



RECOM
Reconciliation Network

XIV Forum for Transitional Justice in post-Yugoslav Countries

17 and 18 December 2021,
Belgrade, Serbia

DISRUPTED RECONCILIATION - HOW TO PROCEED?

**Pa zérin e
viktimave s'ka pajtim**

pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim

pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim

pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim

pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim

pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim

pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim

pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim

pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim

pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim

pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim

pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim

pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim
pa zérin e viktimave s'ka pajtim

AGENDA

17 December 2021

9.15 Opening

Nataša Kandić, RECOM Reconciliation Network

9.30 – 11.00 I panel

From the Perspective of Human Rights Activists and about Them:

Moderator: Vesna Teršelič, Documenta

Panellists:

Branka Vierda, Youth Initiative for Human Rights Croatia

Daliborka Uljarević, Centre for Civic Education

Bekim Blakaj, Humanitarian Law Center Kosovo

Edvin Kanka Ćudić, Association for Social Research and Communications (ASRC)

Ivan Đurić, Youth Initiative for Human Rights Serbia

Dr Sanja Vico, London School of Economics and Political Science (LSE)

11 – 11.30 Break

11.30 – 13.15 II panel

From the Perspective of Academia:

Moderator: Prof. dr. Milena Dragičević Šešić, Faculty of Dramatic Arts in Belgrade

Panellists:

Prof. dr. Zarije Seizović, Faculty of Political Sciences in Sarajevo

Dr. Ana Milošević, Post-Doctoral Researcher, KU Leuven Faculty of Law

Dr.sc Branimir Janković, Faculty of Philosophy in Zagreb

Prof. dr. Aidan Hehir, University of Westminster (online)

13.15 – 14.15 Lunch

14.15 – 15.45 III panel

From the Perspective of Academia:

Moderator: Zarije Seizović, Faculty of Political Sciences in Sarajevo

Panellists:

Dr. Ivan Čolović, The 20th Century Library

Kristina Vugdelija, Assistant/Doctorand, Kristina Vugdelija,
Faculty of Philosophy in Zagreb

Prof. dr. Eric Gordy, University College London

18 December 2021

9:30 – 11.00 I panel

From the Perspective of the Families of Victims and Veterans

Moderator: Nataša Kandić

Panellists:

Midheta Kaloper Oruli, Foca War Victims' Association

Fred Matić, Croatian Minister of Veterans' Affairs 2011 - 2016 and member of the EP

Besnik Beqaj, Lawyer

Marica Šeatović, Association "Protiv zaborava"

Marinko Đurić, Association "Kosmetiski stradalnici" (Kosovo Serb Victims Association)

11.00 – 11.30 Coffee break

11.30 – 13.00 II panel

From the Perspective of Artists and Writers:

Moderator: Saša Ilić, writer

Panellists:

Ivana Bodrožić, writer

Stevan Filipović, director

Prof. dr. Svetlana Slapšak, writer (online)

Jeton Neziraj, playwright

Andro Martinović, director

13.00 – 14.00 Lunch

14.15 – 16.15 III panel

From the Perspective of Politicians

Moderator: Adriatik Kelmendi, journalist

Panellists:

Prof. dr. Ivo Josipović, President of the Republic of Croatia 2010–2015

Dr. Vesna Pešić, Member of the Serbian Parliament 2007–2010, Leader of Civil Protests 1996–97

Ranko Krivokapić, President of the Parliament of Montenegro 2003–2016

Vjosa Dobruna, Ambassador of Kosovo to The Netherlands 2013–2018

Shaip Kamberi, Member of the Serbian Parliament

Balsa Bozovic, Member of the Serbian Parliament 2012–2016

16.15 – 16.30 Final words

SUMMARY

The conclusion that the participants – human rights activists, artists, politicians, intellectuals, university professors and victims of the 1990s wars – reached during the two-day discussion, in keeping with the topic “Disrupted Reconciliation – How to Proceed?”, were not especially optimistic, because, as many of them were reminded, the Forum was being held more than 30 years after the beginning of the war in Yugoslavia, only 500 meters from the mural with the image of Ratko Mladić, located in the centre of the city, and which in the previous days had been secured by police “protecting it” from citizens who were demanding that it be removed.

RRN coordinator Nataša Kandić said that the main reason for the Forum’s choice of topic – disrupted reconciliation – was the cancellation of support from all state institutions (except in Montenegro) for the creation of a list of names of victims, the threat to the establishment of the rule of law by marginalising criminal justice and selective acceptance of international judgements, and the fact that instead of a remembrance culture in the region we have memory politics which are in the hands of the political elites, where there is no room for academic knowledge, history or court-established facts.

However, as was pointed out by Vesna Teršelič, the head of Documenta and moderator of the introductory panel for human rights activists, even though the political process of reconciliation has been interrupted, this does not mean that reconciliation has been interrupted between individuals and groups of citizens from the former Yugoslav republics. She reminded those present that in the year when the 30th anniversaries of numerous crimes are being observed, we unfortunately have the opportunity to see that the political elites in these countries do not treat all the victims equally, and that they are not yet ready for reconciliation. This has not always been the case: back in 2010, former presidents Boris Tadić and Ivo Josipović paid their respects to the victims in Ovčara and Paulin Dvor, as would be recalled later by Josipović, who was one of the participants in the XIV Forum.

The representatives of the civil society organisations from the region reflected on the atmosphere in each of the post-Yugoslav countries, and spoke about the challenges that they face in their work.

Branka Vierda (Youth Initiative for Human Rights – YIHR) said that the political elites in Croatia are continuously raising the volume in ways that do not contribute to reconciliation, even though as a member of the European Union, Croatia should have additional responsibility when it comes to confronting and dealing with the

past, and could and should be the leader in the region. She pointed out that Zagreb Mayor Tomislav Tomašević going to Sljeme to pay his respects to the Zec family, despite obstructive statements by Croatian President Zoran Milanović, gives some hope that at least at the local level there are politicians willing to confront the past responsibly.

Daliborka Uljarević (Centre for Civic Education – CVO) mentioned the example of Montenegro, when speaking about regression in the context of transitional justice. She reminded those present of the obligation to technically fulfill certain requirements that are in accordance with the values of transitional justice, so as to avoid the implicit threat to the process of EU integrations should there be failure to do so. She also pointed to positive and negative examples of reactions by institutions and the Montenegrin public: positive, the dismissal of Minister of Justice Vladimir Leposavić, who denied the genocide in Srebrenica, but negative, the criticism levelled against Minister of Foreign Affairs Djordje Radulović for his visit to the former Morinj detention camp.

Bekim Blakaj (Humanitarian Law Centre Kosovo – HLCK) reminded the gathering of the ratio of the number of victims to the number of those punished for crimes in Kosovo, pointing out that the majority of the victims have still not received justice. He focused particularly on repatriations, i.e. the fact that the families of victims whom it has been established were killed after 20 June 1999 do not have the right to pensions, which is a decision that discriminates against Serbs, Roma and members of other ethnic communities in Kosovo. Symbolic repatriations are as important as material ones, he said, in speaking of memorialisation, and giving the example of the monument to the victims of the NATO bombing in Podujevo, which lists the names of Albanian victims, but not of the Serbs.

Building on the issue of ethnic victims, Edvin Kanka Ćudić (Association for Social Research and Communications – UDIK) described the atmosphere in Bosnia and Herzegovina as “ethnic apartheid”.

“Since we have the situation that in BH we have three peoples, and others, and that we are living under ethnic apartheid, we are living in a community that is divided, we are living a situation in which three peoples are living their different remembrance cultures. We are therefore experiencing auto-victimisation, with each ethnic group believing its community was harmed the most in the war. At the same time, if you have such a situation, you then have a situation where none of the communities are taking responsibility for the crimes that were committed from within its own people, and therefore you have no forgiving.”

Ivan Djurić (YIHR) compared the attitude that Serbia's institutions show toward dealing with the past with the attitude towards the Ratko Mladić mural, pointing out that it is clear from the behaviour and statements of the political leadership in Serbia that the Government is no longer hiding that it supports persons convicted of genocide and other war crimes.

From the point of view of a researcher who has studied crime denial and the possibilities of influencing general public view through the media, Sanja Vico (London School of Economics – LSE) advocated an “engaged dialogue” between persons with opposing views, which would entail active listening and acknowledgement of the arguments of the other side. Her research has shown that it is precisely such dialogue that leads to trust, which is lacking in attempts at discussion between human rights activists and “common citizens”.

All the panellists agreed that in addition to the lack of political will, a great obstacle in dealing with the past is the closed nature of activist circles, which are sealed bubbles i.e. their sole interactions are with likeminded persons. Insisting on the facts and youth education are the paths required, along which one must persevere in the struggle for a better future.

The first of the two panels that discussed the role and contribution of intellectuals and academia in memory politics opened up important topics related to attitudes towards criminal justice, i.e. war crimes tribunals and memory politics in the region. The panellists agreed that it is difficult to speak reconciliation when states and institutions are driven by the same policies that led to the wars of the 1990s. The views of the panellists, as well as of other participants in the discussion, differed in regard to the significance of the war crimes tribunals and determination of facts, which some perceived as in danger of inflaming nationalism, while others believe them to be necessary for achieving justice for the victims.

Moderator Milena Dragičević Šešić (Faculty of Dramatic Arts – FDU) pointed out the need for the university to provide strong conceptual support to confrontation and dealing with the past, and for humanities and social sciences to create a space for dialogue. Branimir Janković, Professor at the University of Zagreb, supported this position, pointing out that the primary contribution of the academic community is to avoid causing damage through its activities when it comes to transitional justice, and then to offer a space for conceptual insights and pluralistic memory.

University of Sarajevo Professor Zarije Seizović sees the academic community in BH as susceptible to clerico-nationalist sentiments, and academics as those who are working at inflaming nationalism. As the dominant problems in the regional dealing

with the past, he pointed to the individualisation of responsibility for war crimes and ignoring the fact that the state stands behind the single responsibility of each individual with a surname and first name. In his opinion, it is wrong to expect war crimes tribunals, such as the Hague Tribunal, to contribute to reconciliation – because that is not their purpose. On the contrary, we can see that often they achieve the opposite.

Building on the issue of criminal justice and war crimes tribunals, Aidan Heir (University of Westminster) presented a critical view regarding the ability of the Kosovo Specialist Chambers – which he sees as “politically constituted courts” – to provide justice for the victims and contribute to reconciliation, primarily because of the negative attitude that the public in Kosovo has towards them.

Ana Milošević (KU Lueven) believes that current memory politics represent the coupling of interests and the political actors of the present. The Western Balkans are predominantly under the excessive influence of Europe (the European Union), which has defined its collective remembrance in reference to the thesis of two totalitarianisms, i.e. insisting on anti-totalitarianisms; which is interpreted in the local context as anticommunism, the consequence of which has been the rehabilitation of members of the Chetniks in Serbia and the Ustashi in Croatia. She pointed to the importance of introducing a victimological perspective into European remembrance policies, where victims are still an abstract category and discussed least of all.

The main topic of the following discussion was nationalism, national identities, and their manifestations, transformations and consequences.

According to Ivan Čolović (Biblioteka XX Vek), there could be no question that the crimes in the 1990s wars were the consequence of ethnic nationalism, which was not sufficiently recognised as their cause. This is why there is still a threat of new wars and new crimes.

“The ideological foundation of the crimes of the 1990s lay in ethnic nationalism, and it contained enough potential to reach the level of crime. The truth is that ethnic nationalism kills, because it is an evil that kills in the true sense of that word. The expression ‘Serbian world’ and all other similar ‘worlds’ refer to those events.”

Speaking of the problematic memorial practices (such as murals dedicated to war criminals), Čolović used the expression “parasitic remembrance”, which entails war criminals being built upon historical persons and events that have not been compromised, in an attempt thereby to create artificial continuity.

Kristina Vugdeliija, from the University of Zagreb, spoke about Franjo Tudjman as a figure in reference to which Croatian identity was created. The attempts at “de-Tudjmanisation” that occurred in Croatian society following his death were perceived by the left as an ideological deviation from nationalism, and by the right as the toppling of the Croatian state. Both sides have continuously strived to form their policies in relation to Tudjman, who has been transformed into a symbol.

Eric Gordy (London University College) also spoke about the significance of symbols, admitting that prior to the breakup of Yugoslavia, and immediately after the war, the international academic community could not imagine the potential for war criminals such as Karadžić and Mladić becoming national heroes and symbols. He pointed out three steps as guidelines for the future: 1) relying less on politicians, 2) recognising societal bearers of peace and reconciliation, and 3) creating a new generation of researchers.

All visitors and participants at the first day of the XIV Forum for Transitional Justice had the unique opportunity to see *Hive*, the award-winning film by Kosovan director Blerta Basholli, which was shortlisted for an Oscar.

For years, one of the goals of the regional Forum for Transitional Justice has been for the voice of the victims to be heard at it also. The second day started with the panel, *From the Perspective of the Families of Victims and Veterans*.

Midheta Kaloper Oruli, from the Association of Victims of War Foča 92–95, pointed to the problems in raising the younger generations as one of the obstacles to regional reconciliation. In her opinion, the victims understand each other regardless of nationality. It is the local ethnic communities which are not yet ready to cooperate that contribute to the miscomprehension. Warmongering rhetoric benefits many politicians. She pointed out that one of the obstacles is the absence of markers for places of suffering, which have been usurped and are being used for different purposes, such as the new Buk Bijela hydropower plant.

“It is our goal not to poison our youth. The young are leaving the Balkans. To whom will these countries in the Balkans be left, if we do not build peace? Inciting rhetoric has taken the stage, war is being mentioned again, and that benefits politicians – it is just so they can cover up the fact that they are not addressing the prospects of the states in the Balkans.”

[...]

“We have to break free from the ‘jaws’ of politics, because we are living witnesses. There is no eraser that can remove the past, but we have to build a future in the

Balkans. We want reconciliation, because we don't want our children to experience what we did."

Predrag Fred Matić, a former prisoner of war, former Minister of Veterans' Affairs in the Croatian Government, and current Member of the European Parliament, believes that criminals and heroes do not have ethnic affiliations – only a surname and name. The fact is that in all countries there are certain persons, politicians who are parasitising on conflict, and that is why maintaining it is in their interest.

"The thing that needs to be eliminated is hatred. We don't blame all the people of Vojvodina or Zrenjanin for the Stajićevo, Begejci, Sremska Mitrovica [camps]... We know that the camps could not have been organised by private operators, but by the JNA leadership. It is those we hold accountable."

Besnik Beqaj, a lawyer who lost several family members in the war in Kosovo, sees reconciliation as a continuous process, which requires justice for the victims and determination of the truth, especially in cases of missing persons. Recognition of the victims must come from those who committed the crime, and reforms must ensure equal treatment for all victims, regardless of their ethnicity. Beqaj pointed out that education is especially important for the reconciliation process, because it can ensure that hatred is not passed on to future generations.

Marica Šeatović, from the Against Oblivion association (Protiv zaborava), reminded the gathering of the progress in the treatment of victims and the development of reconciliation during one of the previous governments in Croatia. The current situation, however, is such that once again there is a lack of political will, which is reflected also in the obstacles associated with the laws related to victims and memorialisation. In her opinion, it is extremely important to commemorate all victims, to enable families to pay respect to their loved ones through monuments, and to attend commemorations of the victims of all ethnicities. Marinko Djurić (Kosovo Serb Victims Association) concurred, giving the positive example of the possibility of erecting a monument to victims – which included his father – with approval from the Istok/Istog Municipality. However, he said that it was his wish also to pay respect to innocent Albanian victims, and that he is often misunderstood by the Serbian public and has met with condemnation.

At the beginning of the panel where artists from different fields spoke about reconciliation, author Saša Ilić, the moderator, stated that the process of reconciliation has continued for 30 years already on the cultural scene, from the very beginning of the wars, but that artists' contributions to reconciliation are often seen as insignificant, because art does not usually deal in facts.

Kosovo-based dramaturge Jeton Neziraj agreed with this, explaining that through their work artists should encourage the narrative of negotiating the facts. In his opinion, collaboration in the cultural field – especially in literature – is a key element in getting to know the Other. The importance of theatre is great, precisely because it communicates with those who feel animosity towards certain topics, and not only with likeminded persons. Kosovo society has made progress, and it has become nearly normal for productions from theatres in Belgrade to be performed in Kosovo; but unfortunately the opposite is not the case. Public institutions in Kosovo also finance regional projects. But cultural exchange is not in fact recognised as a priority when it comes to reconciliation.

Speaking at the Forum for Transitional Justice from the perspective of an author who in her books addresses the topic of confronting and dealing with the past, as well as of someone who was directly affected by the war (her father was killed at Ovčara and is still listed as a missing person), Ivana Bodrožić said that events that are related to reconciliation do not mean much to the families of victims, and especially those searching for their missing persons. Considering the fact that the crimes were not committed by individuals and that they required a vast infrastructure for their execution, a step towards reconciliation would be to open the archives and enable sharing of the information necessary to learn about the fates of the missing persons. War impacts all aspects of life, and the trauma is passed on to all segments of society and future generations. This is why it is necessary to stop feeding the politicians who are parasitising on the trauma experience.

Svetlana Slapšak, anthropologist and author, reflected on the very beginning of the inflaming of nationalism through literature, pointing out that nationalism does not produce good literature, and that since the late 1980s we have been facing a narrowing of literary horizons, which has led to an incomprehensible level of censorship of antinationalist art.

For film director Andro Martinović the issue of reconciliation is a matter of shared values, which he believes has been confirmed by the example of the European Union. Unfortunately, war does not end when arms are laid down, so it appears that our past is as uncertain as our future.

Speaking of the film industry in Serbia and the reasons why films that are produced in Serbia are insincere and tend to be apolitical, director Stevan Filipović pointed to one of the problems as being the financing from foreign funds, which imposed certain formal and content demands, and another being political censorship. In

order for art – including film – to actually affect reconciliation, it is necessary for engaged art to move from the guerrilla position into the mainstream.

Even though there are few regional politicians who are prepared to discuss war crimes and reconciliation, the XIV Forum for Transitional Justice was brought to a conclusion with a political panel. The participants contemplated the current political situation in the region, reflecting on the period immediately following the end of the fighting, when dealing with the past seemed more plausible than it does today.

The participation of Ivo Josipović, former President of Croatia (2010–2015), attracted the greatest attention of everyone present at the Forum, as well as of the regional media. He said that relations between Serbia and Croatia are worse now than while he held office, but also that it is important that all politicians be aware that their achievements are not permanent, and that they have to bequeath a “seed”, i.e. those who will be capable of continuing their policies.

In regard to this position by Josipović, politicians from Serbia presented negative assessments of the readiness of the present ruling structures to even address the issue of reconciliation. As pointed out by Balša Božović, the new faces on Serbia’s political scene are not willing to take a stand in regard to crimes from the past, and many among them believe that confronting and dealing with the past does not concern young people. In Vesna Pešić’s opinion, Serbia is an unsettling factor in the Balkans, because it is the only country in the former Yugoslavia that does not have clear borders, being unwilling to accept the fact that it lost Kosovo on account of the war crimes which the police and military committed in Kosovo.

“Serbia is not yet ready for any reconciliation, and it seems to me that the idea now is for it to achieve its goals using peaceful means, not war: to appropriate part of Dayton Bosnia, exchange territories with Kosovo - and it also considers Montenegro part of the ‘Serbian World’.”

Shaip Kamberi, a member of the Serbian Parliament, shares this opinion, identifying Aleksandar Vučić’s regime as the cause of the impossibility to achieve reconciliation.

“It is insincere on the part of the regime to fight on the one hand for the Open Balkans, thereby pursuing cooperation with half of the Albanians in the region, while denying that the other half exists, and at the same time promoting the ‘Serbian World’, with all its territorial pretensions, through Aleksandar Vulin.”

Montenegrin politician Ranko Krivokapić stated that all nationalists are in confrontation with Yugoslavism, but from a cultural, not a political standpoint. He added that he did not come to Belgrade for reconciliation, but to continue the struggle against those who lost all the wars yet are still in power.

Vjosa Dobruna, former Ambassador of Kosovo to the Netherlands (2013–2018), recalled the initiatives coming from Kosovo Albanians which have attempted to contribute to reconciliation, such as the official use of the Serbian language in Kosovo. She stated that strong international pressure on Serbia is necessary in order for it to allow Kosovo Serbs to make their own decisions, but also that reconciliation must start among the citizens of Kosovo, regardless of their ethnicity, and that it must precede reconciliation with Serbia.

The Forum ended with Nataša Kandić concluding that there is no alternative to reconciliation, even though today there are not many reasons for optimism; and with her adding that the foundation of the common remembrance around which we will gather in the future must be the list of all the victims' names.