

Is Dealing with the Past Slow and Difficult in Our Regions?

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We'll get many answers to the question of *What is Dealing with the Past*. Mostly complementary, sometimes contradictory. There is a whole range of activities linked to dealing with the past (DwP). We can argue about some, but a consensus is easily reached around the statement that the goal of dealing with the past is discovering the truth.

Equipped with that commitment, I was surprised to hear Brandon Hamber¹ at the conference of the Victimology Society of Serbia² in October 2004: *'The goal of dealing with the past is NOT so much to reach the truth. There are many truths we will never reach. The goal is – to narrow down the space of lies and manipulation. And it is there that we can do a lot'*.

Relinquishing the idea of discovering the Truth, the one and only, real, absolute, seems to me to be an extremely important in the process of reviewing the success of working on DwP in the war struck the post-Yugoslav countries. Relinquishing an 'everything' in order to realise from a 'next to nothing' that a great number of big 'somethings' has gathered, is an important prerequisite of a healthy relationship towards DwP in our regions.

The notion of DwP often coincides with the notion of transitional justice, because it is about concepts that are very much overlapping, but are not entirely identical. The globally influential *International Center for Transitional Justice*³

1 www.brandonhamber.com

2 www.vds.org.yu

3 www.ictj.org

speaks of a 'range of approaches that societies undertake to reckon with legacies of, widespread or systematic human rights abuse as they move from a period of violent conflict or oppression towards peace, democracy, the rule of law, and respect for individual and collective rights'.

I would add that with DwP, apart from the aforementioned social level, we also talk about the individual level, so that we say, for example, 'he/she must/is not ready/refuses to face the past'.

The phrase 'Dealing with the Past' emerges in the regions of the post-Yugoslav countries at the end of the 1990s, and in 2003 peace activists in the region admit that they still do not address DwP.⁴ Even though the term of DwP entered the public discourse, most of the agents of civil societies in the region, and especially the rest of the population, are not familiar with it and don't quite understand 'what exactly all that is about'.

DwP entails an entire range of action, and yet it nearly always involves unveiling the unknown facts that are opposed to the so called 'truths' proclaimed by the state and introducing these hidden facts to the public attention comes into the foreground. Opening the space to the voice of the marginalised, the news of the crimes *committed by our guys*.

Speaking of what DwP is or can be, the following should be mentioned:

- reforms of state institutions, primarily judiciary
- lustration
- sanctioning perpetrators of the crimes, the ones responsible, particularly the ones who gave orders (familiar discussions on *command responsibility*)
- hearing the accounts of victims at community and society level
- importance of independent investigative journalism
- reparation/compensation to the victims
- documenting of events
- reconciliation/trust among the divided communities

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4 Regional Research Quaker Peace & Social Witness, 2003, www.kucaprijateljja.org

It somehow implicitly goes without saying, but still remains unsaid, that in the post-Yugoslav countries DwP stemmed very much from needing to *deal with the present* – working on protecting human rights, making records of violation of these rights, active opposition to repression on the part of state or para-state structures (evictions from the Yugoslav National Army owned apartments in Croatia, for example, informing the public of covered up crimes, exiling the population, bombarding of Dubrovnik, siege of Sarajevo, crimes in Sjeverin etc.).

At one point, everyday work of hundreds of female activists (there were some of us men too, but it was a minority) on dealing the much too cruel present⁵ from which the masses fled⁶ started to overflow into the work on DwP because fortunately all wars ended, the regimes became democratic, peace was given a chance.

At the beginning of the year 2000, most of the known work on DwP on civil scenes was grouped in Serbia, more precisely in Belgrade (B92 with TV production and Samizdat published edition, Women in Black, Humanitarian Justice Law Centre, Documentation Centre Wars 1991–1999) etc. At that time in Croatia, commitment of Vesna Teršelič is certainly visible, but even more visible is the lack of organised work on DwP in Croatia.

It is interesting to note that from 2003/2004 the situation in Croatia changes rapidly and for the better. Much to everyone's surprise, the new prime minister

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- 5 I witnessed an almost passionate delight of an activist colleague from Belgrade on the occasion of screening of the series 'Unit' on TV B92, about the so called Unit for Special Operations. "Let the people see what we had been fighting against for all those years and what Milošević regime had done and how".
- 6 Flourishing of TV PINK in Serbia and turbodiesel folk, for example. I remember an account of Veran Matić from Belgrade based B92 about the reactions of viewers to the first showing of the documentary of crimes in Srebrenica. One of the angry viewers who called sounded pretty articulate and we talked for almost half an hour. I asked him at that point: 'Why do you so persistently refuse to accept that it had really happened?' He answered: 'And how am I supposed to live with it, if I accept it?'

makes some encouraging moves in terms of DwP,⁷ the initiative of including war veterans/defenders in peacebuilding gains momentum with the meeting at Mrkopalj School of Peace,⁸ organisations of families of missing persons intensify their cross-border cooperation.

Unfortunately, in Serbia it not only stagnates, but also takes a step backwards after the blow to democratisation processes, suffered with the murder of Prime Minister Đinđić in March 2003. Too quick and too advanced for the bind of a deeply SANU memorandum nationalist ideology infected politics and organised crime, Đinđić became a part of history much too soon.

We find a positive coincidence in the processes of coming closer together within the regional 'triangle' of Belgrade–Sarajevo–Zagreb (more precisely, Humanitarian Justice Law Centre,⁹ Research Documentation Centre,¹⁰ Documenta – Centre for Dealing with the Past),¹¹ and also in the very act of

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7 Although incorrect, the claim that more has been done in less than a year from HDZ's (Croatian Democratic Alliance) return into power (late 2003) than in all of the ten years preceding it is as indicative as it is provocative:

- Remuneration was made to the surviving members of Zec family (through which the responsibility of the state for the killings was indirectly recognised).
- Remuneration was paid to the widow and son of Milan Levar, protected witness of The Hague Tribunal.
- Monuments to Jure Francetić and a memorial plate to Milo Budak were removed on the same day (which a series of non-government organisations and individuals hadn't managed to do for years).
- Quickly and expeditiously, six high officials and generals linked to the establishment of so called Croatian Republic of Herzeg Bosnia were sent to The Hague, as well as two more generals linked to the operation 'Oluja'. Not 'thousands' were there to see them off, as one of the six, Slobodan Praljak, predicted the night before, but 'dozens'.
- At a recently held conference of Humanitarian Justice Law Centre with the subject of dealing with the past, state attorneys of Serbia and Montenegro and Croatia sit together and discuss similar problems.
- Ivo Sanader is the first Croatian Prime Minister to visit Serbia and Montenegro: "There Are No Alternatives to Cooperation" (from my paper presented at the VDS Conference in 2004).

8 Initiative gets the name of IZMIR during 2005 – Initiative for Building Peace and Cooperation, and is registered at the national level in the Summer of 2006.

9 www.hlc.org.yu

10 www.idc.org.ba

11 www.documenta.hr

forming Documenta, through the precedent and joint forces of four, probably the most important peace organisations in Croatia.¹²

At that time, in the talks about preparation of receiving the extensive documentation of the International Crime Tribunal for war crimes in the territory of the former Yugoslavia, ICTY, it is important to take note of three pronouncedly different approaches, that also depict the differences between social realities in the three countries.

In the answer to the question of ‘Who is supposed to look after the documentation linked to the wars in the 1990s’, the voice from Serbia is sharp, warning and decisive: ‘Not the state, by no means! Exclusively the non-governmental sector’. The gap between human rights organisations in Serbia and the post-Đinđić Serbia is huge, confidence in the institutions of state (unchanged since Milošević’s rule) is nonexistent.

Bosnian-Herzegovinian answer is in fact the answer of Sarajevo and depicts a process of key DwP processes becoming independent on the institutions of state. It could be articulated as ‘No longer the state. Independent documentation centres (stemming from state institutions)’. Croatian demand is loud and depicts the increase of confidence in a functioning legal and democratic state. ‘Only the state has resources that can insure accessibility of the documentation in question to citizens and organisations interested in it. It is simply much too expensive for any financial source that is not part of the state budget’.

Relations between the non-governmental sector and the state are largely a paradigm of the conditions of ‘our nations’. In Serbia, the lustration, even though announced, never took place, nor the mere Law on Non-governmental Organisations. Bosnia and Herzegovina has been denied, and still is, to such an extent that a link to state institutions was an important value statement for a number of non-governmental organisation. In Croatia, for a couple of years now, several million euros a year is allocated to civil initiatives from the state budget.

Let us complete the overview of current DwP processes in the region.

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12 Croatian Helsinki Committee, Centre for Peace Studies, Centre for Peace, Non-violence and Human Rights Osijek, Citizens’ Committee for Human Rights.

Surprisingly, it begins exactly where we had all wrongly assumed there was no need for it to begin with – in Slovenia. One of the sins of non-governmental sector in the post-Yugoslav countries is in fact – having forgotten Slovenia, with which cooperation is minimal and symbolic. It took ten years for the case of ‘The Erased’, fates of 30.000 people who lost their right to residence in Slovenia in February 1992 and thereby also a series of other rights, to see daylight. Along with them, the Helsinki Committee of Slovenia this year provokes criticism of the lulled public by presenting cases of disputable killings of the YNA recruits in 1991.

In Croatia, a long road has been travelled from ‘there are no war crimes in a defence war’ over through ‘there have been some individual excesses’ to ‘war crimes were perpetrated by individuals and they should be held responsible for them’. Croatia has just matured enough to read in its most influential daily about at least a hundred civilians, of mostly Serbian ethnicity, having been murdered in Sisak in 1991. Croatian public and judiciary are just about entering a phase of processing trials of those crimes (while still taking the time with it). Are we going to live to see the exposure of how extensive was the para state apparatus devoted to the ‘human relocation of ethnic minorities’ and who of the surviving actors will be reached by the processing trial of this *joint criminal venture*?

In Bosnia and Herzegovina, there has been a lot of high quality work on the very foundations of working on DwP. The Research-Documentation Centre¹³ has the documentation of over 350.000 victims of which over 96.000 of killed and missing with names and surnames. Their software and computer database are among the leading ones throughout the world, and their personal commitment to documenting is infectious. A range of non-governmental organisations, but also state institutions, have come a long way from renewing inter-ethnic communication – through return of refugees – building institutions – to clashing with economic reality that has little to do with the war and a lot with local thievery and globalised capital. The Centre for Nonviolent Action has gathered war veterans of all the armies at war in these regions for quite a time

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13 www.idc.org.ba

now and mobilised them in peacebuilding.¹⁴ The real energy is however among the artists, and Bosnian-Herzegovinian war films are not only awarded but also provocative and attractive.

But the so called 'post-Dayton' structure of the state and political system itself is the greatest obstacle¹⁵ to successful DwP which will, I am convinced, gush as a torrent with the first more significant revision of the Dayton Agreement, currently impossible to imagine by many.

Serbia is a region where – compared to the needs – there is the least work on DwP. It is not about there not being the will for it, or diligent organisations within the civil sector. It is about a drastic increase of the needs and that they keep increasing.

How come?

Serbian society suffers severe blows to its own retrograde self image that has very much generated the bloody conflicts of the nineties. An important move forward happened with finally letting go of the denial of asserting the existence of Yugoslavia and accepting the name Serbia and Montenegro, that didn't last long. It is not much of a comfort for Serbian national ostrich that the Radicals in Vojvodina note the increase in support and influence. Montenegro has decided to 'leave' OF ITS OWN ACCORD, and as far as Kosovo is concerned, even the most extreme speak by making parallels to the division of Germany in 1945. Turning to 'strengthening parallel ties with the Republic of Srpska' is not sheer political marketing or a mere quest for compensation. It is a normal continuum of national regrouping, a reminder that the wars are not over (the fighting itself might be, but the uniform is still worn in the mental framework of the people).

Macedonia is the only one that remains a relatively bi-national state, i.e. with a significant Albanian national minority, and was saved from the war conflict by, paradoxically, perhaps the very fact of being surrounded by 'not quite

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14 Centre for Nonviolent Action has gathered members of the Yugoslav National Army, Army of the Republic of Srpska, Army of Bosnia and Herzegovina, Croatian Defence Council and Croatian Army (editor's note)

15 Half of the country has been turned into cantons and the other half of it has a national definition in its title?

friends', i.e. countries all of which, explicitly or implicitly, negate Macedonian sovereignty and laysies claims to at least some of its parts.

Thus, in the far south of ex-Yugoslavia we have an international virtual protectorate, which in today's world of all things virtual, denotes actual power. There will be no war over there and whether there is going to be prosperity is not protectors' priority.

In short, the process of DwP has arrived to 'our regions'. The world is more connected than half a century ago, and we are starting to face our own bleak past more than our grandfathers – if they had wanted or been allowed to – ever could.

Dealing with the past came from the outside because it is a world trend, not because the world is interested in the outcome of this process in our regions. Even the core purpose of this process is still being argued over, so that the OSCE is openly against it. Dealing with the past is disturbing, it opens all wounds, it makes waves in communities in which a significant return of the exiled finally occurred. Many have a problem with it, those in power more than anyone. And whilst a number of activists prepared to deny disturbing the communities, professor Žarko Puhovski from Zagreb, even emphasises this particular aspect of NGO work on DwP. It is however about the disturbance of a fake peace, truce to be exact. A house seems stable because no one is there to shake it, and not because its foundations are stable. The outcome of DwP process, to be honest, is of interest to a not so great number of people in the post-Yugoslav states. However, an increasingly large number of people are realising that without DwP no milk and honey will begin to flow, so that there is an increasing search for whoever can be sacrificed and for ways in which the issues of personal responsibility and guilt can be procrastinated.

Dealing with the past is going to take a long time, years and decades. What is important is that it has started to roll, that the agents are trained, international cooperation established and intensified, the process itself brought closer to the victims or their families and that veterans are included in the process. Having concluded this, let us look for a moment at the hindrances to the success of the process itself. If we understand exactly why the process is difficult and slow, it will be easier for us not only to adjust our expectations, but also to direct our efforts (the assumption is that this text is read by those interested in DwP).

Reason one: The Wars are not over.

The status of Kosovo, the Republic of Srpska, war criminals and rapists still on the loose in spite of indictments by the Hague Tribunal, politicians who are still in power even though they had been instigators of war in the nineties, borders which some find porous and others impossible to cross, counting only the victims of 'our' nationality, thousands of persons still missing – these are but a few of not only uncomfortable but also dangerous remaining loose ends from the 1990s.

Reason two: Civil society is, if not bribed/bought, then at least disciplined. If it is true that the majority of positive, transformative social energy is within the non-governmental sector (luckily, it is not true) let us see what this sector really KNOWS. Writing projects, reporting on them, fitting into assigned priorities, doing fundraising, showing how it learned to be an industry, an entrepreneur, instead of being critic, a corrector of the powerful, the one that sets bad policies straight, regardless of whose they are.

Reason three: Answers are painful, but could also be surprising. Dealing with the past is a thing addressed by, even though not quite normal, ordinary people and not masochists. The process itself is painful, bleak, full of encounters with the dark side of human being. How to dig through the past and remain sane? Motivation and results are the best prevention because every glance towards a family of victims shows whether or not they are satisfied by what has been done, be it justice, recognition or, less frequently, reparation. However, satisfaction is still too small for any healthy human being, so it is no wonder that a third of the interviewed in the QPSW survey in Serbia in 2003 mentioned being chronically ill.

Reason four: The culture of violence and warfare remains dominant. There are reasons for contentment because the compulsory military service is being abolished little by little or the practice of civil alternative service is on the increase in an unprecedented way. Be that how it may, it will take generations for the children to stop playing with guns, for the patriarchal models to be seriously abandoned, for the weddings to stop being celebrated by shooting, and for those 'others' to stop being mentioned in drunken nights at the pub, the others we will get even with sooner or later.

Reason five: A lot has been invested in the wars themselves and their fruits are still enjoyed.

The label of 'ethnic conflict' had dangerously blurred the view of the real causes and triggers of the war and wars. The desire to redistribute power, to rule, agreements and negotiations, partnerships between those who are overtly enemies but covertly accomplices, has nothing whatsoever to do with ethnic issues.

The masses had to be moved, tethered up, dislocated, exchanged, settled, and ethnic identities turned out to be, and were proven to be, the most adequate for mass manipulation. How many counterintelligence service (KOS) members had walked through Serbian villages in Croatia before they started to rebel, through which channels have the weapons been sent, where it had got to and where it hadn't got to, how the Croatian Defence Council bought mortar shells from 'Muslim' positions from the fierce rivals of the Republic of Srpska Army – the answers to these questions will surprise many.

Reason six: The dangerous sway of the absurd so called War on Terror overshadows our problems from the 1990s by far.

How much sense does it make to address our regional garbage if we might already be in the Third World War? How to justify the need of going to The Hague, when at the same time the exemption of American citizens from the International Court of Justice is demanded, not even to mention Guantanamo?

To conclude: DwP in the post-Yugoslav countries is NOT slower or more difficult than it was realistically to be expected. In many areas it is even faster and more successful than after other similar violent conflicts. Be it that as how it may, the success of the process itself has the untiring, continual and unstoppable commitment of hundreds of individuals who have worked on that process from as early as the late 1980s (the so called pre-war time) or (most of them) from the early 1990s a lot to thank for. The process itself will not move on without their, or to be more precise, our engagement.

According to Roberta Bačić, with a twenty year long experience of working in Chile: 'The saying 'Time heals all wounds' is not correct. The time itself heals nothing. It is the PROCESSES in that time that heal wounds. And only if we do something we can expect the desired change. Otherwise, it's nothing.'