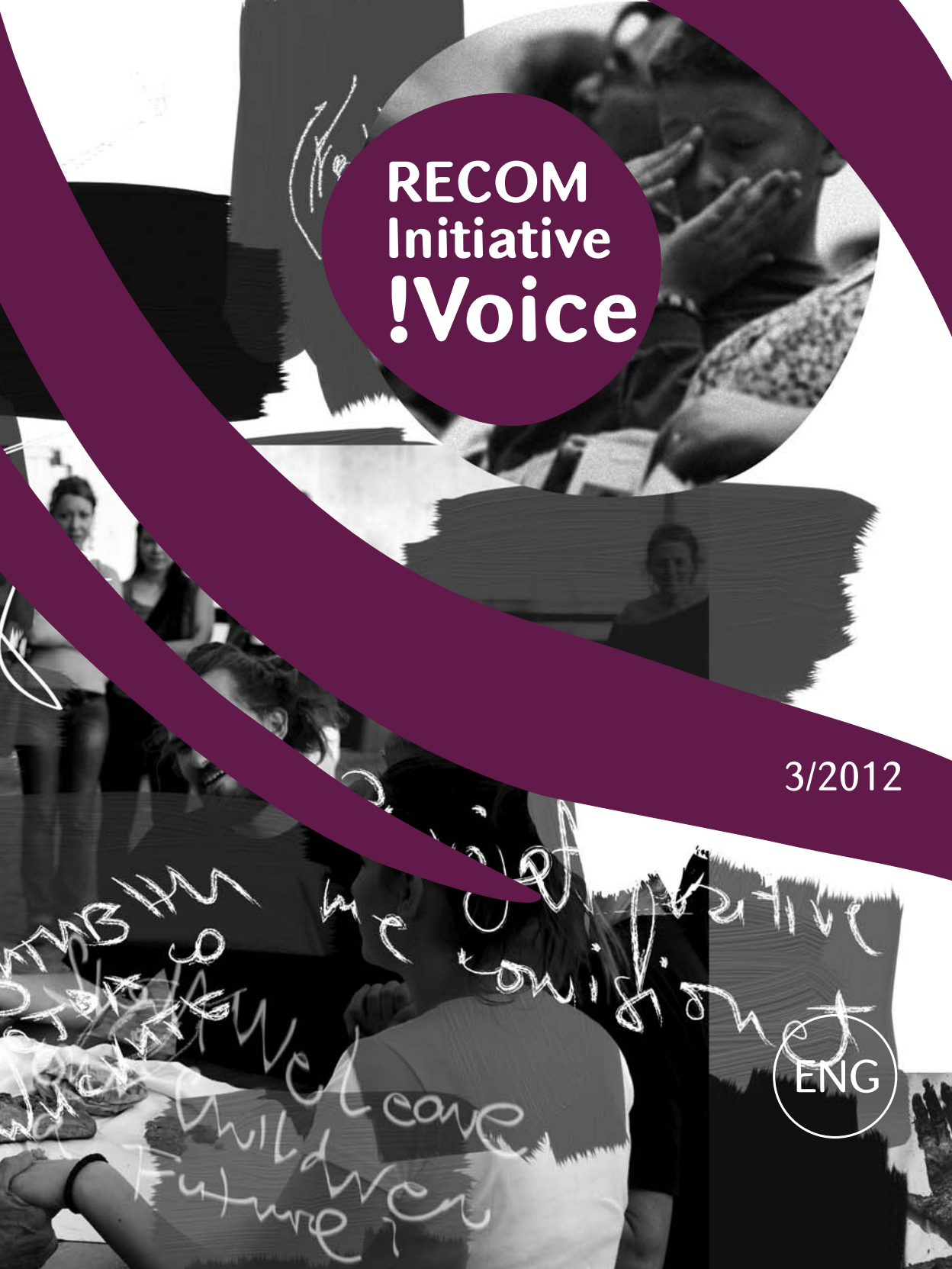




RECOM Initiative !Voice

3/2012

ENG

Handwritten notes visible in the collage:

- Top center: "I am a..."
- Left side: "I am a..."
- Bottom left: "I am a..."
- Bottom center: "I am a..."
- Right side: "I am a..."

!A Change of Moral Paradigm?



Professor Zarko Puhovski

As is well known, the ambition of RECOM is, at first sight, elementary, simple, even modest; it is but an effort to come by a 'precise, official and objective record of war crimes and other serious breaches of human rights, to recognize victims and their suffering, as well as to stop such crimes being repeated'. However, it is a fact that in spite of the work of numerous activists and the support of at least part of the public across the former Yugoslavia, this 'modest' ambition has for years faced enormous difficulties in becoming a reality, coming up against obstacles that are political and moralistic, as well as ideological, nationalistic, judicial and historical.

The reasons for this are not just local in origin; the relatively popular view here is nevertheless a wrong one; it is the inverse-nationalist notion, which has it that such nationalism, such primitive interpretation of patriotism, what one might call an 'ahistorical praxis', only exists 'in our midst'. It is wrong because what is on the 'other side' isn't merely the local politicking of postwar 'reformed nationalists'. Unfortunately, what is on the 'other side' is thousands of years of political history and the history of culture, by no means confined only to the 'hilly Balkans'.

Quite simply, this is the inevitable conclusion of any serious analysis of philosophical, theological and other literature. Virtually at the beginning of the Western tradition (which followed immediately after Heraclites' famous dictum, on war as the father of all things) is the following formulation from Aristotle: "A person's true moral capacity decays in peace and flourishes in war". It is, *mutatis mutandis*, precisely what we encounter throughout the centuries, in formative works of theory and literature, and subsequently also in compulsory textbooks; it is a concept which claims that war is the true context for discerning the highest of human values, the opportunity for the heroic nature of humans (of course, primarily men) to finally manifest itself in full.

A survey was once conducted in Europe, involving 10,000 students. It asked for responses to the following questions: “What is your attitude towards those who fought in the Second World War; what are your objections to their participation in the war, if you have any; do you envy them?” The response of three fourths of the students to the final question was that they envied them for having been in a situation where they were risking their lives for ideals they believed in. Thus, the students’ perception was that they lived in boring (non-war) times in which they could not prove themselves, unlike those who lived through heroic times, and could ‘testify to their beliefs.’

My father always said to me: “I like an honest Croat better than any Serb.” (Marija Večerina)

In ancient Greece, Roman law, the early Scholasticism, in otherwise conflicted versions of the Catholic ideology or modern philosophy, various variants of the thesis which points to the standpoint that has thus become received wisdom of (not only the Western) tradition have been perpetually reiterated: true acceptance of a certain moral position is proven through readiness to accept two extremes – the sacrifice of one’s own life, and the taking of another’s. It is only then that loyalty, love, devotion to a certain viewpoint, doctrine, faith, nation etc. can be considered proven. Such a state of being stands in opposition to the near-legendary thesis of Clausewitz, that war is the continuation of politics by other means. Today, this can no longer be considered to be so, given that the contemporary (overwhelmingly democratically structured) political sphere lives on compromise (therefore, war is far more likely to manifest itself as a state of emergency – à la Carl Schmitt).

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However, this way, a new paradox emerges – namely, from the traditional moral standpoint, compromise is, of course, unacceptable, since it literally indicates a compromising of a moral position, that is, its relativisation given the real circumstances, and therefore the worst thing that can happen to the hypothetical moral agent. In contrast, from a modern (democratic) political standpoint, compromise is the highest achievable goal, since in principle, the initial (no longer wartime) presumption is: I know that I cannot win.

Certainly, no reasonable person would turn to compromise in a situation of conflict if they knew (or, more often, believed) there existed any chance of winning. It is only when we are certain that winning is impossible that compromise appears as the logical and reasonable solution. In short, compromise, which is the basis of contemporary politics, does not (directly) lead to war, unlike moral radicalism, absolutism or fundamentalism, which most usually do lead to conflict, and even to war.

In postwar periods, and so in the one that followed the Yugoslavian wars, these fundamentalist moral intuitions that hold heroism to be the fundamental feature of humanity, and war the privileged context for the manifestation of heroism, continue to operate ‘by inertia.’ They work, for instance, as the moral legitimation for lying about victims (‘ours’ and ‘theirs’), or at least as the basis for avoiding the truth to the greatest extent possible in order to preserve the image of a state in which ‘we’ are entirely in the right, and ‘they’ in the wrong, an image for which so many have such a great need.

In turn, those who insist upon the truth, and particularly, a truth that would be officially guaranteed by the elected bodies of the post-Yugoslavian countries – as the people from RECOM, for example, do – emerge as some sort of postwar spoilsports. And this is why they have encountered all the resistance that has arisen so far (and for sure, there will be more). The remark about the obstinate and entrenched nature of such resistance in wider history (not just from a local perspective) is not aimed at discouraging RECOM in what it does, but on the contrary, should serve as a warning that the task at hand is one of wide-reaching importance. A warning that the issue is one of overturning traditionally unquestioned moral models; in a word, to comprehend the uncovering and publishing of the truth as being of the highest value in a community – even the heroic act of our times.

Zarko Puhovski, Professor of Political Philosophy at the Faculty of Philosophy, University of Zagreb, and member of the Team of Regional Advocates of the Coalition for RECOM

NEWS ABOUT RECOM

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**!News
about
RECOM
on Radio
Montenegro
Channel One**



The Initiative for RECOM was the topic of the program *Europe* on Radio Montenegro's Channel One, aired on January 6, 2012. **Mirela Rebronja**, Outreach Coordinator of the Initiative for RECOM in Montenegro, was the program's guest.

Mirela Rebronja told listeners of the importance of forming a commission which would establish the facts of war crimes and other grave human rights violations in the former

Yugoslavia between 1991-2001. She noted the Coalition for RECOM's achievements in post-Yugoslav societies as they progress toward European Union membership, before moving on to speak about the need for institutionalization of the Initiative, and the active and timely participation of all countries in the region in the establishment of RECOM. During the program, Rebronja spoke about the recent meeting of the regional team of RECOM advocates with the President of Montenegro, **Filip Vujanovic**, about the letter of support for RECOM addressed to the heads of all successor states of the former Yugoslavia which was signed by 155 artists and intellectuals from across the region, and about the hugely popular performance of the play *Hypermnnesia* in Podgorica which promoted the goals of the Initiative for RECOM.

**The truth must not be selective,
it is based on facts and hence
measurable (Dino Mustafic)**

The host prompted Mirela to say more about the collaboration between the Initiative and the cast. Mirela explained that the message the play attempts to convey is very much in line with some of the goals that the future RECOM aims to achieve: that crimes and human lives are not to be forgotten, that they are discussed no matter how difficult that may be for us, because that is the only way for post-Yugoslav societies to move forward, freed from the burden they have been carrying for twenty years. She added that the Coalition for RECOM would continue to carry out similar activities in the future, in order to remind the public of the importance of the process of dealing with the past and the establishment of RECOM.

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Lecturer and political analyst Mentor Agani

Mentor Agani, a lecturer at the Department of Sociology and Political Science at the University of Prishtina/Prishtinë is to lead the public advocacy process for RECOM in Kosovo. Agani teaches courses on the theories of nation, nationalism and global

transformations and is a producer and moderator at Radio Television Kosovo. Agani served as deputy director of the Kosovar Civil Society Foundation, and editor-in-chief of the magazine *Ura (The Bridge)*, published by the Gani Bobi Center for Humanities. He translated Ernest Gellner's *Nations and Nationalism* into Albanian. In 2006-07, Agani was a guest lecturer at the Harvard University's Miranda de Gunzburg Center for European Studies.

!“We need
RECOM for
the sake of our
children”: Kikinda
Conference
dedicated to
victims and
reconciliation



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Imre Kabok and Hilda Banski lay a wreath at a memorial to Germans killed in WWII, Kikinda, January 27, 2012

On the occasion of Holocaust Remembrance Day (Yom HaShoah), the Association of War Veterans of the 1990s and the Council of Persons with Disabilities of the Municipality of Kikinda, organized a meeting of researchers of Holocaust victims, World War II victims, and veterans of the recent war in Bosnia and Herzegovina. The Kikinda Symposium, held on January 27, 2012, was: “Our contribution to reconciliation: Let us not forget the people who are no longer with us.” The event was an opportunity for victims of different generations to interact, listen to each other, and to become familiar with the idea of RECOM, a body designed by victims to help them overcome the trauma of war and repair the damage caused by human rights violations.

The conference was opened by the Mayor of Kikinda, **Ilija Vojinovic**, who called for a minute's silence to remember all the victims. In his speech, the mayor asked: “How can we contribute to the process of reconciliation, in order to restore return the dignity of the victims and reintegrate former combatants into society?” **Zoran Kosic**, President of the Association of Combatants of the Wars of the 1990s, stressed that in today's Kikinda there were several mass graves containing the bodies of German citizens, the so-called ‘Danube Swabians’, whom the authorities massively persecuted after World War II.

Olga Knezevic, a representative of the Jewish Community in Pancevo, said that before the war there were 551 Jews living in Kikinda, but only 16 of them survived. **Zsuzsanna Mezei** from the Archives of Vojvodina, and a member of the Serbian-Hungarian Joint Commission Investigating the War Crimes Committed from 1941 to 1948, presented the findings of research into the executions which the Communist authorities carried out after the liberation in 1944: in Serbia after World War II, the authorities executed approximately 10,000 persons (mainly Germans and Hungarians), who were considered to have collaborated with the occupiers. After the liberation, a large number of Germans were taken to camps, where 33,642 of them were killed or died. **Tibor Zaharovic** from the Devleski Urma Association of Roma, said that his association supported both the establishment of RECOM, and lasting reconciliation in the region. He mentioned that, according to some records, about three million Roma lived in Europe before World War II. Approximately 1,300,000 of them were killed in the war.

Dinko Gruhonjic, president of the Independent Journalists' Association of Vojvodina and a member of the Regional Team of Advocates for RECOM, chaired the panel devoted to the process of RECOM. He introduced the participants of the conference to the process of RECOM: "Today, again, the news about some ugly events have been heard across the region. [Gruhonjic was alluding to the violence against Croatian handball fans]. These events involved youths. But they are not really to blame for it. To a large extent, we are to blame, because young people don't know what happened during the war – their parents and society as a whole remain silent. Or, if they say something, it is usually one-sided and biased. This is why these youths need RECOM," said Gruhonjić. **Zoltan Moldvai** from the Council of Persons with Disabilities of the Kikinda Municipality, said that people with disabilities from Kikinda support RECOM, because "they know best what it is like to lose someone."

In the panel titled 'Our contribution to reconciliation', **Branislav Kavalic**, from the Provincial Association of Veterans of the Wars of the 1990s, reminded the audience that it was soldiers themselves who hated wars the most and who wished that facts and individual responsibilities be determined. The Provincial Association of Veterans of the Wars of the 1990s, he said, supported RECOM and would contribute to its promotion.

"The RECOM process is important for the victims who have suffered, but also for those of us who fought in these wars. Because of the crimes of some individuals, we, who behaved honorably in the war, we who went to fight when our country summoned us, we are now being burdened with collective guilt. These facts must be established for our benefit too," concluded Kavalic.

Conference participants laid wreaths to commemorate all victims in Kikinda: at the Monument to the Remembrance of the Victims of World War Two; at the site of a pre-war synagogue, from which the Jews were taken to camps; and at the site where German citizens were killed and buried in a mass grave.

!Hooligans prevent Zeljan Mrak from attending Kikinda conference

Slovenia's experience has proven that commissions of inquiry can be very useful, and that those who claim that 'commissions don't really solve anything' are hasty and untrue. (Igor Mekina)

Riots and assaults on Croatian citizens who came to Serbia to support their team at the European Handball Championship, prevented some of the registered Croatian participants from taking part in the conference in Kikinda. The riots began on January 22, 2012, on the eve of a handball match between Croatia and Spain, when fighting broke out at a cafe in downtown Novi Sad, and soon spread onto the street. There was more violence after the match between Croatia and France on January 24, 2012, when two hooligans were arrested having assaulted five Croatian citizens of near the center of Novi Sad, two of whom they injured. On the same evening, in the outskirts of Novi Sad, a group of two dozen hooligans threw stones at a convoy of cars and buses carrying Croatian fans. Thirty six vehicles were damaged; the two injured Croatians (one with head injuries and one with stab wounds) were taken to the Novi Sad Clinical Center. In the capital of Vojvodina, several vehicles with license plates from Rijeka, Sibenik, and Ogulin were burned. The media reported that the assailants had links to the Delije and Firma, 'sports fan' groups as well as the right-wing movement Obraz.

The Croatian media reported several violent incidents in Croatia. Four masked hooligans vandalized the Serbian minority sports club in Split after the match between Croatia and Serbia on January 27, 2012. On the same evening in Vukovar the Three roses restaurant was attacked, the SDSS' headquarters was stoned, and the door of the Maritimo Bar in the city center was smashed. In the historic center of the city of Dubrovnik, two windows were broken at the Orthodox Church of Annunciation.

A veteran from Osijek, **Zeljan Mrak**, a member of the Coalition for RECOM, who was scheduled to speak at the Kikinda conference on the process of RECOM, was forced to cancel his participation because of the escalation of violence. **Zoran Kosic** read his letter to participants, which is reprinted below.

The letter from Zeljan Mrak, a veteran from Osijek, to the participants at the Kikinda conference:



Veteran from Osijek Zeljan Mrak

Dear Zoran,

Please, convey my greetings to all participants at today's meeting and excuse my absence.

I guess I don't have to go into a detailed explanation as to why I couldn't attend.

We are in times of strained relations yet again, and life can't seem to proceed normally because a minority have decided to act insanely.

It is well known that the 'hooligan war' usually reflects the situation in our countries, expressing the profound disturbances in our societies. It is understandable that there are differences, and conflicts are understandable too, but it is not clear – at least not to me – why all this has to be manifested in this particular form and in this particular manner.

What is quite clear is that today I am not coming to join you at the meeting because I am afraid that something may happen to me as I travel through Vojvodina. It only really takes three fools to make the journey a regrettable endeavor for me!

While your meeting deals with the causes and consequences of the abnormal situations in our common past, we are, unfortunately, still left to determine why and how the violence did not subside in the face of reason – it will take a lot of effort to make the situation normal. In this case I am the victim, because I was denied the happiness of being with you and working on some very important and interesting topics, with which you will be dealing today. I am confident, however, that better times are ahead.

I wish you much success in today's work and good luck for the future. I want you to succeed in your noble mission, and I wish to see your work contribute to a better future through a better understanding of the past.

It is well known that those who have not learned anything from the past, are doomed to repeat it.

Once again, I ask you to accept the reasons for my absence and to acknowledge my regret – I hope, however, that you will be successful in your work.

Best regards and much luck!

Zeljan Mrak

!German experience of reconciliation: International Day of Holocaust Remembrance

Leading human rights organizations from the former Yugoslavia gathered on January 27, 2012 at an international symposium entitled Reconciliation in the Balkans: Legal and Political Issues, organized by the Institute for Eastern Europe of the Berlin Free University. Symbolically held on the International Day of Holocaust Remembrance, the seminar familiarized the participants, who gathered to exchange information and experiences, with German initiatives for reconciliation in the Balkans.

Werner Vāth, Vice President of Berlin Free University, opened the seminar, together with the Croatian and Serbian Ambassadors to Germany, **Miro Kovac** and **Ivo Viskovic**. Professor Vāth stressed that the importance of the seminar lay in the fact that it would deal with the crucial development topic for the Balkans: the topic of reconciliation. Professor Viskovic drew parallels between the Second World War and the conflicts of the 1990s: “The wars in the former Yugoslavia ended without winners or losers, which is why it is more difficult to have a successful process of reconciliation”, said Mr. Vāth. Above all, he said, reconciliation came through education – today, teachers must be more insistent than they were in the 1990s when discussing

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Reconciliation in the Balkans: Legal and Political Issues, January 27, 2012, Berlin, Germany



these issues with their students, because some "distorted narratives" had survived within educational programs, which turned youths into militant nationalists. The region must challenge these educational programs through decisive acts from the political elite, such as the resolution on Srebrenica, and the processes of civil society such as the Igman Initiative, he added.

In his opening address, **Professor Herwig Roggemann**, Professor of the Free University, expressed his satisfaction that the issue of reconciliation in the former Yugoslavia had recently been addressed by the Presidents of Serbia and Croatia.

Mirsad Tokaca from the Sarajevo Research and Documentation Center, noted that "the word 'reconciliation' has been misused," as it is too often used, to indicate forgetting. Also, added Tokaca, the successor states of Yugoslavia should not make peace in the name of some European concept, but in the name of their own future. Therefore, the Research and Documentation Center had, he said, "been openly lobbying against RECOM", because the idea of it "has been imposed as a solution from the outside," a solution which is not indigenous. "The problem of Europe is its national exclusivity over a particular territory," said Tokaca. Reconciliation really should start with the collective memory focused on empirical facts, said Mr. Tokaca. In order to avoid vague mythologizing of the past, it was necessary, he said, to empirically determine the number of victims of the wars and this was why the *Bosnian War Crimes Atlas* was created, as a geographical Information system which presents the facts about the crimes committed in Bosnia and Herzegovina between 1992 and 1995, and helps to determine the exact number of victims regardless of their nationality (around 98,000 persons in total), he concluded. **Ante Nazor**, head of the Croatian Memorial Documentation Center of the Homeland War, said that "all criminals have a name and should never be confused with a whole nation." He warned that the most important job – to determine the cause of the war – had been largely ignored, even though it was "certainly easier to talk about the consequences of the war if its causes have been determined." **Isabella Kisic** from the Helsinki Committee for Human Rights in Serbia presented her organization's research and public advocacy on the role of Serbia and its elites in the preparation and implementation of the wars in Bosnia and Herzegovina, Croatia and Kosovo. The main aim of the Helsinki Committee "is not reconciliation, but the establishment of equal relations and sincere cooperation among the countries in the region," She said. The most painful element of Serbian transition is confrontation with one's own responsibility, which constitutes the moral minimum necessary for a positive future of the region. Institutions reject an alternative view of history which would include a review of stereotypes. The media remain silent. **Predrag Ivanovic**, from the Humanitarian law Center presented a paper on the process RECOM from 2006 to date, after which he asked the following question: "Why do the facts of the crimes remain on paper, instead of entering schools and educational programs? It takes concerted effort from civil society to promote such facts as a universally valid truth, which must constitute the foundation of any discussion about the past. This joint work can be done through the RECOM process, which so far has brought together over 1,500 civil society organizations."

The greatest value of the consultative process is that it brought together the civil society of post-Yugoslav countries around the needs and interests of victims.
(Nataša Kandić)

In the concluding part of the symposium, titled The Law and Reconciliation, Professor Roggemann examined the multi-dimensional quality of the concept of reconciliation, which, he said, required four separate phases to be worked through: the cause, the facts, acceptance of responsibility, and punishment in the form of reparations. **Michael Bongardt**, professor of the Free University, discussed the terms 'victim', 'perpetrator' and 'forgiveness' through the discourses of psychoanalysis and theology. The word 'forgive' is presupposed by a sort of imbalance caused by one's conscious and objective actions. 'Imbalance' here means the establishment of the difference between a person taking advantage of a particular situation and the damaged party exploited as a victim. If the victim and offender agree that there is an imbalance, where the offender admits that he is guilty, and repents, the conditions for reconciliation are in place. It is up to the victim to forget – the perpetrator cannot rid himself of guilt, he can only ask the victim for forgiveness.

The discussion showed that even highly developed societies do not necessarily have quick social recovery – Germany had to wait for it nearly 30 years, through the 1960s and a sweeping global revolution. Psychological studies show that the only the third generation of descendants of victims and perpetrators will be able to overcome the problem of Holocaust guilt. But when the process of forgiveness finally begins, settlement should not be left out of the picture, or else a negative message will be sent to future generations – that violence does pay.

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!Inter-faith Prayer in Dubrovnik



Inter-faith prayer: Bishop of Dubrovnik, Mate Uzinic and Bishop Grigorije of Zahumlje and Herzegovina, Dubrovnik, January 18, 2012

At the invitation of the Bishop of Dubrovnik **Mate Uzinic**, on January 18, 2012, Bishop **Grigorije** of Zahumlje and Herzegovina attended a joint service of Christian unity in Dubrovnik's Cathedral of the Assumption of the Blessed Virgin Mary. Bishop Grigorije

thanked Bishop Uzinic for the invitation and said: "I do not forget for a single moment ... what responsibility every spoken word carries. ... The word [forgive] has the power to embrace the one who loves us not and to melt the frost of hatred in the one who thinks evil thoughts. ... No one is forbidden from uttering this word with a sincere heart and calm spirit, conscious of its weight and meaning. ... Tonight ... as a Christian and a Christian Bishop, I feel the need to say these words: *forgive me*."

Before they said the Lord's Prayer together, Bishop Uzinic thanked Bishop Grigorije for his words and sincere thoughts, and said: "If we want to be Christians, we must forgive. ... In the name of us all, I say to the Bishop and his church – forgive us, hoping that they will be true Christians and forgive us." At the end of the service, Bishop Uzinic announced that the following year a service would be held in the Orthodox Church in Dubrovnik.

It is up to the victim to forget – the perpetrator cannot rid himself of guilt, he can only ask the victim for forgiveness. (Michael Bongardt)

Živica Tucic, a Serbian religious analyst, told *!Voice*: "Grigorije's sermon is memorable - in terms of the opportunities it offers us, and in terms of its humanism and theology, his sermon was perfect." About the event itself, Tucic said: "This is not an institutional act of two churches. Rather, it is the act of two persons who are part of their own churches. Grigorije did not give his speech on behalf of the Serbian Orthodox Church, nor was he the guest of the whole of the Croatian Catholic Church. This was a meeting of two bishops at a municipal level. But, in my opinion, this text, with small modifications to make it strike a more universal tone, could be signed and said by all Serbian and Croatian Bishops. Grigorije deliberately chose words which the entire Serbian Orthodox Church could utter. And, of course, everyone understands which misfortune he has in mind."

DEBATES

**!Quiet
heroic
kindness
of Bishop
Grigorije**



Journalist and columnist Drago Pilsel

I feel the need to correct the inaccurate information published by a Banja Luka daily newspaper, *Nezavisne novine*, which presented as something rather strange, Bishop **Grigorije** of Zahumlje

and Herzegovina praying in a Catholic church. The newspaper wrote that “it was the first time in the last 1,100 years that an Orthodox bishop held a prayer service for the unity of Christians in a Roman Catholic church.” This, however, is not true. In Zagreb and in other Croatian, and also European cities (and, furthermore, in St. Peter’s Basilica in the Vatican), orthodox bishops and their fellow Catholic bishops have prayed together in Catholic churches for the same cause. It is, however, very significant that Bishop Grigorije, precisely in the Week of Prayer for Christian Unity (a centuries-old tradition), as a guest of the bishop of Dubrovnik, uttered words of forgiveness for the destruction of Dubrovnik and Trebinje by so-called Orthodox believers. I say ‘so-called believers’ because those who injure, kill and destroy other people’s towns and churches, no matter what religion or nation they call their own, are not believers but worthless creatures.

I met Bishop Grigorije in Strasbourg in 2008, where he and I were invited to speak about the contribution of churches and religious communities to sustainable peace-building in southeastern Europe. It was clear to me that this man, so kind and serious, would sooner or later perform a ‘quiet heroism of goodness’, as his act in Dubrovnik was described by **Miljenko Jergovic**.

On the evening of Wednesday January 18, in Dubrovnik Cathedral, at an ecumenical service offering prayers for Christian unity,, Bishop Grigorije asked for forgiveness and asked others to forgive in the spirit of the Lord’s Prayer. In his sermon, during a service led by the bishop of Dubrovnik Mate Uzinic, Bishop Grigorije reminded us all of Christ’s commandment of love and offered up a prayer which contained a call for forgiveness: “I do not forget for a single moment ... what responsibility every spoken word carries,” the Orthodox Bishop said. “Aware of its weight and meaning, I will say it now before you. And that phrase is: forgive me,” he said. “We need to say over and over again: Forgive us, O Lord, forgive our sins. Tonight, in this holy place, in this beautiful cathedral in this amazing city, I have a need, as a Christian and a Bishop, to say this Christian phrase – forgive me,” added Bishop Grigorije.

He then emphasized how important it was to say these words in Dubrovnik. “Although it has survived many misfortunes, Dubrovnik is above all, the city of happiness and hospitality, because it greets and meets those from outside. It is therefore even more important that we have gathered in this appeal for peace, blessing and unity, for which every soul thirsty for the living God should strive,” said Grigorije. He urged all believers to be preachers of the gospel of forgiveness and love that defeats evil, transforming evil into goodness, and he urged that Christians of the East and the West, who have not closely and openly communicated for centuries, to change that practice.

Although this service was the initiative of two bishops, it has indisputable weight at the official church level and will serve as a solid foundation of good neighborly relations between our countries. All of us who deal with building trust and reconciliation will not forget this and we will return to it and to similar gestures. It will not be forgotten even though it was poorly covered by the media. It should be an encouragement to all of us who are committed to the process of dealing with the past, regardless of whether or not we are members of the Coalition for RECOM.

The process of reconciliation is not easy, but I am a patient person. And I am a person of hope! If I can live with the fact that the Croatian Catholic Episcopate still owes us all a full apology for the Catholic prelates' collaboration with the Ustasha, I can wait for the day when the Serbian Orthodox Church will admit its role in the post-Yugoslav wars. It is not that important for me to point my finger at the likes of Kacavenda or Artemije. My priority is to know that I have an Orthodox brother named Grigoije, who sees with the eyes of truth, who offers the hand of reconciliation to his brother and a co-heir of the Apostles, Mate Uzinic, and who does not require majority approval (I read in the papers what 'his brethren' have said to him), because I do not seek it either, but patiently walk to the holy brotherhood, which is not just human but heavenly.

Drago Pilsel, journalist and theologian

WHAT OTHERS SAY ABOUT RECOM

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**!Begin the
Process of
RECOM's
Institutionalization**



Human rights defender, Natasa Kandic

The problems of securing witnesses and evidence, which Serbia faced when, in 2004, under pressure from the international community, it began indicting its citizens for war crimes, have played a decisive role in the initiation of cooperation with the judicial authorities of the Republic of Croatia. At a time when 'enemy' institutions were subject to distrust and suspicion, the Humanitarian Law Center assisted in encouraging and securing the testimony of victims thanks to its reputation among the victims in the region. In testifying before the courts, victims receive public recognition of the pain and injustice they suffered. However,

war crimes trials are not tasked with determining the facts of victims' suffering and pain. Their goal, instead, is to determine the criminal liability of the defendants. In these trials, the role of victims is to help judges determine the liability of the accused, and neither victims nor perpetrators, but prosecutors, judges and defense councils play that role. Hence, the idea of the need for additional mechanisms, primarily regional in nature, which would focus on the experiences of victims and create a factual record of what happened in the past, emerged as an answer to the questions and the dilemmas of how to correct or compensate for the limitations of objective judicial mechanisms.

The RECOM process is important for the victims who have suffered, but also for those of us who fought in these wars. (Branislav Kavalić)

The idea of a regional approach to establishing the facts about war crimes, originated in the Humanitarian Law Center. In May 2006 the HLC the idea was discussed on numerous occasions with the leaders of two non-governmental organizations from the region – the Research and Documentation Center (RDC) from Bosnia

and Herzegovina, and Documenta from Croatia. Both **Mirsad Tokaca** and **Vesna Terselic**, leaders of these two NGOs, expressed their conviction that regional cooperation was the key to successful prosecution of war crimes, and, as such, crucial for the process of dealing with the past. In March 2008, with the support of **Mark Freeman** from the International Center for Transitional Justice (ICTJ), I first announced, on behalf of the HLC, a proposal to begin the process of forming an official Regional Commission for establishing the facts about war crimes. Initially, the idea seemed too strong for Vesna, who called for a dialogue, pointing to overwhelming public resistance in Croatia to anything that raised any suggestion of the re-emergence of anything reminiscent of the former Yugoslavia. . Mirsad sincerely supported regional cooperation in documenting war crimes, but was very skeptical about whether the countries in the region would be willing to set up such a commission. However, with strong support from Mark Freeman, they both agreed to take part in advocating for the idea of an official Regional Commission for establishing the facts about war crimes. The idea became public in May 2008. Shortly thereafter, Mirsad Tokaca stepped away from the advocacy process, probably because he doubted the success of the process. He has been proven wrong. Vesna's hesitations about the regional approach became a healthy challenge in the consultation process, in which resistance to the establishment of the facts at regional level were discussed in the context of shaping the mandate, goals and tasks of the Regional Commission, which had been abbreviated to RECOM in the meantime.

Looking back, I believe that the consultation process, which lasted three years, was the greatest success of civil society in the post-conflict period. The process was carried out by human rights organizations but it involved a number of victims' associations and associations of families of missing persons, who had previously perceived each other as enemies. At the meetings, dedicated to the needs and expectations of victims and society, with which we launched the consultation process, they were exposed to the stories from all sides, and victims found themselves wondering about the similarities between their own

pain and the pain of 'the enemy'. Families of the missing persons were the first to recognize a common interest, which certainly contributed to making the building of solidarity and compassion with all victims one of the goals of RECOM. I remember the words of one father, who after 13 years found the remains of his son. "I am a happy father. And I hope that you will all find your children too." He said this at a meeting of the associations of families of missing persons in which they discussed potential relations between RECOM and governmental commissions on missing persons, and he said it as if he had found his son alive! The families still searching for the remains of their loved ones heard him, others heard him too – and some, for the first time, understood a new meaning of 'happiness' and saw the warmth and compassion that the words of the 'happy father' drew.

In my opinion, the greatest value of the consultation process is that it brought together the civil society of post-Yugoslav countries, around the needs and interests of victims, but also around the need to articulate social interests in relation to the difficult legacy of the past. Participants, over 6,000 of them, composed the draft statute of RECOM, all the while fearing that they were not up to the task. And not once were they asked by any government or state agency about their needs and expectations, not even about the kinds of approaches, instruments and activities that could help compensate for the damage and injustice inflicted on the victims. But the public has recognized the value of the initiative: 542,660 signatures have been secured, supporting the establishment of RECOM, making it the best supported regional initiative of the post war period.

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The question now is – how to proceed. We have received political support from the Presidents of Croatia, Serbia, Montenegro, one member of the Presidency of Bosnia and Herzegovina, Presidents of the Parliaments of Serbia and Montenegro, Kosovo's Prime Minister, and a number of ministers and leaders of political parties. This support does not yet, however, have any concrete manifestation. In June 2011, the Coalition for RECOM handed a petition for the initiation of the procedure for the establishment of RECOM to the Presidents of the countries in the region. The time is ripe to begin the process of institutionalization of the Initiative for RECOM. One possibility is that all of the heads of state (or governments) in the region form a regional team of experts to examine the RECOM Draft Statute, which the Coalition for RECOM officially adopted on March 26, 2011. It is therefore crucial that the Coalition for RECOM agree as soon as possible on the goals and objectives of RECOM that will constitute the so-called 'hard core', i.e. the non-negotiable set of clauses, which must be included in the final RECOM Statute that all signatories will officially agree upon.

Natasa Kandic, Executive Director of the Humanitarian Law Center (HLC) and member of the Regional Team of Advocates of the Coalition for RECOM

!Positive Experiences with Commissions of Inquiry



Journalist Igor Mekina

Opponents of RECOM often cite perverse arguments to prove their point. They argue, for example, that RECOM contravenes some countries' constitutions, or that establishing the causes of wars and war crimes condemns the entire idea of RECOM to failure. Some are perhaps too quick to infer that time has shown that such commissions do not really solve anything.

These claims are factually incorrect and contrary to the experience of many countries in the world and also in the region. Take the example of Slovenia, which has had a very positive experience with truth-telling commissions and commissions tasked to correct past injustices. After Slovenia's independence, the Commission for the Correction of Injustices that, pursuant to the law on redress of grievances (ZPKri), adopted in October 1996, has the right to correct any injustice done to those who were deprived of their rights through the decisions and rulings of the communist government after 1945 that breached the rules and principles of the rule of law. The Commission has the right to return seized property to wronged parties, to decide on compensation, and to publicly recognize the years a victim spent in prison, which are then doubled-up and added to the number of years of service for their retirement plan.

The task of the Commission, in short, is to correct the injustices and achieve national reconciliation.¹ Although the Commission is formally an administrative body, it has broad authority under which it may annul court rulings made on the territory of Slovenia between May 15, 1945 and July 2, 1990.

While your meeting deals with the causes and consequences of abnormal situations of our common past, we are, unfortunately, still left to determine why and how the violence did not back off in the face of reason – it will take a lot of effort to make the situation normal.
(Željko Mrak)

¹ Governmental Commission for the Implementation of the Law on redress (*Komisija vlade za izvajanje Zakona o popravi krivic*), available at: http://www.mp.gov.si/si/delovna_podrocja/poprava_krivic_in_narodna_sprava/komisija_vlade_rs_zajzvajanje_zpkri

And what is the result of the commission's operation? Over 23,500 successfully settled (in addition to about 300 rejected) cases. The commission is still in operation thanks to the fact that the authorities have adopted the view that, since statute of limitation does not apply to war crimes, there are no deadlines or any other time limits for filing a claim.

Of course, RECOM's task will not be quite the same, because RECOM does not want to assume the role of the judiciary. However, the very existence of the Commission for the Correction of Injustices in one of the countries of the region (Slovenia), in which many civil society organizations support the establishment of RECOM, proves that even the broad powers that the commission enjoys are not necessarily in conflict with the internal regulations of a state. By analogy, this means that the important, albeit more modest powers required for RECOM are not inconsistent with the constitutions of some countries in the region, many of which share similar provisions.

To stick with the example of Slovenia, which has had a positive experience with neighboring countries regarding the establishment of (previously disputed) historical facts. Despite the very tense past relations between Italians and Slovenians, Slovenia and Italy managed to agree on the establishment of a common historical and cultural commission, whose task was to establish, in cooperation with Slovenian and Italian historians, irrefutable historical facts about the relationships between the two nations in the period between 1880 and 1956.²

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The initial proposal came from the Italian government and was originally sent to the federal government (of the then Yugoslavia) in Belgrade. Following the break-up of the former Yugoslavia, the Italian government sent the same proposal to Zagreb and Ljubljana. The Croatian-Italian commission has never met, but neither has it been dissolved. The operation of the Slovenian-Italian Commission, on the other hand, was more successful.

In turn, those who insist upon the truth – as the people from REKOM, for example, do – emerge as some sort of postwar spoilsports. (Žarko Puhovski)

Compiling and writing the conclusions of the Report of the Slovenian-Italian Commission, which was composed of seven Italian and seven Slovenian historians, took seven long years (1993-2000), but the result was worth the wait, because in the end, the Slovenian and Italian colleagues agreed on the most contentious historical issues, ranging from the responsibility for the war, responsibility for the killing of Slovenian civilians by Italian occupiers, and on the killing of Italian nationals by partisan forces in Istria, and the tragic post-war exodus of thousands of Italians from Istria and Dalmatia. The success of the Commission surprised even its institutional patrons, i.e. the governments of Slovenia and Italy, and it opened up the prospect of post-national historiography, which has been practiced in many European countries. All this proves that a

2 Report on the Slovenian-Italian Historical and Cultural Commission (*Poročilo slovensko - italijanske zgodovinsko - kulturne komisije*), available at: http://www.kozina.com/premik/index_porocilo.htm

commission could be very useful. Hence, the claim that commissions ‘don’t solve anything’ is incorrect.

The experiences of Slovenia show that the goal of the Draft Statute of RECOM on determining the cause of wars and war crimes is not something that inevitably condemns to failure the entire idea of RECOM, as some critics hostile to the Initiative for RECOM tend to, erroneously, claim. On the contrary, the experience of many European countries, including Slovenia as the first member of the European Union among the successor countries to the former Yugoslavia, proves that only by establishing the historical facts and cleaning up problems with neighbors – often through a joint commission – is it possible to build a common European future.

***Igor Mekina**, freelance journalist, director of the Civic Link and member of the Regional Team of Advocates of the Coalition for RECOM*



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Director Dino Mustafic

Many times we have heard and seen open public support for vulgar nationalism and glorification of fascist ideas. Probably encouraged by the recent graffiti on a building in Sarajevo that read ‘Hang the Serbs,’ **Zivko Budimir**, President of the Federation of Bosnia and Herzegovina, estimates that the time is ripe for a concert by a notorious self-declared nationalist **Marko Perkovic Thompson** in Sarajevo.³ Everyone has the right to his own music taste and sensibility – that too speaks volumes about his character – yet it is scandalous, shameful and miserable when a high-ranking official in this country claims to see nothing problematic about the lyrics and the style of the aforementioned turbo-kitsch

3 <http://www.radiosarajevo.ba/novost/67984/predsjednik-fbih-zeli-thompsonov-koncert>

Ustasha. In a kitsch society, politics is no longer the place of serious debate about what is good and necessary in our society, and how this good can be achieved. We have been deprived of such debates for decades, we have lost confidence in the institutions populated by charlatans and demagogues who are led by populist instincts to remain in power, because they rule in a society wasted by crises which, sadly, learned nothing from the 1940s to the 1990s.

In his book *The Anatomy of Fascism*, the renowned historian **Robert O. Paxton** warns us that in the 21st century no fascist will appropriate the title 'fascist' but we recognize the fascists partly by what they say' though, it is, of course, is important how they operate too. This new, remodeled fascism emerges in the absence of political ideas and ignorance of universal values, and thus takes the shape and color of its time and culture. We live in a culture of denial and lies, justification of the evil done to others in the name of our own national rights, interests and welfare. Speaking morally, or even politically, our indifference to, and familiarity with, the phenomenon of fascism is dangerous for the future. We must therefore openly say that Zivko Budimir's statement – and also his own political party (the Croatian Party of Rights), which has a positive view of the World War II criminal and quisling Ustasha movement – are prototypes of contemporary fascism. This, by the way, is one of the ruling parties in the Federation of Bosnia and Herzegovina.

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Unfortunately, the President of the Federation is just one of many characters within the Bosnian political elite, all resembling phantoms, ghosts of the past whose end we would all like to witness, but who, like a deadly virus, transform in an instant into new and unpredictable combinations, new compounds of government and political coalition. In today's Bosnia and Herzegovina it is almost impossible to say what is left and what right, and this confusion results in political nonsense, leaving no room for an alternative. For the fascism born before our eyes, written out on buildings, cemeteries, and anti-fascist monuments; cheered on and supported in sport stadiums – for that fascism we are all responsible, both individually and collectively. It is the result of a spiritual emptiness, a loss of political vision, ideas and ideals, an opportunistic academic community, a criminal business elite, a segregated school system, and a politically controlled media.

Having sunk deep into feelings of resignation, our society is exhausted by the politics of failed projects, negotiations and agreements, pre-election promises of reforms which are always portrayed as democratic reforms and economic development. But fatigue and saturation by politics cannot be an excuse for the loss of civic identity, the transformation into a submissive voter, into a 'mass man' who no longer has the ability to recognize life as goodness, truth, beauty, justice and compassion.

If we have said yes to this, fascism has again settled where we live, or perhaps it never went away?

And we were persuaded by the members of the Sarajevo Canton that fascism never actually left when members of the Canton recently decided to support war crimes indictees among

civil officials and soldiers of the Army of Bosnia and Herzegovina.

In the epilogue to his book about the war in Bosnia and Herzegovina *Love Thy Neighbor*, **Peter Maass** writes: “I am now much more aware of the fragility of human relationships, and far more aware of what it means or what it could mean if you are a Jew. I learned this from Bosnian Muslims, who made two fatal mistakes. They thought that the fact that they belonged to a minority bore no weight in civilized Europe, but believed at the same time that the wild beast had been buried forever. They did not realize that, even if you give little importance to the religion you yourself belong to, one day others will find it important. And the fact that your society is stable today, doesn’t mean that it will stay that way forever. Muslims against Christians, Jews against non-Jews, whites against blacks, the poor against the rich – so many stitches along which to tear a society apart when it falls into the hands of manipulators. These are lessons that Bosnia taught me, the lessons that remained inside of me and probably changed me. The wild beast is here, and the ground under my feet is no longer as solid as it used to be.”

One could say that Bosniaks have made a third fatal mistake: they let the ‘wild beast’ of lies and deception destroy the truth again, although the truth is the only remedy for our recovery. To reach the truth means reaching justice on behalf of all the forgotten victims. The truth cannot be selective, it is factual and measurable instead: this is why Bosniaks have a moral duty to insist that every word about the war be heard, every tear remembered, and every victim recorded. Bosniaks have no reason to fear the truth about the war in Bosnia and Herzegovina, because they did commit mass, organized crimes, or systemic persecution. This is why it is important to support the initiative on the part of the Federation Vice-President Svetozar Pudaric to designate and mark a place for the Serbs who suffered during the siege of Sarajevo, which would not in the least alter the character of the defensive war led by the people of Sarajevo in the longest siege in human history. This is a civilized act of piety and commemoration that will not exclude any victim regardless of his national belonging. This is the only way to master the past in order to move on into the future, toward a democratic society. The only way to do this is to cultivate a culture of compassion and empathy, so that future generations will never again commit violence against those of different ethnic or religious affiliation. Bosniaks have this experience in their historical memory of World War II and of the most recent past (1992-1995). Therefore, they have a responsibility to change the epoch of post-Dayton Bosnia and Herzegovina, which has been marked by Bosnia’s indifference to countless victims, but also to its own fate as a victim who must not leave anything to oblivion, as leaving something to oblivion would mean equating good with evil.

And that is precisely what the Assembly of the Canton of Sarajevo⁴ has done when it shamefully and manipulatively decided to give full support to the Ministry of Veterans’ Affairs of the Canton of Sarajevo, all in keeping with the statutory powers and all other

4 <http://www.radiosarajevo.ba/novost/68697/politicka-osuda-rada-tuzilastva>

parameters, and with the funds provided for legal aid for the defenders of Bosnia and Herzegovina from the budget of the Canton of Sarajevo. The support is meant to provide every kind of assistance to the eight arrested persons accused of having committed crimes against Serbian and Croat civilians and POWs in the Silos camp and other detention centers in the area of Hadzici in the period between 1992 and 1995. For 15 years we have been watching such decisions come from all ethnic communities in the form of 'organized innocence', according to which no one was the perpetrator, all were victims of the other side, and these decisions have been writing new pages of the ethnocentric history of our heroes and patriots whose only role is to secure votes through daily political conflicts and cheap demagoguery. Irresponsible and immoral lack of social consciousness and conscience toward truth and toward the importance of investigation of suspected war criminals, are only the continuation of evil that humiliates the victims and deepens the gap between ethnic communities, creating a space for Maass's 'wild beast' of future conflicts and misunderstandings to emerge.

Those who injure, kill and destroy other people's towns and churches, no matter what religion or nation they call their own, are not believers but worthless creatures. (Drago Pilsel)

In the novel *Liquidation*, by **Imre Kertész**, Judith says to B, who was born in Birkenau barracks: "You're certainly right, the world is a world of murderers, but I do not want to see the world that way, I want to see it as a place where it is possible to live."

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Shall we leave such a world to our children?

***Dino Mustafic**, film and theater director; director of the International Theater Festival of Sarajevo (MESS) and member of the Regional Team of Advocates of the Coalition for RECOM*



Marija Vecerina and her family fled from Knin during Operation Storm conducted by the Croatian police and military at the beginning of August 1995. She waited eight years to find

the remains of her son. She testified about events before 300 participants from the region at the Third International Forum on the mechanisms for the establishment of facts about war crimes in the former Yugoslavia, held in Belgrade, on February 1 and 2, 2008.

It happened in 19... in 1994. Some ran away first, but we were in the mountains with the cattle and we thought the attack would pass, like so many others before it. My son was at home, he had taken sick leave. He was sick. And wasn't... wasn't on duty. He and one of my daughters were at home, and me and my other daughter, we were in the mountains with the cattle. And then when everyone began to flee, we too had to run away – my son came to us to the mountain, and said: "Come on, run away, they have started taking everything" he said, "Knin, Gracac." "Everyone," he said "is already gone." And so we headed over toward Krupa, to the village of Golubic, I mean, Krupa. [...] In Zegar eight of us crammed in one small car. And so we headed toward... there toward Serbs, that's where they told us to go. But we... the night had become thick, and we took a road we shouldn't have taken, and we didn't really know the road that well, and all of a sudden the sound of shattered glass was heard. We heard shooting and shattered glass. We stopped, and they revealed themselves – the Croatian army surrounded the car. One said: "Where are you going? Get out, we'll kill you all!" And we got out. They made us lie on the ground and said: "Lie down, we'll kill you all!" We were harassed, they threw our things around. They searched my son's pockets. He had some German marks... I do not know how much... 100, 150, something like that. They took it. He, my son, said, "take it all," he said, "just don't kill me," and they had already wounded him in the leg. Blood was flowing. One daughter, was also wounded, in the arm, and my daughter-in-law in the head, not too seriously. And so we were there... We were harassed, 15 minutes, maybe 20, I don't recall exactly how long. And then they said "come, you are going with us." And they took us. We didn't know where they were taking us. They led us down some stairs, into some basement. There in the basement there were other people, women, men, elderly. Some 13, I think there were 13 of them when we arrived. My son was badly wounded in the leg. The blood was flowing. We were bandaging him up all night. Blood was flowing all night. I can not say the soldiers treated us too badly during the night, they said: "The ambulance is coming" for my son that is. But it never came. Blood was flowing all night. [...] In the morning about nine o'clock, half past nine, something like that, the soldiers came, two, three soldiers, three, or maybe four. And they said" "Come on," they said, "soldiers, you will go..." There we saw two other boys, Momcilo Tisma and Djuro Macak. We found them there. He said: "You soldiers, you are going to a military prison, and the wounded are to go to the hospital." That's what he said. "Take the wounded and help him." I went after them to see if the military police came, to see where the cars were. And they cursed me and said: "Get back to back or we will kill you." And so I went back to the basement. [...] From there we went to another center, I don't know its name. It looked like a gym. There we stayed about 20... about 20 days at the most. And the internationals came there. I asked everyone... everyone, about my son. I found out, that's what they told me, that he had been admitted to the hospital, that he reached the hospital. And I hoped that if he had arrived at the hospital, that he may have survived. [...] I went everywhere, to international organizations and everywhere. I hoped all the time, me and my daughters, that he might be alive. And then in 1998 I went to Croatia, I went everywhere,

to the military police in Knin, I went everywhere... To the hospital too. I said: "He was admitted to the hospital. I learned that he had been admitted." And they said: "He's not here." They found only my other daughter and my daughter-in-law. "No," they said, "he wasn't admitted, he is not here." And I went several times, many times I went there to ask. I went to Zadar, everywhere, to international organizations, the Zadar police. Some police officers said: "You look familiar." And so nothing came of that. [...] But he was not... he was so gentle, he couldn't bear to look someone cut a finger. He was never involved in anything. [...] My father always said to me: "I like an honest Croat better than any Serb." And so I was never on bad terms with them. We were neighbors. I grew up with them. I was hoping, maybe some of my friends would save him. In the village of Muskovci there were no Croats. And I always had hope. Always, until 2003. We went many times to look at the photos – but what's there to recognize. Nothing could be determined. Then in April 2003, I was invited to Zagreb for blood analysis, and so they drew my blood. And daughters were sent too... and then sometime in September we were called again, they said it was confirmed that the... that there was a match, it was confirmed. So I went there and arranged for a funeral, on the 28th, I think it was October 28 in Muskovci, in the family tomb. [...] I have that image always before my eyes, and that event.

Marija Vecerina, a Serb from Obrovac





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