

## **"How important are war crimes trials for moving forward after times of conflict?"**

Lulled into a state of blissful ignorance by the difficult economic situation, my generation thinks along the lines of the song by the Croatian rock band *Majke*: "I don't care about what's being said, I don't care about what's being done..." Being out of touch with reality is a reflection of the general lack of perspective and societal mud that we have been mired in for the past two decades since the war, unable to find a real way to move forward. It is easy to call the younger generation immature, but it would be fairer to say that, in fact, our entire society is immature, and that we are the consequence of its irresponsible political actions.

We were born in the new millennium and we are growing up with new technology and new – virtual – life values. We are the Millennials. Why would we be interested in war crimes trials unless they are online or have been turned into an avatar? Why would we read thousands of pages of complex trial judgements when we are used to communicating by text messages? Are those of us born after the wars in the former Yugoslavia absolved of that heavy load that political dinosaurs keep trying to burden us with? At first glance, the answer seems logical – young people weren't born during the war. They did not contribute in any way to the commission of crimes, so how can they be responsible for the criminal actions of others? But then you look around you and see destroyed buildings and the destroyed morals of people who are full of prejudice and you realise that we are still living in the wars of 90s and that we are victims and hostages of a narrow nationalist mind that is capable only of creating new conflicts.

Unlike Hollywood blockbusters, life rarely offers the happy endings that the entire region craves. We need to have more relaxed relations and create a situation where it is completely normal to go on an excursion to a neighbouring state and see for ourselves that it is not populated by demonized Neanderthals, but by people who share our interests and have similar hopes for their lives. But how does one take this first step? How to get unstuck from the existing political mud if justice has not been served? Everyone here carries their own story with them, and the ear of the law should be listening carefully to each one. In conversation with my family and friends I heard many stories about their experiences in the war. I read the news about war crimes and wondered whether our own perspective was objective enough to consider the other side of the story as well. Is there a large register of documents that could reconstruct the real truth about the wars from the 90s and it were read out, could it cause a collective social catharsis? How to shut the mouths of irresponsible politicians who spread lies daily and justify crimes in order to cover up their own responsibility for the war? We are their hostages and we are incapable of thinking for ourselves. Unconsciously we repeat the phrases heard on television, that we are the only victims while the others are perpetrators. Us and them – what a perfect scenario for future wars!

My story is similar to the thousands of stories of my peers throughout the whole region. I never met my grandfather; he died in the war. I was deprived of opportunities to experience happiness, memories and joy. Perhaps he would have been the one to teach me how to ride a bicycle or to play chess? My mother and her brother, my uncle, told me stories about him. They were also children when the war violently and unjustly took their father from them. I often think that by sharing stories

about their father with me they keep him alive in their memories. When they talk about my grandfather, they never talk about his death; they talk about his life. Their stories are always full of love and laughter. He taught my mother to ski, while my uncle followed in my grandfather's footsteps and graduated from the same university. I am aware that they want to instil feelings of love in me and not hate. I don't want to hate and I don't want to gloat or seek revenge; all I want is for those people who are responsible for crimes to be isolated from a healthy society and contemplate their actions for a long time to come.

Such a turn of events would not be possible without the International Criminal Tribunal. Without trials for war crimes, we would live in a grotesque society where war criminals would be venerated as heroes, while the country would be led by individuals who had ordered the most terrible crimes to be committed. Victims would continuously be reliving their trauma, rejected and condemned to endless pain. Schools would be akin to pre-military training, where we would undergo drills to prepare us for future wars, and because of our inability to face our own past we would only know how to hate, forever spurring on the cycle of evil. We need to be put on trial more than the criminals do. We need to ask ourselves about our own responsibility and to think about what we are prepared to do to break this deadlock.

Peace or justice? I would say both. Without peace we cannot seek justice, and we cannot find our own peace without knowing that justice has been done. Therefore, let us leave the courts to do their job, because by definition they need to be objective. In the meantime, we need to ask ourselves what we can do to face the past and create the conditions for a normal future.

Although it may seem as if our generation isn't interested in anything, like the song lyrics quoted at the beginning of this story, I ask you to reconsider. This story is my first step. I will share it on social media with my virtual friends all over the region, and I will be ready to listen to their stories. It is only then that they will stop being virtual and become real friends. Who knows, maybe in that way our societies will finally mature and realise that some foreign court out there somewhere helped us become human again.

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I remember the days when I used to sit on the balcony of my father's house in Kamenica village near Zvornik. I was only five years old. I cannot recall all the images, but some of them are imprinted in my mind forever. Many unfamiliar people milling around the house, confused glances directed at the meadow in front of it. An excavator lifts huge mounds of earth as people dressed all in white with masks over their faces dig carefully with small shovels. I run inside the house, afraid, but also curious. I peek out behind the curtains and see something that was unfamiliar to me at the time: torn and dirty clothing, papers, wires, lighters, small objects like cigarette cases and similar items. None of it made sense to me then. A few years later I am in Srebrenica with my class, we visit a place called Potočari. My gaze first comes to rest on a large fenced area and inside it there are white tombstones lined up side by side, as if whispering to each other. There is silence; no one says a word.

Now I'm older. I understand. I can make the connection. I can connect the stories about the war and what happened during the war and the crimes, the stories about massacres and graveyards, the stories about Srebrenica and the white tombstones. Everything is just the same as it was in Kamenica a few years ago. Now the images become clearer. It's clear now that the meadow in front of the family house in Kamenica is one of the mass graves. Whose bones were in the grave? Perhaps a close relative of my father? My heart tightens and I feel like I cannot breathe. The saddest image also hits me the hardest: the image of a pregnant woman, her child still inside her. The bullet killed them both. It cannot get more tragic than this. I wonder who could have done this. Did they even have a heart? I had a thousand questions and not a single answer. There is nothing but sorrow and sobbing around me. Mothers have come to visit the graves of their loved ones. Here there are graves of children too. The mothers speak of their fathers, grandfathers, uncles, neighbours and friends. I hear an old woman say, "Dear God is there justice? Punish them! Punish the war criminals!" I listen to her and think about courts and justice.

The past, the war and war crimes are linked to our future. It is extremely important that an international tribunal was created and that it tries crimes rather than criminals based on their names. This is fundamental. Some go by the adage "an eye for an eye", but I know that this only leads to society becoming blind and to violence in society. Only those with nothing to lose can gain from violence, but we have something to lose. We have ourselves and we have the generations to come. Social media is rife with comments from young people who are still poisoned by hate. I keep coming across the word "revenge". Revenge can bring us nothing but more suffering. Revenge is always the consequence of a weak and frustrated soul who cannot stand injustice. I would rather hear the word "justice", because a just person is one who is the least susceptible to social unrest. The consequences of war are huge. We have so many victims of violence, crimes, material damage, abuse and rapes...How many mothers are waiting to find their sons and bury them, and how many mothers have died before they were able to bury their loved ones? I think it is extremely unjust for them and their moral and religious values and customs that they were unable to bury their dead with dignity. It is also unjust that these mothers can see that war criminals walk freely through town. Punishing war criminals would bring peace of mind to parents and rest the souls of the dead. How many young women were abused and raped, how many children were conceived and born?

It is tragic to allow such a vile and evil act to remain unpunished and even more tragic to give off the impression that it is allowed because almost no one condemns it. Witnesses of violence go through a very difficult and traumatic experience at trial. They relive everything while testifying. This is why trials should not be made more complicated, or delayed or set aside. What worries me the most is that the consequences of war leave their strongest mark on the children. We are living with scars that are not healing. We were not players in that dirty game, but we are those paying the biggest price. The children who witnessed violence are left with the impression and belief that some violent acts are allowed and accepted by society. Those children cannot make the distinction between what is right and what is wrong. Their psychological and emotional state is frail.

Twenty-one years after the war I am still listening to bickering and arguing. Why? Because hate – one of the consequences of war – reigns on; and because fear also reigns on. Fear is a character weakness of every living being. Many of us are not living our dreams because we are living our fears: the fear of war, the fear of it happening again. I am afraid when I go to Kamenica and see a memorial plaque that bears the names of 244 victims of war. We are afraid to go to nature camp in Ozren. We are afraid to go on a field trip to Belgrade. Another fear is that there will not be any trials and that faith in the work of the court will be lost. There is fear that there is no justice. By hiding war criminals and their sick acts, by hiding evidence, delaying trials and by remaining silent we are instilling into new generations the idea that all of this is allowed. We are changing their perspective on life and the world.

Young people are leaving their homes, going to faraway lands looking for work. I think that they are also running away from the situation in the country: bankrupt companies, economic collapse, high levels of unemployment, social tension, negative social trends, the rapid rise of nationalism, and the disintegration and frailty of the social order, all consequences of the war. How many refugees and displaced persons went to other countries, abandoning their homeland? They did not leave to escape; they left so that they would not have to live the same thing over again.

Trial judgements for war criminals cannot bring back days, months or years, a lost childhood or the victims, but they can bring hope for a better tomorrow. They can bring back self-confidence for those who survived and brighten my future and the future of new generations. Trial judgements let all those who give themselves the right to break the law know that their arrogant and insolent intentions will be thwarted and punished by taking away their freedom. They also serve as a lesson to all those considering repeating these or similar crimes. A lesson in condemnation and humanity.

If the word Tribunal denotes a term that broadly describes an individual or an institution authorised to hand down judgements and relevant decisions in legal and administrative disputes, meaning legal and administrative bodies created pursuant to specific laws – then let them do their job pursuant to the law. Let them make every effort possible to complete their mandate so that the truth can be established and war criminals punished in order to prevent new conflicts. Otherwise, we will all suffer again and it will be partly our own fault. And the war criminals? They will then always walk free. They will be like our shadow – always beside or in front of us.

Let us not allow anyone's past sins to destroy our future. We must think of our future, because if we do not, we will not have one.

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"The large-scale collective fumes, the stenches of history. Stenches Persian, stenches Alexandrine, stenches Hannibalic, stenches Caesarean, stenches Avaran, Hunnish, Tartar, Mongolian, Germanic, stenches Turkish, stenches Napoleonic, stenches Samuraic, stenches Prussian, Franz-Josephinian, Benito-Mussolinian, and stenches Adolf-Hitleran . . . Stenches and more stenches, as far as history reaches. Mankind has well and truly made a stink of it in troop and bowel movements. Ptui!" (Ranko Marinković, Cyclops).

According to some estimates, 14,500 wars were waged between 3500 B.C. and the end of the 20<sup>th</sup> Century. Or perhaps not? In countries engulfed by war, more than 100,000 people were killed in 2016. It is easier to start a war than to end it! It is not impossible. But does such a thing as a good reason for war exist at all? After the war, every society confronts its historical legacy in its own way, looking for some kind of catharsis. Some societies manage better than others. What is it that makes them more successful in this exercise and what is the "formula" of lasting peace and recovery for a society?

In his discussion on human nature Thomas Hobbes claims that the basic human instinct is attack and that we are by nature belligerent and violent, while Jean Jacques Rousseau maintains that humans were peace-loving before the establishment of the first civilisations. Anthropologists and historians will agree that Hobbes was right. There is no period in the history of mankind that was spared from the catastrophic consequences of war. All kinds of war have been waged, from those that lasted but a few days to hundred-year wars, in spite of all the advocates of peace and communality. In spite of all the poets and prophets who dreamed and dream still about a utopia without wars, a lasting peace in our reality still appears unattainable, whereas war is considered as a very real part of each society's history. Wars are necessary evils, and their horrors are so myriad and on such a scale that they cannot be described by words. War brings only hatred and lies. People turn selfish and cruel. As a result of that, humaneness and morality suffer. War is the enemy of all mankind and the human civilisation. Nothing good can be achieved by war, so we must not attempt to justify a single one of them! War not only hinders the development of a nation, but destroys

social cohesion and slows down the progress of humanity. Nations created on the ruins of cities, on hatred, destruction and death are only “straws in the winds” (Petar Petrović Njegoš). *Vergangenheitsbewältigung* is the German term that best describes the period of the post-conflict rebuilding of society in which we are now. This term can be translated as: overcoming the obstacles arisen from the adverse legacy of our past. The first victim of war is always the truth. The strongest pillars of hostility and intolerance among peoples are usually the media. In times of war they shape public opinion and thereby influence the citizens’ actions. This is how many states were attacked and devastated by cannon balls from media studios. There are many things that affect “thought distortion”, and in order to differentiate opinions and assumptions from facts, we need historical distance, since peace can be built only on facts and the truth. The ICTY contributes to establishing those facts, prevents any denial of crimes and attempts at revisionism, and advocates transparency, enabling the public at large to have an insight into the trials; it also contributes to the development and reform of the judiciary in the states of the former Yugoslavia. War crimes trials give victims a voice and their families hope for a lasting and sustainable peace process.

Realising that crime has no nationality, just a name and surname, and that victims are not just numbers, but have names and surnames, too, as well families, homes and a homeland, we can really start the process of peace-building. Some societies have through great effort managed to heal even the deepest wounds, bridge the most gaping abysses. Society must focus on locating the victims in the hidden pits and mass graves, on commemorating them, and on social reconstruction. Society must promote human rights and economic recovery, basing it all on empathy, apology and forgiveness, in the awareness that war is not an option even as *ultima ratio*, and that all conflicts can and must be resolved through bilateral negotiations and arbitration, so it is important to do everything and anything in order to avoid bloodshed.

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