had not been for the Hague Tribunal? Look at the trial that is ongoing before the War Crimes Tribunal in Serbia. It has not even started. As regards domestic courts, the political pressure there is even stronger. Politicians, the public, the "intellectual elite" refuse to face the crimes committed in the name of their people and country.

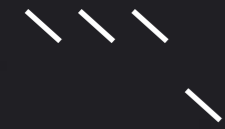
Safeta B. (50)

Justice for victims has been attained only in part through the work of The Hague Tribunal and national judiciaries of countries in the region, which are former warring parties. If it had not been for the Tribunal, not even a percentage of the high-ranking accused would answer for the crimes they ordered or crimes they knew about and failed to prevent. The problem lies in the fact that the judiciary in Serbia, Bosnia and Herzegovina and Croatia mostly refuse to try their accused, they obstruct investigations or simulate them, and gather evidence in a sloppy manner in order for such persons to be acquitted and to avoid damaging the idealised image of their own role in the bloody conflict in SFRY. Because it is a misconception that both the perpetrators and persons that gave the orders ended up before the court because they belong to a certain nationality or because they participated in the war as soldiers or policemen; they are there rather because of the fact that they tolerated, supported or ordered murders of unarmed civilians, women and children, which is all contrary to the military and human code of honour.

In general, I am not an optimist to believe that once the Tribunal stops working domestic courts will deal with war crime cases. Should this even be the case, it will certainly not be visible in pro-government media and media controlled by the government. And specifically this is of importance in order to understand the nature of wars in the former SFRY. In this situation, however, families of the victims will remain marginalised and consumed by their pain. They will rightfully remain furious at the authorities in their countries that did nothing to compensate them somehow or admit something that they were undoubtedly participating in mass crimes. This is something that may not remain unpunished, especially due to the fact that the so-called political elites have not learned anything from the wars in the 1990s, so there is a risk that crimes could be repeated. Moreover, this is also the origin of the year-long mass arms race in the region.

Aleksandar R. (47)

Judicially Established Facts and Dealing with the Past



The recent judgment of The International Criminal Tribunal for the former Yugoslavia (ICTY – the Hague Tribunal) in the case of Ratko Mladić is the best indicator of the lack of a link between judicially established facts on committed crimes and other serious violations of human rights in the wars in the former Yugoslavia, and dealing with the past and reconciliation in the same region. Decades have passed since the end of the war but we are still asking ourselves why after a series of trials, both before the Hague Tribunal and the domestic courts, the public is not sufficiently informed about the findings of the courts or facts established by the courts in trials against war criminals. Or, to put it in simpler terms, why are war criminals war criminals for some, and heroes for others? Are "our people" always heroes? Where has empathy gone?

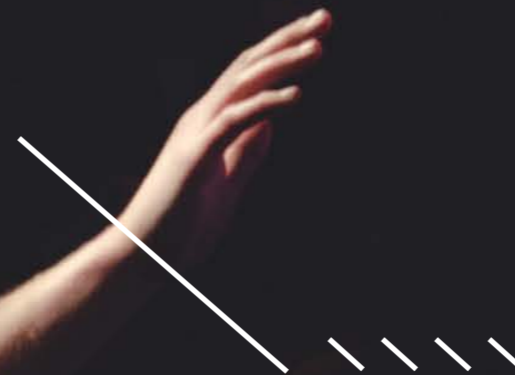
While following different attitudes and a series of online conversations¹ in social networks after the mentioned Mladić trial judgment, I was appalled by the vehement defence of the convicted criminal and full neglect of facts established by the Tribunal. Unfortunately, the ensuing comments and actions² are not the only example of ignoring judicially established facts about crimes that were committed. The judgments of The Hague Tribunal have thus failed to ensure results when it comes to encouraging the process of dealing with the past, and judicially established facts have not been used to end the dominant culture of denial.

The President of The Hague Tribunal, Carmel Agius, stressed that "The Tribunal has done everything in its power to establish facts about the war conflicts. Truth finding is now handed over to you in order for you to use it for the purpose of reconciliation in the region,"³ and Refik Hodžić states that "The Hague archives contain a treasure, the truth about us, the truth about the tragic demise of a community of persons that experienced an epistemic earthquake and mistook a myth for the truth, messiahs for institutions."⁴

However, the fear is still there. How can one interlink judicially established facts and the process of reconciliation in the region? Probably one of the mistakes also lies in the lack of proper broadcasting of trials and informing the public about established facts. The media frequently cover only the basic data, they are in search of a sensation, and they rarely analyse an issue any deeper. The reason for that is a lack of capacities – court proceedings are incomprehensible, complicated, long and uninteresting for most people. On the other hand, there are only few specialised journalists with integrity who can cover war crime trials and thus have an impact on shaping the public opinion. This eventually leads to a situation in which trials and judicially established facts do not have the importance they should have in our societies when it comes to fostering

processes of dealing with the past. The result of this is the ubiquitous lack of responsibility, preservation of a culture of denial and creation of myths encouraged by the political elites.

Processes of peace-building and reconciliation in the region have actually been initiated and are maintained by the activities of Civil Society Organizations that are trying to restore the trust between various groups through their activities, and to initiate the process of dealing with the past. NGOs continue to insist on this in spite of numerous obstructions and problems. Judicially established facts are thus of extreme importance for their activities and reconciliation-related programmes, because it is more than evident that there is no official acceptance of judicially established facts about the creation of the legal framework, educational programmes and creation of a culture of remembrance.



1 - Both by persons leaving comments anonymously and by persons signed with their name and last name.

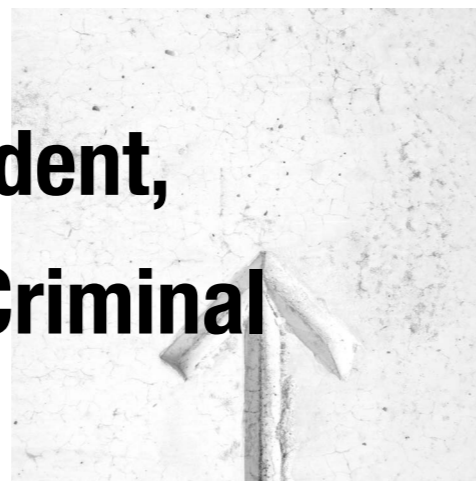
2 - See: <http://avaz.ba/vijesti/bih/324235/na-sokocu-poceo-skup-podrske-ratku-mladicu>; <https://www.nezavisne.com/novosti/ex-yu/U-Beogradu-skup-podrske-Ratku-Mladicu/452826>; <http://www.dnevno.hr/vijesti/regija/foto-rasprodali-ceo-tiraz-srbi-dije-poster-ratka-mladica-s-natpisom-srpski-heroj-1097176/>

3 - See: <http://www.dw.com/bs/konferencija-o-naslje%C4%91u-ha%C5%A1kog-tribunala/a-39404682>;

4 - See: <http://lupiga.com/vijesti/haaski-sud-i-pomirenje-godine-koje-su-pojeli-zlocinci>;

Midhat Izmirlija, an Assistant Professor at the Faculty of Law of the University of Sarajevo in the scientific field of theory of law and state. He obtained his SJD and MLL degree from the Faculty of Sarajevo, and his MA degree in Human Rights and Democracy from the Centre for Interdisciplinary Postgraduate Studies of the University of Sarajevo. His field of research are functions of the state, theory of law and transitional justice.

Kosovo Specialist Chambers: an Opportunity through Secure, Impartial, Independent, Fair and Efficient Criminal Proceedings



As of July 2017, the Kosovo Specialist Chambers (KSC) is fully judicially operational, i.e. ready to receive any relevant filings, including those from the independent Specialist Prosecutor's Office (SPO). There are still a number of misperceptions and partial information regarding the KSC, connecting it occasionally with a range of issues far beyond its judicial mandate. However, the ability of the court to conduct credible and efficient judicial proceedings and rulings will be crucial for its perception and would be vital asset in relation to people affected by KSC's work. Since the KSC adopts a number of lessons learned from other courts and develops its own unique features, its actions can furthermore provide the basis for constructive effects in Kosovo and the region.

KSC and SPO: One Law, Two Independent Offices

This article does not provide an in-depth analysis of the history of the KSC and the SPO and how they came to be.¹ It is nevertheless important to note that both institutions are the results of a number of international and national political and legal actions which provided detailed legal framework for the existence of this court.²

1 - For more information, check www.scp-ks.org

2 - Crucial milestones were the Council of Europe Parliamentary Assembly Report in 2011, the work of the Special Investigative Task Force (SITF), the Exchange of Letters signed between the President of Kosovo and the EU High Representative in 2014 and most importantly, the adoption of the Amendment to the Kosovo Constitution and a specific Law on Specialist Chambers and Specialist Prosecutor's Office ('Law') adopted in August 2015.

In brief, the KSC is a Kosovo institution with jurisdiction over crimes against humanities, war crimes and certain domestic crimes committed between 1 January 1998 and 31 December 2000 relating to the allegations made in the Council of Europe Report and limited to individual criminal responsibility - not the responsibility of groups or states, i.e. it is not a "Court for Kosovo Liberation Army," as sometimes mentioned. It has its seat in the Netherlands, and is therefore often referred to as a "relocated" judicial institution.

Just like other criminal justice institutions, the KSC was created through a political process. However, its work is not guided by political considerations. Very often the KSC communication has to repeat what KSC is NOT: it is not a political court, nor a court for all war crimes committed in Kosovo and certainly not a court which has the mandate to process economic, anti-corruption or any other crimes outside its scope. Furthermore, it is neither an EULEX court, nor an European Union (EU) court, although the EU and five other countries provide financial contributions. It is a specific and unique court of law, created by the Kosovo Assembly to fulfil the international obligations of Kosovo by ensuring secure, independent, impartial, fair and efficient criminal proceedings within its limited mandate.

The SPO, headed by the Specialist Prosecutor, is an independent office in charge of investigating and eventually prosecuting crimes within the jurisdiction of the KSC. While at times conflated by journalists and other observers who sometimes wrongly use one term - e.g. "Special Court" or "Kosovo Court" or even KSC as one entity including both KSC and SPO - it is important to highlight that the Constitutional Amendment and the Law adopted by the Kosovo Assembly established these entities as two distinct offices.

This is different from international criminal courts and tribunals, because it mirrors the Kosovo domestic model, where judges and prosecutors belong to different institutions. The difference in mandates - SPO investigates and prosecutes; KSC ensures secure, independent, impartial, fair and

efficient criminal proceedings - is therefore implemented through different offices.

The KSC as an institution is composed of the Chambers and the Registry. The Chambers, headed by President Ekaterina Trendafilova, reflect all levels of the court system in Kosovo and are composed of international judges appointed to a roster. The President is the only permanent judge, and is specifically responsible for the KSC judicial administration, whereas other judges are assigned and paid only when they are required to perform judicial activities.

The Registrar is the highest administrative authority within the institution and comprises various support units, including legal court management, language services, detention, a Defence Office, a Victim's Participation Office, a Public Information and Communication Unit and various administrative units. The Registry is responsible for the administration and servicing of the Specialist Chambers and all affiliated functions. A first for this kind of institutions is the inclusion of an Ombudsperson, tasked with protecting the fundamental rights and freedoms of every person interacting with the KSC and the SPO.

Unique Features and Current Developments

The past year has been very intensive and productive for the KSC, displaying some of its novel features. President Trendafilova has taken office in January 2017, the judges went through a unique independent selection process and were appointed in February. By March they already adopted the Rules of Procedure and Evidence ('Rules' - which would be equivalent to a Code of Criminal Procedure in national systems) to regulate how proceedings will actually occur. An interesting novelty for institutions dealing with international crimes was that before the Rules could enter into force, they had to be 'validated' by the Specialist Chamber of the Constitution Court, which has a specific mandate under the 'Law' to ensure that the Rules and any amendments comply with fundamental human rights protected by the Kosovo Constitution.



Among the first documents adopted by the judges were also the Rules on Assignment, providing objective – yet flexible – criteria to select which judges are to be assigned to which judicial chamber, and the Code of Judicial Ethics, showing a definite commitment to accountability. Such a step should not be underestimated: for the first time international judges, appointed to a judicial institution dealing with crimes of international relevance, have decided to immediately and without delay bind themselves to high standards of accountability, unlike to previous similar mechanisms.

Furthermore, the Rules establish strict time limits on the detention of suspects and on the duration of the different stages of the criminal process. For example, a trial judgment will have to be generally pronounced within 90 days after the closing of the case. These and other similar provisions demonstrate that the Judges themselves are aware of the need to dispense justice not only fairly, but also efficiently.

After the Specialist Chambers became fully judicially operational on 5 July 2017, the next important milestone was the opening of the application process for the List of Counsels. As defence is an essential aspect of fair trials same as there is an envisaged victims' participation, they both require a competent counsels. This process is on-going. In comparison to, e.g. the International Criminal Trial for the former Yugoslavia (ICTY), victims have more possibility to participate in the proceedings and have rights of notification, acknowledgment and reparation. Concretely, victims will be able to apply to participate when an indictment confirmed by a pre-trial judge is made public.

I Kosovo Specialist Chambers: a Challenge

The relocated nature of the KSC undoubtedly poses remarkable challenges. The KSC must be accessible to, and actively interact with, the people of Kosovo despite its relocation as to ensure a greater understanding of the mandate and its work. Furthermore, it has to establish trust in its judicial process, and demonstrate that it is dispensing justice impartially and independently. This is to say, it has to be free of any influence or interference, fear or favour.

The KSC has been focusing, from its inception on outreach activities, presenting openly to the public its activities and explaining its mandate on its three-lingual (Albanian, Serbian, and English) website, through constant media relations and meetings in Kosovo, Brussels, and The Hague. Before, and even more so after its Rules were adopted, KSC officials have engaged with civil society organizations and NGOs, journalists, students and researchers, in open fora but also, being aware of many sensibilities, in more closed consultative sessions. This process will continue and intensify. The focus has been on ensuring objective reporting, working of expectations and searching for strategic partnership without being drawn into ever present politicised agendas. The KSC considers it essential to steer clear of more ambitious political or historical goals such as establishing the full truth or ensuring reconciliation but to concentrate primarily on its judicial mandate and explanation of it to the public.

The two hearings held so far for the delivery of the Specialist Chamber of the Constitutional Court's decisions were broadcasted live, and are available on the website of the KSC in the Courts three languages, together with all of the judicial written filings and ample explanatory material. The most important statements are also visible on the KSC YouTube channel. President Trendafilova recently visited Kosovo and, apart from political and diplomatic counterparts, she has met directly with members of civil society and media, as was broadcasted live throughout Kosovo. But this is just the beginning. The KSC anticipates to constantly increase its ability to communicate, broadcast and make all its public records widely available beyond the degree of transparency common in ordinary domestic courts.

As often pointed out, another set of serious challenges are issues of witness protection as well as the time distance from the time alleged crimes were committed.

I Kosovo Specialist Chambers: an Opportunity

At the same time, the KSC also represents a huge opportunity for Kosovo as well as the region. Due to its relocation and the measures it is empowered to take, as drawing on lessons learned, the KSC has the ability to provide a high degree of security for witnesses and other persons appearing before it. This could help to overcome a certain degree of mistrust in some judicial mechanisms that has developed throughout the region. The KSC also provides a framework to ensure, before competent and independent judges, fair proceedings in an objective environment for any person accused of crimes related to the Council of Europe Report.

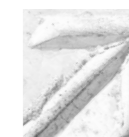
While it is inevitable that an institution with the judicial mandate of the KSC will elicit vivacious, and at times diverging political opinions, structures are in place to ensure that political considerations find no room in decisions and verdicts. Factors to ensure impartial justice include: judges nominated – but not seconded – by States, selected by an independent panel, appointed to a roster, and then assigned by the president based on objective criteria and a stringent Code of Judicial Ethics, which includes an enforcement mechanism.

To sum up, KSC proceedings are deeply rooted in European human rights standards as enshrined in the Kosovo Constitution: fairness towards suspects and accused at every stage of the proceedings but also towards other participants. Fundamental rights and freedoms are further protected through an Ombudsperson with a clear mandate to make inquiries into specific complaints of unreasonable delays or other situations not involving legal proceedings before the KSC. The KSC will further be able to give voice to victims of the crimes in any confirmed

indictment. Efficient proceedings can be ensured not only by the fact that KSC judges are not permanently assigned to work for the institution, but called upon on a needs-basis, but also by strict timelines set by the Rules for the various judicial phases, and for issuing judgments. Overall, the KSC Registry is also undertaking significant actions to ensure the use of electronic means to process filings and, more generally, to guarantee efficiency, security and transparency of the judicial record.

By following these guidelines, the KSC can achieve the aim of delivering outcomes that are perceived as legitimate, whatever the specific judicial results are in relation to the charges the Specialist Prosecutor may resolve to bring. The people of the region, affected by the allegations raised in the Council of Europe Report, will be able to witness the process, assess its legitimacy directly and put the proceedings into context. This allows to compare them with the earlier experiences, drawing – if they wish – lessons and suggestions for future action. There is also a possibility to potentially take on board some of the best practices displayed, which by itself represents a momentous opportunity.

Through the KSC, Kosovo aims at meeting its international obligations and, while the KSC is just one small part in this endeavour, it can indeed provide impetus for other mechanisms and societal reflections on the merits and challenges of pursuing justice through fair trials. For the people of the region the chance exists to profit from the investments made into this project – financially, but more importantly in terms of judicial, political and moral capital. What is then made of the proceedings and ultimately of any verdict issued by the KSC in terms of societal self-reflections and dealing with the past, will be nevertheless entirely up to the people in Kosovo and the region.



Avis Benes is Head of Public Information and Communication at the Kosovo Specialist Chambers, prior to which she has been part of the Court Planning Team in Brussels. During Croatia's EU accession process she was the Director of the EU Information Centre and Information Adviser at the EU Delegation to Croatia. Previously, she was the Spokesperson of the Office of the High Representative (OHR) in Bosnia and Herzegovina and worked for the EU Administration of Mostar and the European Community Monitor Mission (ECMM). She holds academic degrees in Economics, International Relations and EU Integrations.



Law and/or Justice?

After the closing of the International Criminal Tribunal for the former Yugoslavia (ICTY) in the end of 2017, this article by Lejla Gačanica explores its achievements, but also the limits of judicial institutions to establish a feeling of justice for the survivors of violence.

When it comes to transitional justice processes, especially regarding the work of courts, we frequently get to read about how important it is that such processes exist. By prosecuting crimes and atrocities committed during the conflict, such processes introduce the law and demand responsibilities. However, it is difficult not to take a look at the other side of what transitional justice is (not) doing through these trials – what does the law mean for the lives of people who not only have been affected, damaged, or hurt by a conflict once, but still have to live with the consequences of these crimes? The question arises: are war crime trials by themselves enough to achieve justice? And what is happening with the judgments when it comes to the post-conflict everyday life – where is the law and justice then?

Given the closing of the International Criminal Tribunal for the former Yugoslavia (ICTY) on December 31, 2017, the importance that this Tribunal had should be stressed: a discontinuance of the culture of impunity and strengthening of the rule of law; indictments against the most responsible representatives of the political, military and police authorities; the creation of a platform for public testimonies of victims; establishing truth by courts and development of the international law. “Fact finding” is frequently considered to be the greatest value of the work of ICTY, which points to the articulated need to distinguish between truth and interpretations, ensuring satisfaction for the victims at least in terms of facts. Within a divided country, and I would say even within a divided region, this will not stop interpretations that are used to maintain certain positions and divisions. However, the final judgments for crimes that have been committed will remain a valid source of shedding light on a difficult

past. And they frequently leave a bitter taste when they are “taken down” from the collective level to individual human lives.

Another important fact is that the ICTY did an extraordinary work of documenting the war in this region. “In spite of the madness of war, which is even today proclaimed to be the peak of national pride and glory in all these countries, The Hague Tribunal scrupulously reconstructed the terrible bloodshed that happened. If there has ever been a detailed documentation of a war, it is the one of the wars in Croatia, Bosnia and Herzegovina and Kosovo,” said Boris Pavelić. The overall work of the ICTY was covered by the agency SENSE, which became the SENSE – Transitional Justice Centre, with its seat in Pula. The archive of the Transitional Justice Centre includes eighteen years of work of the agency SENSE. It contains thousands of reports and analyses of trials at the Tribunal, 722 weekly television shows, seven documentaries, four interactive narratives and materials for documentation centres in Srebrenica and Prishtina and it will be used as a documentation, study and education centre for the entire former Yugoslavia.

However, what we still face when courts and war crime trials in Bosnia and Herzegovina are mentioned can be classified into several popular narratives, present in all three dominant communities in Bosnia and Herzegovina. For example, the opinion that reciprocity in prosecuting crimes is absent, raising the question why only one people is held responsible, when everyone committed crimes; or a feeling of abuse, of being abandoned and forgotten felt by the victims, as trials focus on the perpetrators and do not change the lives and daily reality of the victims. Also, there is often mistrust in courts and lack of a critical culture of remembrance, which perpetuates exclusive narratives about victims and heroism. Even though that can be seen as a coping mechanism of individuals and the society as a whole, to deal with the stress resulting from the recent atrocities, as described by Nenad Dimitrijević, this prevents recognition of the suffering of other groups. Specifically, at times when courts are finalising their

work in the field of law, the processes of dealing with the past must continue and they should include a broader social context. In this way, it ensures the possibility for a parallel demand for justice, as it seems that in the eyes of the victims from deeply divided communities, law and justice are not the same.

“Dealing with the past” and “transitional justice” are terms that overlap in many segments. However, they are neither identical, nor mutually exhaustive. The highest aspiration of both terms includes the transformation of a conflict into peace. We can further understand that the case law needs to be accompanied by relevant non-judicial processes. Aleida Assmann emphasizes that by not competing with the legal system, the universal discourse considers the tremendous force and scope of a crime, which can only be partially processed through criminal prosecution – which starts at the court room and continues in the social practice and policy of recognition outside the court room. After a judgment, there is the secondary testimony of a society, at best in the form of a culture of remembrance that is based on empathy and solidarity with the victims.

Goran Božičević notices, that in post-Yugoslav countries, dealing with the past resulted from facing the present – e.g. the work on protecting human rights, documenting their violation, active resistance to repression by state and para-state structures. A large part of these processes, both in the region and in Bosnia and Herzegovina, has been led from the very beginning by non-governmental organisations. The NGO sector remained the most important pillar in the process of dealing with the past, despite its fragmentation, the decreasing financial support and without a joint structural assessment of achievements and goals. Their diverse work is concerned with truth-telling: establishing truth and reconciliation committees, documenting, oral history, psychological support, reparations, return, work with war veterans, and work with youth.

In ethnic communities formed by the war, both law and justice are slow and difficult to attain. It seems as if one always waits for the other to make the first step – admit the guilt, pay respect to the victims, or demonstrate empathy. At the same time, above every such act there is a flag of weakness, betrayal, denigration

of one's "own" victims. In spite of these difficulties within the communities, there is also a bud of hope in terms of dealing with a difficult past, as coexistence is no longer a "project word" and a political slogan, but rather something we have to live with. In contrast, at the political level, politicians often interpret court judgments in a manner that allows them to maintain their positions, ignoring the efforts of the ICTY to point out that "the guilt should be individual, protecting entire communities from being called 'collectively responsible'." What else should then be done with the judgments, how should they be interpreted and enforced for attaining justice for those living there?

An important aspect when it comes to contemplating law and dealing with the past is certainly how we view a crime. Dimitrijević speaks about "a correct and incorrect view of a crime." This has far-reaching consequences: in a moral, social, cultural and political way that mark every individual, group, society and country in our region. "When we speak about the judgments of The Hague Tribunal, the problem lies in the fact that in the communities where there is a lack of democratic culture, such as in ours, nothing is done so that they become our common moral heritage. Instead, they are rather misused to point the finger at members of the community of the convicted. This is inadmissible and it only contributes to the affirmation of a culture of denial. It is necessary to create conditions for facing what has happened, as precisely defined by Nerzuk Ćurak . While seeking justice in law, we should not fail to seize the real possibility of departing from the set of narratives, which up to now seemed to be a 'safe place'."

"War is not an option and there is always an alternative" is the message of an informal initiative, called "Unmarked Places of Suffering". Peace activists, some of them war veterans, are implementing activities, that involve making visible unmarked places of suffering. Why are they mentioned here? Because they are using judgments of the ICTY and data gathered by the non-governmental documentation centre, to identify places of suffering, while working at the same time with persons from the local communities where such places are located. They travel throughout Bosnia and

Herzegovina with a simple label, which is the same for all places they mark. They work fearlessly on building a lasting peace in order to judge violence and any injustice caused to persons on behalf of anyone. Their message is that every victim deserves respect. While doing so, they broaden the focus from the suffering of persons from one's own community, to "the others" and their suffering, who are normally left out and abandoned to oblivion. Most of unmarked places relate to the suffering of current minorities in areas where the majority decides on how to memorialize the past. I would say that this initiative, given its scope and field of activity, is an extraordinary response to the question as to what to do with the judgments of the ICTY.

"Nobody knows who won, because nobody has won. We do not know who lost, because we have all lost, and we have lost a lot." By quoting Zdravko Grebo , I am coming back to the initial question about law and/or justice. In both cases, we are talking about ongoing processes and the question whose places of living are ensured by our societies.

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Lejla Gačanica

PhD candidate of legal sciences, currently working as an independent Legal Advisor and Researcher. Her areas of interest include dealing with the past with focus on culture of memory, human rights, and constitutional rights. She is the author of published articles, analytical, scientific and research work in these fields.

State Protection in War Crime Trials

Are we capable of holding war criminals accountable without the help of the international community? Why are there no Serbian war criminals put on trial? These are the questions raised by Nemanja Stjepanović in his essay, in which he surveys the work of The International Criminal Tribunal for the former Yugoslavia and of the Prosecutor's Office. In this essay he pleads to break the silence surrounding the role of Serbia in the wars in the region

Since the establishment of the International Criminal Tribunal for the former Yugoslavia in The Hague and until today, a lot of arguments could be heard in the region, aiming to delegitimize its work, ranging from the argument that the Tribunal is against the Serbs, against the Croats, or whatever was needed, all the way to strong attempts to undermine its conclusions. The goal was to escape as fast and as far as possible from The Hague Tribunal judgments, conclusions and presented evidence. One of the most persisting arguments against The Hague Tribunal is certainly the one claiming that we never needed a tribunal from abroad, but that we rather could have, can and will be able to process war crimes ourselves. Well, have we and will we?

When it was established in 1993, the Hague Tribunal had no particularly bright prospects. It did not have sufficient personnel or money and most importantly, it did not enjoy true support of those that established it – the great

powers. It is questionable whether The Hague Tribunal would have even started its work if any kind of war crime trials had been initiated in the countries which resulted from the break-up of the former Yugoslavia, or if there had ever been even the slightest sign of intention on the part of national judiciaries to try at least the mere perpetrators. However, there had been no trials for years following the war before the national courts, except in several farce-like cases. Therefore, the International Criminal Tribunal for the former Yugoslavia assumed this task.

Since then, Serbian officials, the social and political elites, the media and public-at-large have not stopped at the “we will try them” mantra, an argument that would rise in a crescendo during every forced extradition of an accused to The Hague. As if the Tribunal was interrupting already initiated processes in Serbia and robbed our judiciary of the accused, as if Slobodan Milošević were accused of war crimes instead of abuse of office, as if Ratko Mladić were waiting for the beginning of the trial for the Srebrenica genocide in Belgrade, instead of walking around under military protection in Serbia, as if Nebojša Pavlović were accused, instead of calmly holding the position of the chief of general staff of the army.

It is very clear. We were not willing to initiate war crime processes. However, one could argue, since 2003, we have the prosecutor's office and a specialised war crimes chamber. Isn't

that evidence that at least now, although years after the end of the wars, we realised the necessity of dealing with the persons who are responsible for the most serious war crimes during wars in the former Yugoslavia? Judging by the results visible today, everything was a farce or quickly turned into one.

Anyone stating that at the beginning, at least among individuals at the police, prosecutor's office and court, there was no certain enthusiasm based on the view that Milošević and his lackeys were not bad because they lost the wars, but rather because they fought them, would be lying. That for a true rejection of such a system it was necessary to accept that he was not only bad because he impoverished "us", but also because he killed "them" and rendered "them" miserable. Finally, that everyone who achieved their goals by planning, implementing and committing crimes should be held responsible, irrespective of the fact whether they were the president of the state or a volunteer in the field, irrespective of the ethnic group they belong to. Today, nothing has remained of that enthusiasm. The only constant, marking war crime trials so far is creating the illusion that something is being done, and, more importantly, that the state is protected, whenever possible. The first indictment of the Prosecutor's Office for war crimes was issued in 2004 for the murder of 200 Croats in November 1991 in Ovčara, Vukovar, who had previously been led out of the city hospital. That case has not been completed until today, although 13 years have passed. It remains an inextricable procedural mess, one trial, repetition of the trial, another trial, final judgment, returning the appeal case for repeated proceeding. Endlessly.

In the meantime, The Hague Tribunal sentenced two high-ranking officials of the Yugoslav National Army, Mile Mrkšić to 20 and Veselin Šljivančanin to 10 years of prison. They are the ones that we wanted to try, but we had no time to do so. The Hague seized them.

Should it be mentioned that only direct perpetrators, those that held their finger on the trigger were indicted and tried before the national court for the crime in Ovčara, rather than the Yugoslav National Army, rather than the commanders or the government of the so-called Serbian Autonomous Areas, SAO, Slavonija, Baranja and West Srem? And up to now, we have been unable to sentence them for all these years.

Regarding the commanders, it is useful to take a look at the case Lovas, where ten accused have been tried for almost ten years (and the trial is nowhere near the end) for the murder of 44 civilians in October 1991. The accused are again only direct perpetrators, and not commanding officers. The attack against the village was ordered by the commander of the Second Proletarian Motorised Guards Brigade of the Yugoslav National Army, Dušan Lončar, but this has not made the Prosecutor's Office bring charges against him. The evidence about the responsibility of Lončar and his command presented during the trial was so obvious that even the trial chamber noticed the following during the reading of the first-instance judgment: "As regards the attack against Lovas, the way in which it was conducted and everything that happened during the attack, the greatest responsibility is borne by the command of the Second Brigade". Until today, this has not been a reason for anyone to initiate an investigation and bring charges against the commander. Indeed, why should they investigate against him, as if they investigated anyone else.

To be fully clear, since the beginning of the work of the Prosecutor for War Crimes in Serbia - and in 13 years, there have been fewer than 50 cases. There have been no cases in which a medium or high-ranking member of the military, police or political structures was charged with war crimes, with the exception of the commander of the 37th Squad of special police forces, Radoslav Mitrović, who was acquitted in a final judgment regarding the responsibility for crimes against Albanian women and children in Suhareka. I beg your pardon, of course with the exception of those from the neighbouring countries, such as Ejup Ganić, Jovan Divjak, Ilija Jurišić, Naser Orić or Ramuš Haradinaj. From Serbia, nobody so far.

However, an investigation was conducted against a "national" high-ranking official – the former commander of the 125th brigade of the Yugoslavian Army in Kosovo, Dragan Živanović, in whose zone of responsibility more than 1,800 civilians were murdered in 1999, with more than 500 of them being women and children. An investigation was conducted for the appearance's sake and, as expected, was stopped.

As a result, war crime trials in Serbia, instead of being compatible with, are completely opposite to trials conducted in The Hague. Based on judgments of The Hague Tribunal it is clearly visible that the largest number of crimes committed by Serbs in wars in Croatia, Bosnia and Herzegovina and in Kosovo were planned at higher levels and implemented through the participation of the official state, the entire military and police units. On the other hand, based on war crime trials in Serbia it may be concluded that the only ones to blame for everything are individuals and groups that appeared out of nowhere, acted beyond all control and on nobody's orders.

Let us, for example, take the crime against the six Bosniak boys and young men committed by members of the unit "Scorpions" in Trnovo in the summer of 1995. If someone were to make conclusions based on the trial conducted in Belgrade, one would say that both victims and murderers appeared out of nowhere, happened to be in Trnovo by chance, where the crime happened without any particular sense, order or sequence. In the judgment, no connection was made between the victims and Srebrenica. With regards to the perpetrators, which has special importance, no connection was made between

them and Serbia and its police. Almost as if they were some sort of a military NGO. So, trials are possible in Serbia only if the state is exempted from any story about war crimes. Nevertheless, some four or five years ago, a trial with some degree of impartiality was conducted, before the current government came in power in 2012. As of that moment, there is a clear obstruction of war crime trials at several levels – from messages of the president of the state, Tomislav Nikolić, to the prosecutor to “be careful as to what he is digging up in Serbia”, after the discovery of the mass grave with the bodies of Kosovo Albanians in Rudnica, to the fact that the position of the war crime prosecutor was left vacant for an entire year and a half, which caused not only a serious halt in the trials, but also procedural issues, the consequences of which will be seen only in future. But who cares?

However, the current government is firmly treading towards the EU membership, and war crime trials appear only bashfully on that agenda, in part also thanks to the lenience of the European partners. It seems to be one in a series of not so important items that needs to be ticked off. It is thus necessary to create the illusion that something is being done - and we are the champions of illusions.

In February 2016, the Government of Serbia adopted a National Strategy for the Prosecution of War Crimes as part of its efforts to join the EU. How serious that sounds. But nothing more than that. The strategy contains eight indicators for monitoring the progress of prosecution of war crimes, which, among other things, require prosecution based on priorities (e.g. first higher ranking, and then direct perpetrators), increase in the number of indictments in comparison to the number of investigations, increase in the number of final judgments, shorter trials, better witness protection and reduced number of missing persons through war crime trials. Progress is visible in case of exactly zero out of the eight mentioned indicators. War crime trials are literally dying in Serbia.

There are absolutely no more new results with national investigations either. Although the Prosecutor's Office is allegedly conducting hundreds of them, eight indictments were issued over the past two years, and every one of them, except for one, were the result of the work of investigative authorities of Bosnia and Herzegovina, not Serbia. War crime indictments for crimes against Kosovo Albanians have not been issued for almost four years. Cases in which a group of accused persons is prosecuted are slowly disappearing from the agenda, whereas cases with one accused and one or only several victims prevail. It is true that the Prosecutor's Office does have the necessary resources, human resources to begin with, and the state does nothing to change this, although this obligation was assumed in the national strategy. To what extent the trials themselves are slow can also be seen based on the data that last year, only 56 trial days were held in 18 ongoing cases, whereas up until several years ago, those used to be the statistics within a single case trial.

At the same time, we are witnesses of the joint enterprise of politicians in power and the media that aims to rehabilitate war criminals (these are the ones that we wanted to try, but The Hague kidnapped them) and full revision of court-established facts. Convicted war criminals become lecturers at military academies, members of steering committees and political party presidencies, they shake hands with and advise our – previous and present – presidents, slowly but surely, they are becoming political and moral authorities of this society. At the same time, we hear that things did not happen the way the ICTY concluded, conspiracy theories about Markale and Srebrenica are brought out of mothballs; we are the only or at least the greatest victims and only sometimes the criminals.

This entire anti-Hague performance, combined with the already mentioned limitations of national war crime trials, has only one goal – to eschew discussions and to leave out any mentions of the role of Serbia in the wars in the former Yugoslavia. This is essentially a taboo of today's Serbian society. If we were willing to discuss the Serbian role, to see the recent history how it truly happened, we would also have to discuss the unfinished dreams that led to the crimes. To admit and accept that the concept of expanding the territory and introducing ethnic borders originated from Belgrade, and was then implemented all over from Knin and Vukovar, over Zvornik and Prijedor, to Peja and Prizren. Back then, it could not be, and it would never have been possible to apply it without committing systematic crimes against civilians, mass murders and ethnic cleansing. By refusing to face this, we demonstrate firm resolution not to renounce such a concept.

Something similar is happening in the neighbourhood, in Croatia, which already became a member of the EU. However, this is of no consolation, on the contrary.

Nemanja Stjepanović is a Belgrade based journalist. He worked at the news agency Sense for ten years following the work of the International Criminal Tribunal for the Former Yugoslavia and cooperating with other media and NGOs in the region. Since the beginning of 2016, he has been working at the Humanitarian Law Centre. He occasionally writes texts for the internet portal Peščanik and the daily newspaper Danas.

What do we do now?

Snežana Čongradin Award winning journalist Snežana Čongradin, takes us on a critical exploration of Serbia's participation in the genocide. She argues that its role in the genocide should not be covered up, as to avoid history from repeating itself. Therefore, disclosing of facts and genuine work on societal healing must continue.

It seems that the judgment against Ratko Mladić, the most notorious criminal on European soil since World War II, came at a time when, more than ever, it was evident that the concept of the Bosnian and Herzegovinian entity - Republika Srpska, established through ethnic cleansing and genocide, was fading. Republika Srpska cannot be defined as anything but an entity in Bosnia and Herzegovina, founded on crime and genocide, given the fact that all of its leaders from the time of its emergence were convicted specifically of the most serious crimes against humanity. Is it possible for this "republic" to ever become something else? To change the nature of its beginnings based on genocide? Most certainly not. Just as certain is that such a formation cannot free itself of the weight of its origin, except by denying it, as it does all the time, and therefore actually anchors it further. It is simple - any step in a different direction would abolish the very idea of Republika Srpska and its existence, given the weight of the crimes it carries in itself as the basic postulate of its existence and inevitability of its exclusive identification as such. So, what do we do now?

We waited for more than 20 years for the judgment in the case of the "Butcher of Bosnia", Ratko Mladić, because Serbia protected and hid him until the very last moment, just as we will wait for the last atom of sense to wear off in defence of the concept of how this entity of Bosnia and Herzegovina was founded. How is it possible that those persons against whom genocide was committed can live together with those that supported or even participated directly in such genocide and who are now denying it or are proud of it, or even consider it a legitimate means of fight for the national survival? With this in mind, peaceful co-existence is only possible if the latter renounces such a sense, which may only happen with a change in life circumstances or the passing of time, ensuring a future for them, wherein their identity will not rely on an ideology of execution and death of their compatriots of different ethnic origin.

There is, of course, another way, too. A faster and more optimistic one. It requires a representative of citizens to appear on the political scene of the Republika Srpska and Serbia, who will admit genocide, condemn its perpetrators and thus eliminate the responsibility of ordinary persons, who are currently disabled by the need to continuously express hatred towards Bosniaks, which the current government has been encouraging all these years following the Dayton Peace Agreement.

This future utopian political actor will say "this geographic and political space was conquered through genocide against Bosniaks, with the assistance of Serbia", and will thus lead his or her own citizens to freedom and a better future, one free of the consequences of the widespread corruption, crime and hatred in which they are drowning.

Furthermore, "the brutal media propaganda fed by your political representatives, my predecessors, poisoned you with misconceptions leading you to willingly support the most atrocious crimes and even brag about them. These are the same representatives best remembered for the way in which they robbed you and state resources, or how they abused their power and authority to dispose of you in the junk yard of history, as one of the most primitive and brutal peoples on European soil. They benefited both politically and economically from this atrocious act, leaving you to drown in poverty, poisoned by hatred and the imagined injustices that others, and not them, did to you."

The truth is that a people pressured and blackmailed by several powerful and violent persons in power cannot be blamed. In fact, it paid for its quiet collaboration with them immediately after having faltered at the very first obstacle and not resisted the persons in power, which would have indicated it possessed an elementary humaneness and resisted the denial of crimes. Instead, having gone astray, it followed the madmen, thieves and moral freaks and supported their personal interests instead of the public ones or their own. The poor ordinary person, a manipulated idiot, is a subject of a criminal state, and he or she was easily sucked into the darkest obscurity of the minds of monsters that gave commands for bloodbaths throughout the republics of the former Yugoslavia. He or she is still the proud instrument of the same sick people - mad, hungry and poisoned by hatred. Such an ordinary person is therefore, by his or her own fault, doomed to complete destruction and disaster, exceeded only by the one resting in the graveyard of Potočari.

It therefore seems it cannot get worse for him or her. It can get only better, if he or she would wake up one morning and say - I am a victim too, a damned victim of my own victims, those that I sent directly to death, subjected to torture and suffering, because I supported those in power, while I failed to protest or thought it was none of my business. I am hungry and poor, and those that

poisoned me with hatred are full and rich, and still they want more and more. They made monsters out of me and my children, and now they are still living and getting rich off my broken back; they will not stop, will not withdraw, they keep feeding me with hatred, making me a racist, forcing me to see those that are drowning in poverty just like myself and my enemies, those that mourn for their dead, whose death I had wanted.

"How blind I was", the representative of that people would say, who would then choose to no longer live in the entity of Republika Srpska which emerged from genocide, but rather in the state of Bosnia and Herzegovina. Awareness of the responsibility and extent of the crimes and massacres which formed Republika Srpska would thus be accepted and he or she would finally be rid of the poison that has prevented him or her to live a dignified life since the '90s. It seems this is the only way to abolish this entity, as desired by Sarajevo, or for it to survive, as desired by Banja Luka. Because the survival of Republika Srpska feeds off the wish to secede, to fulfil the dream of a Greater Serbia; a dream of the greatest primitives and violent criminals in the history of the Serbian people, the so-called cultural and political elite, together with institutions such as the Serbian Academy of Sciences and Arts and Serbian Orthodox Church, which encourages crime against its own people. If their role and contribution to the misfortune that most members of the Serbian people suffered in the last twenty years were disclosed and accepted, then freedom and relief would remain, which is actually a view for the survival of the Serbian national identity in Bosnia and Herzegovina, which was presented as the highest goal and purpose of all atrocities committed in its name.

And even if this does not happen, our people will stay, with our children as a copy of what we are, in who knows what kind of future social circumstances, but certainly handicapped by past events. To what extent these children will be destroyed will depend on individual cases, from destiny to destiny, but most of them, and the principle of causality is implacable, will be disfigured by the shame and primitivism of their parents.

Is it possible to change such a terrible future of the new generations in their current circumstances? That is the only sensible question, while the last judgments of The Hague Tribunal are delivered and made public.

No matter how paradoxical it may sound, the greatest misfortune for the citizens of Serbia is the fact that their country has not been found explicitly guilty of genocide, in spite of the fact that its worst criminals were sentenced to life-long prison sentences, and let us please not forget an important detail – that Ratko Mladić receives a military pension from Serbia. The truth is always welcome. And the truth is that the state of Serbia participated in the organisation and implementation of genocide and this cannot be covered up and hidden, primarily for the benefit of citizens of Serbia. Facing one's own mistakes would certainly lead to recognition of the truth, which in turn leads to catharsis, through the retribution of mistakes, except for the above misfortunes, which should prevent them from ever being repeated. Most importantly, an honest relationship of repentance towards the victims constitutes a pre-requisite for the healing of society and individuals. And the reason for this is not only to prevent a reality in which citizens would grab their guns and knives in a new killing spree in future, of their brothers and compatriots only because they do not believe in the same God, but also because that would make them understand how high the price of a wrong choice and supporting monsters in power is. Such an outcome would certainly disclose the roles of all madmen that got rich primarily from death and suffering, and would ensure their actual punishment and lustration. None of them would later get the idea to relativise the responsibility of individuals and thus place the burden of the most serious crimes against humanity on the people as a whole. Their only mission would then be fact-finding about every individual crime which has resulted from the war machinery that was managed by the villains in our name.

For this reason, the fact that the state of Serbia has avoided being found directly guilty of genocide is the greatest injustice to its citizens. Because who, apart from ourselves, will suffer the consequences of life in a society where individuals maintain illusions about their own innocence and commitment to a just cause; which serves to isolate them and prevent ordinary people from understanding the extent of the sins they are guilty of? It most certainly will not be the citizens of the neighbouring countries with whom we were at war until yesterday. It will not even be the families of victims of those people who stand behind our dangerous stupidity and naivety to allow them to use us in such a way for their dishonest acts of murder, persecution and ethnic cleansing.

We ourselves, and not someone else, live with criminals and monsters who celebrate themselves and others similar to them as heroes and saints, and appoint them to high-ranking positions at public institutions, from which they impose an insane influence on our reality, culture, economy and other spheres of life which form the basis of the state and society in which we live.

The fact that we refuse to face the crimes committed by our own people does not affect anyone else more than us. Moreover, our greatest enemy could only wish us these very circumstances - that generals convicted of serious crime teach our children about morality and war strategies. This deepens the already deep and almost incurable wounds of our collective identity, which is what they allegedly care most about.

The greatest traitors are thus specifically those who have allegedly defended us from the evil Muslims, Croats, Albanians, and then also from "the evil Western powers". Moreover, the greatest patriots are those who insist on their responsibility and punishment by hiding behind the national interest to achieve their own base and hateful goals. These could be anything from enjoying subordination of others, to leading with fear and cowardice, war profiteering, to the abuse of public functions.

It is therefore more important than ever before, that we do not accept the lie following the judgment of Ratko Mladić's case, that "the end has come"; that the judgment "ended the conflicts in the former Yugoslavia". On the contrary, our work on disclosing the facts and healing our pathologically ill society should now begin.

Snežana Čongradin. A journalist of the daily Belgrade newspaper 'Danas'. She has been working for many years on the issue of dealing with the past, war crimes, regional relations and promotion of human rights through texts and columns. She is the winner of the investigative journalism prize NUNS, the prize for fighting discrimination of the Coalition against Discrimination, and the annual prize of the newspaper Danas – Nikola Burzan.

WHITE RIBBON DAY 31 May: Peace march for a Monument for Killed Children in Prijedor

The symbolism of the white ribbon comes from 31 May 1992, when the Bosnian Serb authorities in Prijedor issued an order through the local radio, ordering the non-Serb population to mark their houses with white flags or sheets, and when leaving the house to put a white armband on the sleeves. This was the beginning of the mass violations of human rights which resulted with the removal of 94% Bosnian Muslims and Bosnian Croats from the territory of the municipality of Prijedor and the murdering of 3176 civilians, among which were 256 women and 102 children. You can find more about it on the link below: https://www.facebook.com/pg/StopGenocideDenial/posts/?ref=page_internal

With the symbolic act of wearing a white ribbon around your sleeve you are giving a clear sign against discrimination and violence anywhere in the world while **supporting the initiative for a Monument for killed children in Prijedor.**

Meeting of the RECOM Coalition in Sarajevo on 27 January.

On 27 January, 2018 the Coalition for RECOM, a regional commission for the establishment of facts about war crimes and other serious violations of human rights committed in the former Yugoslavia between 1991 and 2001 held an Assembly Session, followed by the 11th Forum for Transitional Justice in post-Yugoslav Countries.

In the Forum, which took place in Sarajevo, 250 participants got together, such as researchers of Transitional Justice and Policy and its implementation in practice, human rights NGO activists, members of local and European academic communities, prosecutors and judges, victims and EU representatives.

During the Assembly, the willingness of most leaders of post-Yugoslav countries to sign the Agreement on the Establishment of RECOM at the upcoming London Summit in July 2018 was welcomed, thus preparing for the establishment of the Commission (RECOM). Still most of the participants from the NGO sector stressed the issue of missing political support, thus hindering their work for recognition of victims and truth finding.

Another important issue of discussion were the achievements of the ICTY, which was closed in the end of 2017. Many panelists pointed that, by punishing some of the highest political and military leaders, the Tribunal established the practice of holding war criminals accountable and ending a culture of denial, existing in most of the post-Yugoslav countries. Still Jasna Dragović-Soso pointed out that there is almost a consensus within the scientific community, "...that, regardless of its other contributions, the Tribunal has not had any visible influence on building public memory of the wars and war crimes".

Impressum

Balkan.Perspectives is published by forumZFD.

The Forum Civil Peace Service (forumZFD, Forum Ziviler Friedensdienst) is a German organisation that was established in 1996. It trains and deploys peace experts to conflict regions where they work together with local partners to promote peaceful coexistence and non-violent conflict resolution. Its strategic partner in the Western Balkans is Pax Christi in the Diocese of Aachen.

In the Western Balkans, the focus is on projects in the field of dealing with the past and on fostering dialogue between opposing parties. This includes school mediation projects, the support of civil society, or enhancing media capacities for a more constructive approach to dealing with the past.

The program is financed by the German Federal Ministry for Economic Cooperation and Development (BMZ).

Editorial Team:

Johanna Balsam, Sunita Dautbegović-Bošnjaković, Vjollca Islami Hajrullahu, Vjera Ruljić, Nehari Sharri

Authors:

Avis Beneš, Snežana Čongradin, Lejla Gačanica, Midhat Izmirlija, Nemanja Stjepanović

Layout:

Kokrra

Print:

Envision

Translators:

LBG Communications (Albanian), Bjanka Pratellesi (BCS), Martina Kimovska (Macedonian)

Proofreaders:

*LBG Communications (Albanian), Martina Kimovska (Macedonian), Zinaida Lakić (BCS)
LBG Communications (English)*

Contact:

Balkan.perspectives@forumzfd.de

Place of publication:

Cologne

Forum Civil Peace Service | Forum Ziviler Friedensdienst e. V. (forumZFD)

Kosovo office: Serbia office:
Sejdi Kryeziu 16 - Pejton Resavska 16
10000 Prishtina 11000 Beograd

Bosnia and Herzegovina office: Macedonia office:
ul. Branilaca Sarajeva 19 B ul. Borka Taleski 11/4
71000 Sarajevo 1000 Skopje

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