

SUMMER POLITICS

AND

TRANSITIONAL INJUSTICE IN THE BALKANS

Since my professional interest in the South-East of Europe summers have been always busy. What I have learned since the political turmoil in the Balkans started is that the notion of a summer recess in the times of war and conflict does not exist. On the contrary, some of the most horrendous events occurred in the summer.

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Take for example last summer. In July 2015 I was with a group of students in Srebrenica attending a huge commemoration, marking the 20-year anniversary of the genocide that took place there. In the war that lasted three and a half years, Srebrenica was this critical last stage of a war fought in Bosnia-Herzegovina (BiH) for the western borders of the post-communist Serbian state. Serb armed forces marched to Srebrenica on 11 July 1995 and seized the town, expelling most of the women, children and elderly, and decided to kill almost all men. The commemoration of last year gathered many local and global dignitaries including former US President

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Bill Clinton, Queen Noor of Jordan, Princess Anne of the United Kingdom and many others. In the procession of almost 200 VIPs I remember waving from my place in the crowd towards the former Dutch Prime Minister Wim Kok and the sitting Minister of Foreign Affairs, Bert Koenders.

It was at that commemoration last summer that I have experienced for the first time in my life the power of the crowd, also called by sociologist the ‘mob rule’. This was not just a ‘crowd’. We are talking about almost 50,000 people. The event drew a huge mass of people, gathered to show the last respect to the victims whose remains had been identified that year. The dženaza, the Islamic burial ritual, was led by effendi Husein Kavazović, reis ul-ulema of the Bosnian Muslims in the presence of the family members of the victims. After a series of speeches by hosts and guests, the dignitaries started the procession around the carefully guarded route that ran through the mass

of people.

Shortly after the dignitaries started the move, the crowd started to react and the roaring sounds ‘Allahu Akbar’ became more and more powerful as more people joined. Young men started throwing stones and the rumour got spread that they were throwing stones at Aleksandar Vučić, the Prime Minister of Serbia. He was only the second leader of Serbia ever to be present at one of the annually held burials of the victims of the Srebrenica genocide. In the backdrop of the post-conflict animosities towards Serbia for never unequivocally recognising the crimes of genocide committed in the territory of BiH against the Bosnian Muslims by the Serbian armed forces, Serbia also did everything to obscure its own role in the war. But in difference to the previous Serbian Prime Minister Boris Tadić, who did not have any war record cleaving to his name, Aleksander Vučić took a huge risk. The risk played against him as he was confronted to look at a banner with a quote he uttered in 1995 saying ‘For every dead Serb, we shall kill 100 Bosnian Muslims’. This banner was caught on the video cameras of hundreds of foreign news outlets that were present at the commemoration. While Vučić was running away and the roars of the crowd grew in intensity, I realised how little is needed to spark a conflict into violence. I felt the empowerment of the crowd that was exiting and scary at the same time. Exciting, as it gave me a strong feeling that the wrongs can be corrected instantaneously, just by the moral reaction of the wronged crowd. It was scary as I knew very well that this was not a correct feeling. The crowd as I saw it for myself was not a political movement with a defined agenda and a clear strategy. I saw men as young as 15 running in frenzy and ready for action. The salvation came not from the police but from the words of wisdom of responsible leaders. Effendi Kavazović took the lead and in a calm tone asked his fellow Muslims to respect their faith and their holy book in which they have to respect a guest in their house, who came on their invitation. The crowd calmed down and effendi Kavazović continued with the dženaza. I was stunned by this

first hand experience and the power of the mob rule. I kept thinking ‘What if someone of authority had encouraged the crowd to demand blood and vengeance?’

I shall turn to the students who witnessed the same event. They had previously attended a Master Class on Law, History, Politics and Society in the Context of Mass Atrocities, that University of Amsterdam annually visits at the Inter-University Centre in Dubrovnik, Croatia. The title of the 2015 Master Class was Law and Politics of Genocide: 20 years after Srebrenica. The attendees were students of 15 different nationalities, from different but related fields: law, political science, history, journalism, international relations as well as human rights activists. In two weeks time they got lectures and workshops from lawyers, judges, historians, NGO leaders and politicians about the responses to mass atrocities in the post-conflict societies. The field trip from Dubrovnik to Srebrenica in July last year seemed inevitable. And it was. This was the workshop no Master Class and no university course could have provided. This year’s Master Class again took place in Dubrovnik and again in the first two weeks of July under the topic ‘Conflict Beyond the Reach of Law:

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Emerging World Order and the Search for Adequate Responses to Political Violence’.

The topic addressed the new challenges humanity has been facing after the end of the Cold War 25 years ago. It explored military, political, diplomatic, humanitarian and legal responses to

political violence and mass atrocities in armed conflicts and in state oppression based on four case studies – Iran, North Korea, Gaza and the Balkans.

For the first time, we have expanded the geographical stretch of the conflicts to be studies to Middle East and Far East. One of the issues to be compared was to see what is the impact of the legal approach to the mass atrocities as it happened by the establishment of the International Criminal Court for Former Yugoslavia (ICTY). We have addressed the legal and extra legal impact of such a tribunal and if its outcome of almost 25 years of active prosecutions would serve as a recommendation for a similar approach for the on-going protracted conflicts where political violence leads to mass atrocities. Again more than 30 students all over the world attended, two of them coming from South Korea. The discussions about the ICTY and its impact on the post-conflict societies led to a general assessment that the expectations raised have been overambitious for a legal institution, especially when it comes to the historical truth and its contributions to the reconciliation process. My contribution to the debate was a short summary of my book “Prosecuting Slobodan Milošević: The Unfinished Trial” that was published before summer by Routledge Publishers. The book takes an example of Milošević’s unfinished trial to argue that mass atrocities trials are not useful and necessary for prosecuting and

punishing a perpetrator. They can be useful for different reasons as well: they establish a record of the past event; the trial archive becomes a very important historical source and the transparent conduct of the trials and access to its archive contribute to the notion of “right to know” for victims and societies in general to understand why and in whose name the mass atrocities had been committed.

Almost immediately after the Master Class, a related debate was incited by the words of Ivica Dačić, Minister of Foreign Affairs of Serbia and one of its Deputy Prime Ministers. Dačić, quoting a Russian source, claimed that the First Instance Judgment in the ICTY case against Radovan Karadžić, rendered in march 2016, had exonerated Slobodan Milošević and Serbia from any criminal or other responsibility in the war in BiH. The debate started by Dačić drew attention to the topics that I have researched for my book. First, that the judgements are not and cannot be used as the definitive historical view on any conflict and the war. The difference between a judgement and a historical account of the same period is that a judgement is fixed in time and cannot be changed after allowed time for legal appeals. Historical truth, historical justice and historical narrative do change with the unpredictable dynamic of new sources appearing and new theories constructed. The determination of factual basis, of forming insights and broader possibilities

of interpretive turn of the facts, insights and theories make history often an even harsher judge than a short lived legal trial. But the two cannot be equated. When a leading Serb politician like Dačić does it, whose Socialist Party of Serbia (SPS) and its ideology are in power again and are symbols of the continuation of Slobodan Milošević’s era (1989-2000), one should seek for the political motives, such as geo-politics. Immediately after Milošević’s fall from power, the post-Milošević elites distanced themselves from his politics, building on this rhetoric their domestic and international legitimacy. In reality, the new elites never recognised or condemned the role of Serbia in the crimes committed in Croatia, BiH and Kosovo under Milošević’s tenure. One of the reasons for that is that regardless of the three wars and tens of thousands of dead, the Serbian state project defined as establishment of a post-Yugoslav Serbian state in its ethnic borders had not been finished. The Belgrade elites with Vučić and Dačić in power still wait for an opportune moment to expand the present day Serbian borders with the northern parts of Kosovo and with the Republika Srpska, a territory under Serb control in BiH. Maybe next year’s Master Class topic should be on ‘Law and Geo-Politics; from Bosnia to Ukraine’.

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