

National consultation with intellectuals

Novi Sad, Serbia
September 25th 2009

The national consultation with intellectuals was organized by the Independent Association of Journalists of Vojvodina (NDNV, Serbia). Thirty-five individuals, university professors, scientists from various institutes and museums, representatives of non-governmental organizations and media participated in the consultation. Speakers were Bogdan Ivanišević from the International Center for Transitional Justice (ICTJ) and Dragan Popović from the Humanitarian Law Center (HLC).

Suggestions, opinions, and recommendations of participants

State organs of the Republic of Serbia have done very little to identify war crimes perpetrators from the police and military and to establish the role of church, schools, academic, and scientific institutions.

We have state organs that were forced, first of all thanks to the actions of the Humanitarian Law Center and the media, to do something, but they have done very little to identify crimes committed by members of the police or the military, or to discover crimes originating from church, in revealing the role of schools (...) and the highest country's academic and scientific institutions. (Slobodan Beljanski, lawyer, Novi Sad, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

Serbia's Orthodox Church (SPC) will not allow access to its documents nor will it support the creation of RECOM.

A representative of the church should be a member of RECOM or its bodies, or more precisely from different churches (...). It has acquired a certain authority all over the world (...) but in our community it is going to be very difficult (...) or almost impossible, (...). Will the SPC and other churches allow access to its documents? (...) I can hardly imagine that happening. (...) And thirdly, Filaret, the current bishop of Mileševo, with weapons in his hand, sitting on a tank; the documents are here, but the church did not process that case even though, according to the SPC canonical laws, it was obliged to investigate it and deprive him of his church rank. (Mirko Đorđević, publisher, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

What church, they are not going to talk about anything (...) no chance Croatia, Serbia, Montenegro will be thrilled about the creation of RECOM. Church will not read any counter-memorandums. (Mirko Đorđević, publisher, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

The fact that Serbia does not have good relations with its neighbours complicates the entire process. RECOM cannot be created without significant support of the international community.

Cooperation of Serbia with its new neighbours (...) is not good (...). There is no dialogue and there are no noticeable steps forward (...). That is one of the things to be anticipated as a possible aggravating circumstance (...). This kind of initiative cannot be successful with strong international support. (Milan Simurđić, former diplomat, Novi Sad, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

RECOM should be granted the status of a party in war crime trial proceedings and be authorized to initiate proceedings.

We now conduct war crimes trials given to us (...) for some less significant war crimes (...). But this commission with all the knowledge (...) that it will acquire should be included in war crimes trials, or act as an interested party in the process (...). Why couldn't it be legitimate to actively initiate legal proceedings and be given the status of a party in the process? (Dragana Ćorić, University of Novi Sad, Law School, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

It is necessary to investigate the role of the media because many of those accused of war crimes claim that they went to war after being motivated by media reports of the suffering of the Serbian people.

"But I heard it, I saw it in the paper, then I took my gun" (...) "and went to that town" (...). There are quite a few cases right now where the accused simply stated it as a fact. They claim they were motivated by a story they heard or saw which prompted their acts (...). I remember one example in particular (...) about 43 Serbian babies being killed by the Croats in Vukovar; Reuters was the first to publish it, then RTS, and then the Vukovar daily paper (...). (Branislava Kostić, School of Technical Science at the University of Novi Sad, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

RECOM should determine the target groups it will address and adjust its approach accordingly: it should be up to the standards of these groups, to be easily recognizable by them so that they do not perceive them as something being imposed upon them.

It is necessary to determine target groups. For example, two groups only (...) one group being victims of these conflicts (...) in which case we should adopt a psychotherapeutic function, i.e. enable the victims to tell others about their suffering in their own words (...). If the target group is the society from which war crimes perpetrators originated, it is important for future efficiency of the work of the commission to adopt a language reflecting the value system inherent to that group. (Pavle Rak, publisher, Slovenia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

Some of RECOM members should be representatives of institutions responsible for the conflicts, such as churches, national science academies of arts and science, etc. These institutions do not incorporate in their value systems anything that directly contradicts those adopted by RECOM [peaceful co-existence with others,

repentance, forgiveness] and it would be their task to investigate why these institutions broke their own values.

I am very interested in something like that – to include representatives of all churches or other institutions which are rather responsible for these conflicts, such as academies of arts and science, (...) in the work of the commission. I think we should insist on having some of their members work with us and, while still nourishing the values adopted by their institutions, help us make the final product of our work acceptable from the point of view of many different groups. (Pavle Rak, publisher, Slovenia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

RECOM should collect data and documentation instead of interpreting facts.

I have no dilemma when it comes to whether it is necessary to create a commission like this, but I think it should collect information and let someone else interpret them. (Pavel Domonji, Helsinki Committee for Human Rights, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

I suggest we focus on the events and documents and not put unattainable goals before ourselves (...) because we may be easily trapped. (Hajrija Mujović-Zornić, Institute of Social Sciences, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

One commission (...) cannot be so well staffed to be able to both research and interpret the facts (...). Interpretation of the established facts simply does not fit this concept somehow (...). If we want it to be a research body, it should not do any interpretation. (Dragana Ćorić, University of Novi Sad, Law School, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

Establishing and interpreting facts are two inseparable activities.

Establishing and interpreting facts (...), regardless of how we are in theory (...) inclined to make a distinction between them (...) we should bear in mind that the two are inseparable. We cannot exclude interpretation of the facts from the work of the commission and allow it only to collect the facts because it has to offer its value judgements and we need to be aware of them. We also have to be aware of the fact that there are not only factual judgements that can be proved by facts and evidence and in that regard we have to try to prove them without attributing any value elements to them. (Jasminka Hasanbegović, Law School, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

Serbs no longer respond passionately to stories about Serbian victims and it will be difficult to evoke compassion for victims from other ethnic communities.

Ideologies lose their influence as the time passes, especially when they become para-state ideologies and then a cultural phenomenon occurs – the public becomes more or less not

interested for its contents (...). When you talk about Serbian victims of the recent conflicts with their Serbian fellow countrymen, they no longer respond with passion (...) I was even once told "that's boring" (...) and that is going to make any conversation about other ethnic group's victims harder. (Đokica Jovanović, Faculty of Philosophy, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

For as long as we perceive our victims and our war criminals in a manner different from the way we look at other group's victims and war criminals, RECOM's efforts will be fruitless.

We use different standards to judge criminals in our own midst and (...) victims from our own ethnic group and that is pretty much the same in all societies in the region, which is a major obstacle for this commission to have certain results. (Vladislav Radaković, political analyst, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

Not a single official apology made so far has been sincere.

There have been no sincere apologies. Although our president apologized for these crimes, they have not been felt to be sincere. (Vladislav Radaković, political analyst, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

The dealing with the past process has yielded moderate results in most countries. It will not be possible in Serbia, just as it was not possible in Spain or Austria. Germany is the exception.

The dealing with the past process yielded moderate results in most countries (...) on a social level (...). Germany is an exception and is not a good example (...). In Spain after the fall of Franco (...) a social consensus was reached; Franco was down, democracy was back, but they decided not to analyse what happened under his regime (...). It is interesting to know that for as long as Spain used the peseta as official currency, lots of pesetas with Franco's image were in circulation (...). Not even to mention Austria (...) with Kurt Waldheim being the most obvious example (...) being president of Austria (...) and becoming Secretary General of the United Nations after being found responsible for committing war crimes. (Slobodan Marković, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

When thinking about the academic level, I am an optimist; I believe (...) that (...) an academic debate on dealing with the past is being opened (...), but without the participation of the majority (...) to do anything significant in Serbia. That is really not possible and is exactly the reason why it was not possible in Spain or Austria. (Slobodan Marković, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

All states are interested in hiding their responsibility. They will not allow access to state archives and without it RECOM will only be able to give a general assessment.

We can form 50 commissions, but if governments in the region do not give us access to official documents, we will only be able to give a general assessment (...). I'm a member of the commission tasked with determining the facts about the execution of General Draža Mihajlović (...) and I can tell you that even when the government is ready to cooperate, and it obviously does since the commission was formed by the government, I am still not 100% sure that the commission was allowed accesses to the entire archive (...). We are here discussing the events (...) that took place 65 years ago, where (...) there are no politically relevant survivors to testify (...). This initiative for RECOM – we are talking about something happened 10 or 15 years ago and almost all protagonists are still alive and everyone is interested (...) to discover the facts. (Slobodan Marković, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

RECOM can help renew confidence between ethnic communities involved in conflict.

There is another way of looking at the idea to form this commission for establishing the facts about the crimes committed during recent wars (...). If it is really formed, it can help improve relationship between ethnic communities involved in the conflict and help renew confidence between them. (Vladimir Pavićević, Ph candidate, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

It is necessary to start pressuring political elites in the region as soon as possible and academic communities in the region can help.

We should not wait until December 1st or December 10th 2010 in order to start exerting pressure on political elites (...) and I think that in addition to the non-governmental sector, academic communities should also conduct consultations and contact relevant political figures in all countries in the region (...) in order to secure the support of specific political groups and be ready for December 10th. (Vladimir Pavićević, PhD candidate, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

I think that everything that has been done so far is very successful and that now is the time to start contacting the government, the parliament, state institutions (...) and start that kind of lobbying. (Dragana Ćorić, University of Novi Sad, Law School, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

RECOM should understand that many people consider the disintegration of the former Yugoslavia and the crimes committed in the aftermath, represent the continuation of the Second World War.

These crimes are inseparable from those committed during the second world war or after it (...). The hatred, the desire for revenge, even the belief that (...) a war crime can go unpunished, all that is a consequence of that period and those crimes. (Balint Ištvan, publisher, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

It does not mean that this commission should research (...) war crimes committed during the second world war, that's not what it is mandated to do. But personally, as a sociologist, I still hold valid arguments to claim that (...) the conflict on the territory of the former Yugoslavia is a continuation (...) of the second world war, at least, in the consciousness of the people. (Lazar Žolt, Faculty of Philosophy, University of Novi Sad, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

The goal of RECOM should be the prevention of recurrence of such crimes.

It is clear that we will not have every crime punished. But, more importantly, we need to make sure that they don't happen again, not in 45 and not in 200 years (...) and that would be our main success. I think that in view of that, the Coalition should have its strategy. (Balint Ištvan, publisher, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

Expectations should be realistic, in compliance with social conditions, and international circumstances.

If one is aware of the limitations of a social action, it does not mean that the action should be dropped – on the contrary, it simply means that expectations should be set accordingly, having in mind all circumstances surrounding it and influencing it. (Slobodan Marković, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

If the Coalition for RECOM cannot persuade any high-ranking church officials, a bishop or a theology expert, to take part in the process, it will present a serious impediment to the entire project.

If you are not capable of engaging those liberal elements that exist everywhere in the society (...) to take part in the work of the Coalition, if we can't find a single bishop or an eminent theology expert to join us, then it will seriously limit the scope of our social activity (...). If you look at the poll results published by Strategic Marketing Research Agency, you will realize that 5% of citizens strongly support the work of the non-governmental sector. (Slobodan Marković, Faculty of Political Science, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

It is not a problem to collect one million signatures, but that is not enough to change public opinion. The campaign should start as soon as possible.

One million signatures may seem a lot, but I think that for an idea like this it will not be a problem to collect them (...). But, I am not sure how important that is. That is a million signatures in the entire region and I have no idea if that will be enough to influence a change in public opinion (...). This campaign should start as soon as possible (...) and it should be bold, regardless of the fact that most people are still not inclined to think like that. (Jasminka Hasanbegović, Law School, University of Belgrade, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

It is necessary to synchronize activities of all those taking part in preparations for the creation of the commission and be aware of specific characteristics of each state.

In order to be able to maintain the regional concept, it is necessary to synchronize activities of all those working on preparations for the creation of the commission. So, apply proper synchronization of actions and conclusions, along with consideration for particularities of each of the states to be included in the work of this commission. (Živojin Tasić, National Museum of Leskovac, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

The truth told by victims can be used in war crimes trials and scientific research and for victims it has a therapeutic effect and it should serve to cleanse war-torn societies from evil.

The truth told by victims can be used in court proceedings and in scientific research, but most importantly, it is beneficial for victims (...) in terms of being therapeutic (...). It is true also that this truth (...) can cleanse the war-torn societies from evil (...) which procreated all this evil that affected mainly those who became victims. (Živojin Tasić, National Museum of Leskovac, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

RECOM will help initiate investigation of crimes which are still unknown.

RECOM will not be able to process, but it will be able to create an atmosphere and (...) collect arguments which will enable them to require changes in warfare laws in terms of processing some things which have been outside our legal system so far. (Lazar Žolt, Faculty of Philosophy, University of Novi Sad, Serbia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

RECOM should also establish the facts about the events that took place at the time of the conflict in Slovenia and in the Former Yugoslav Republic of Macedonia.

Since all of it is about the wars that started in Slovenia (...) and there was also a war on the territory of Macedonia, I think these two states should also be included. In any case, their problems are not as overwhelming and it will be easier to conduct investigations. We should not leave anything un-investigated if there is a significant connection with the events in other regions. (Pavle Rak, publisher, Slovenia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).

It is necessary to clarify the role of the international community in the conflict.

The international community took a very active part in this war and there were victims which can create bad blood between the people (...). I think it is not entirely useless. (Pavle Rak, publisher, Slovenia, National consultation with intellectuals, Novi Sad, Serbia, September 25th 2009).