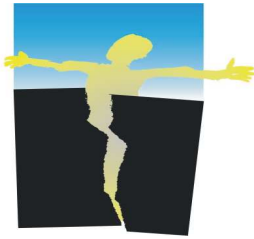


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SREBRENICA: TRANSITIONAL (IN)JUSTICE



This year the world marked the anniversary of the Srebrenica genocide with more consideration than before. This only logically follows the messages sent to the region, and particularly to Serbia over past months. US Ambassador to Bosnia-Herzegovina Charles English said, "The world failed to act, failed to protect the innocent of Srebrenica...The massacre was a stain on our collective consciousness."¹ Having hesitated for 20 years the EU – and US in the first place – finally realized that there could be not stability in the Balkans without a stable Bosnia-Herzegovina. In a few months only, the new US administration's engagement in the Balkans produced visible results – and they are mostly visible in the new dynamics in Bosnia-Herzegovina. The European Parliament's resolution of January 15, 2009 institutionalizing July 11 as Srebrenica Remembrance Day was adopted in all Western capitals: from Washington, through

London to Berlin. In Belgrade, some 100 non-governmental organizations requested President Boris Tadic to pressurize the Serbian parliament to do the same.²

On the day another 500 coffins were buried in the Potocari Memorial, citizens of Bratunac (a Serb-dominated village close to Srebrenica) were spitting on the trucks carrying bodily remnants of newly exhumed Bosniak victims and behaving disgracefully.



Marginalization and Vulgarization of Crime

Commemoration of the Srebrenica massacre was once again marginalized in Belgrade. Alleged terrorism in South Serbia cast a shadow over all Srebrenica-related events. With the exception of *Borba* and *Danas* dailies -- and *RTV B92* though selectively – the media in Vojvodina, electronic newspaper *E-novine*

¹ Reuters, July 11, 2009.

² On the 11th day of each month, NGO activists were publicly reading a letter to President Tadic outside the Presidency Building and demanding recognition of the Srebrenica Remembrance Day. On July 11 every year groups of NGO activists from Serbia are traveling to Srebrenica to pay homage to victims of the massacre.

and websites of some NGOs, the anniversary of the Srebrenica genocide passed almost unnoticed.



Together with other NGO activists *Women in Black* staged a traditional performance to mark the day. The police had to protect them from numerous radical groups shouting, “We’ll never give you Mladic, we’ll give you Tadic instead,” “Serb Serbia, an Eastern Orthodox state,” “From Topola, from Topola to the Ravna Gora,” “Stand up, stand up Tchetniks,” “Throw bombs, Tchetniks,” “You are lying, you witches,” “Go to Kravice,” “Go to Bratunac,” “Whores in Black,” “If the General is arrested/You cunts should know/All Serbs will fly to arms/And kill you all,” “Get lost, you fucking Federation/Srpska will be better off without you,” “Serbia, Russia, an Eastern Orthodox Union,” etc.

With much cynicism, the mainstream media were reminding that the Srebrenica crime was so construed to defeat Serbs. Referring to the European Parliament’s resolution, the *Pecat* weekly claimed that “the number of victims of the Srebrenica massacre could not have exceeded 3,400” and that “the European Parliament actually stands for nothing and no one but only for a quasi-democratic window dressing for the growingly authoritarian government in Brussels.” To prove its point the weekly argues, “Bosnia-Herzegovina is not an EU member-state and has no representative in the European Parliament to speak on its behalf, let alone speak with one voice on behalf of all the three constitutive nations.”³

³ Pecat, July 2, 2009.

Actions by almost the entire Serb elite that systematically relativize the responsibility for the genocide fully testify of Serbia’s attitude towards Srebrenica. Whereas tons of evidence are constantly revealed both in the ICTY and throughout the region, including Serbia, the Serb elite is vowed to silence – and almost the entire society sides that vow. Even the arrest of Ratko Mladic would make no difference in Serbian society’s attitude towards the recent past.

The Serb elite’s unreadiness to be – intellectually and in everyday life – a torchbearer of the culture of remembrance that presupposes critical reconsideration of the recent past stands in the way of constitution of a modern Serb nation and, at the same time, blocks regional normalization.

Despite the fact that Serbia – under the pressure from various sides – had to cooperate with ICTY, anti-Hague campaign remained its constant. Everything coming from the International Criminal Tribunal for Former Yugoslavia (Hague Tribunal) is, therefore, skillfully rationalized and relativized. The part of the elite that has either created the Greater Serbia project or supported it amply partakes in that campaign through the media. For instance, in crucial times Academician Dobrica Cosic is still “in charge” of defining the context for “understanding” the recent past. This not only testifies of Cosic’s importance but also of the presence of a powerful, informal organization that controls “the damage” -- when it comes to interpretation and the safeguard of booty alike. The organization includes key figures in the domain of culture, from university, journalists and the like.

The fact that other special courts – in addition to The Hague Tribunal – rule in the cases of mass crimes is not enough for moral renewal of the society. Verdicts are only parts of a complex process encompassing other non-judicial actions as well. It is imperative that the states the regimes of which have pursued criminal policies admit it and take upon themselves responsibility. And the “responsibility” part is something Serbia would not take though more than a decade has elapsed since the wars were waged and the crimes committed.

“Defensive” Strategy

After the ouster of Slobodan Milosevic and his regime, the Serb elite developed a strategy that is still “in action.” The so-called Kostunica’s Commission for Truth and Reconciliation was formed in the aftermath of October 5, 2000. The Commission worked on the premise that the facing the past had to be placed in a historical context – the context of victimized Serbs throughout the 20th century. Consequently, the Balkan Wars in late 19th century only testified of such victimization.

In the attempt to relativize the responsibility for the 1990s wars inasmuch as possible the Serb elite now repeatedly argues that Serbs are the nation “that has not managed to overcome yet the traumas of the World War I and the genocide of the World War II.” To hush up their own responsibility for recent wars Serb nationalists hold that “unless that experience and fears born from it are not taken as starting points horrible interethnic conflicts in 1991-95 in Croatia and Bosnia-Herzegovina could never be understood.”⁴



A major thesis advocated via the media is the one about the deadly effects the two Yugoslavias had on the Serb nation. Both Yugoslavias are referred to as historical mistakes, a waste of historical time and missed opportunities for the establishment of the Greater Serbia – something the then Prime Minister Nikola Pasic was allegedly offered by the Treaty of London in 1915.⁵ On the other hand, the the-

⁴ *Politika*, February 6, 2009.

⁵ The thesis was launched by witness of defense Smilja Avramov at the trial of Slobodan Milosevic. According to her, Serbia was offered a part of Adriatic Coast, Bosnia as a whole and some parts of Slavonia. Actually, this was an offer the allies made to Italy in order to win it

sis about the Greater Serbia and Serb hegemonism is ascribed to “the fierce propaganda of Croatian nationalism” that was “jeopardized by Serb domination over the common or neighboring geographical and political area.”

Belgrade’s strategy of undermining the functioning of ICTY through various deals -- as the one of blotting parts of transcripts of sessions of the Supreme Defense Council in 1990s (Goran Svilanovic and Carla del Ponte) that made them useless to the International Court of Justice -- failed to produce desirable result. Namely, 15 years of the Tribunal’s work rounded off the picture of Serbia’s responsibility.

Sudden deaths of Slobodan Milosevic, Milan Babic and other major players – and Milosevic’s death in particular – were perceived in Serbia as proofs of The Hague Tribunal’s total failure. But, say, the people in Serbia hardly know anything about the ICTY Trial Chamber confirmation in an intermediate procedure of June 16, 2004. Namely, the Trial Chamber confirmed a third indictment against Milosevic for genocidal intent and genocidal plan to partially destroy Bosnian Muslims and concluded “that there were sufficient evidence that genocide was committed in Brcko, Prijedor, Sanski Most, Srebrenica, Bijeljina, Kljuc and Bosanski Novi” (paras 246, 288, 289 and 323) and that Milosevic “participated in a joint criminal enterprise, the aim of which was the forcible removal of Bosnian Muslims as a group (paras 289 and 323). 323).⁶

The Serb elite has not given up the national program yet. On the contrary, in the name of the safeguard of booty, it continued “the war” by other means (through diplomacy and with democratic legitimacy). This particularly refers to the safeguard of Republika Srpska the integration of which into Serbia’s cultural and economic space has been a strategic goal ever since the Dayton Accords were signed. Such attitude towards Republika Srpska is reflected in

over. As no agreement was reached, the offer never turned valid. Despite of all, this piece of information is often used today in discussions on ex-Yugoslavia’s dissolution.

⁶ “Genocide Confirmed in the Milosevic Case,” ICTY confirmation of June 16, 2004, Sarajevo 2007.

the interpretation of the Bosnian war - the war is treated as a "liberation war." "Many lives were given for establishment of Republika Srpska," says Cosic calling it "the first Serb state on the other bank of the Drina River." For Cosic, its most important founding father was Radovan Karadzic, who "is not a war criminal: he is a political leader of the people of Republika Srpska."⁷ This is why the arrest of Radovan Karadzic caused so much anxiety but also radicalized Milorad Dodik in the pursuance of the plan to secede Republika Srpska from Bosnia-Herzegovina.



According to Cosic and many others, "any policy seeing national salvage solely in the European Union is delusion and utopia for the poor."⁸ For them, membership of the EU equals putting an end to the national question and, consequently, the end to revision of borders.

A number of books (mostly authored by the academicians who have put their signatures under the *Memorandum* and other Milosevic's associates) that negate Serb hegemonism and the very existence of the Greater Serbia project were published. Most creators of this project are

⁷ Nikola Koljevic, *Creation of Republika Srpska*, preface by Dobrica Cosic, Official Gazette, 2008.

⁸ *Vecernje Novosti*, March 21, 2008.

penning books to defend the roles they played but also the project itself.

Radovan Karadzic's appearance before the Tribunal in The Hague (in the summer of 2008 his arrest came as a big surprise) testifies that his strategy aims, above all, at discrediting US and Richard Holbrooke who allegedly promised him acquittal. Serb nationalists hold Karadzic incapable of defending himself like Milosevic and dread that his trial could lead to the loss of Republika Srpska. So, Srdja Trifkovic says, "It is essential to undermine the indictment for genocide and the myth of a joint criminal enterprise. The rest, including years or decades of imprisonment to which he will be sentenced for sure, may be of secondary importance for him."⁹



The intellectual elite – as an active factor and a driving force of Milosevic's project – is seriously troubled over the denouement in ICTY. As ideologists, they are aware of the consequences of their deeds and would not, therefore, give up their initial argumentation. They justify everything by a loftier goal, they do not repel and, judging by what they say in public, they would do it again if only they could.

For understandable reasons, Srebrenica (the only verdict for genocide up to now) is crucial for denial and relativization of crime – and, as of recently, the same refers, to a certain extent, to the judgment passed to six governmental, military and police officials of the Milosevic regime (*the Six*). Enormous intellectual and governmental energy has been harnessed to deny the Srebrenica genocide. It is being treated as a "war crime" only killing no more than 2,000-3,000 people. On July 12 each year a

⁹ *Ibid.*

memorial for the Serbs killed in the Bosnian war (also some 3,000 people) is being staged in front of a monument erected to honor the killed. The two toponyms are thus equaled in Serbia's culture of memory.¹⁰

The verdict to the Six (for the crimes committed in Kosovo) is of far-reaching importance for the entire region, but for Serbia's society in the first place. It testifies of the responsibility for a joint criminal enterprise the purpose of which was creation of the Greater Serbia.

The court's decision in the case of the Six is the more so valuable since it documents the state policy of terror in Kosovo and explains NATO intervention in 1999 -- and the decision itself will most probably be important for the International Court of Justice too, before which Serbia initiated the procedure of assessment of legitimacy of Kosovo's independence.

The State's Reactions

State institutions and top officials have been deliberately marginalizing the significance of ICTY verdicts -- or, relativizing and qualifying them as anti-Serb. In this context, President Boris Tadic says, "We are the people deserving respect and would allow no one to trample on our dignity -- the same as we would not allow anyone to snatch away Kosovo, we would not allow anyone who, fearful of life itself, wants to deprive us of future and impair our dignity." Such rhetoric voiced from the very top is a most effective manipulative device in every election campaign.

"Normalization" of Slobodan Milosevic -- ten years after his removal and four years after his death -- has been generally accepted. This includes the Declaration of Reconciliation between the Democratic Party and the

¹⁰ This year, during the memorial to the killed Serbs in Bratunac, members of the Ravna Gora Tchetnik Movement removed a flag of Bosnia-Herzegovina from the Bratunac Municipal Hall, took it to the yard of a nearby pub and urinated and spit on it. They were shouting, "Climb down, Rasa /Radovan Karadzic/ from the mountain!" and chanting "Pure...from Islam, "If needed, Serbia will pure the Balkans from Islam by itself," etc.

Socialist Party of Serbia. A number of events organized on March 24, 2009 to mark the 10th anniversary of NATO intervention had a single goal: to blame solely US for the wars and crimes, and for the loss of Kosovo.

The international community's pressure on Serbia has been solely technical so far -- dealing with extradition of the accused by ICTY Prosecution. The policy of pressure has not implied demands that would have led to the establishment of a new value system -- the one banning negation and vulgarization of crime in the first place. Even if it meets all its obligations to ICTY the question of how Serbia will deal with Milosevic's legacy remains open.

In the meantime, many generations have been raised on the model of negation, relativization and violence. That's a huge challenge for Serbia and renewal of its society -- generations and generations have grown up in isolation and with no experience of the outside world, and fed on nationalism and denial.

In the long run, a change of the value system can be initiated from within and with the support from the international community, EU in the first place. Education of the young and their intensified communication with the world are imperative in this regard.

Given that governmental policy shows no understanding for promotion of cultural creativity that would help younger generations to properly understand developments in the past, EU -- being concerned the most with the Balkans and its renewal -- needs to pay more attention to cultural creativity and to support alternative institutions of culture, including publishing, as well.

