

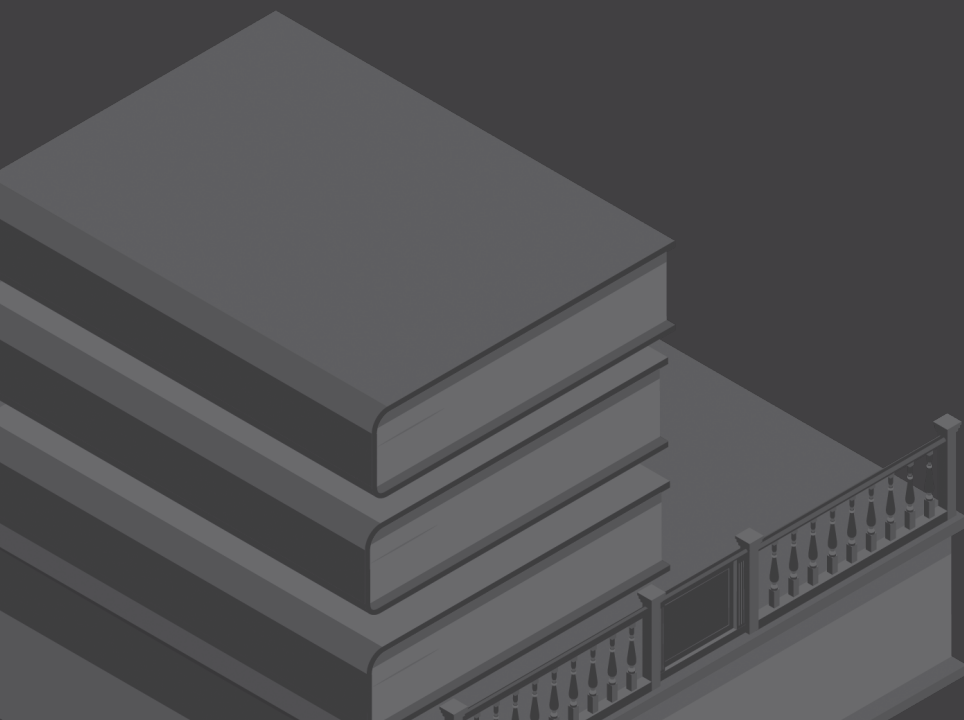
CALLING WAR ATROCITIES BY THEIR RIGHT NAME IN THE SOCIETY OF BOSNIA AND HERZEGOVINA



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TRIAL
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forumZFD – TRIAL International

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The war, which ended twenty-five years ago, is still present in BiH society – today it appears through murals depicting convicted war criminals painted in divided communities, graffiti of fascist symbols, or chanting fascist slogans at sporting events, glorifying massacres or their perpetrators. It is also reflected in commemorations and public gatherings where photographs of war criminals are shown; in the search for the missing and the pain that accompanies the difficult moments of finding only a few bones of a missing family member; in the prosecution of criminals that takes years, with no end in sight. Manipulation of war narratives is a successively applied political tool of creating public opinion, while denying, trivialising or condoning and justifying the crimes committed, and selectively accepting and rejecting justice, continuously cause tensions in a divided society. In such conditions, social values, morality, humanity, coexistence, are put in the background, and the entire society is kept in a state of conflict that prolongs the suffering, though now by other means.

KEY POINTS

- *Manipulation of narratives and revisionism of the past keep BiH in a status of a 'frozen conflict' society.*
- *Denial of war crimes dehumanises entire groups of people, which has resulted in mass atrocities in the past.*
- *Participation of public figures, especially politicians, in the denial, trivialisation and manipulation of crimes contributes to legitimisation of both the crimes and the criminals and to maintaining an atmosphere of conflict in the society.*
- *Crimes confirmed by courts must be acknowledged in public regardless of which side committed them.*
- *Meeting the goals of transitional justice requires sanctions for and regulation of challenging and denial of court decisions.*

TRANSITIONAL JUSTICE IN BIH, TWENTY-FIVE YEARS LATER

The mechanisms of transitional justice in BiH have been reduced almost exclusively to one – prosecuting perpetrators of crimes committed during the war, thus neglecting other mechanisms such as establishing the truth, implementing institutional reforms or providing reparations, memorialisation and guarantees of non-repetition. With this approach, transitional justice had only a partial outreach—it remained in the courtrooms, leaving the social space susceptible to myths, disputes and manipulations of war narratives. Twenty-five years after the war, BiH society has not approached the process of dealing with its past institutionally, war criminals are openly celebrated, national divisions are institutionally encouraged and actions are being taken contrary to the purpose of peacebuilding – in such a context, the needs of crime victims are most affected and neglected.

WHAT IS THE POSITION OF VICTIMS? WHAT IS THE IMPACT OF DENIAL ON THE SOCIETY?

Criminal justice is not an alternative to a comprehensive treatment of victims of crime; it is incomplete due to fragmented legislation and non-harmonised access of victims to their rights in different parts of the country. In addition, as long as there is denial, trivialisation, justification or condonation of crimes committed in public that contribute to maintaining the atmosphere of conflict, the sufferings of survivors are exploited for political purposes, victims are dehumanised or stigmatised in their communities, and their suffering is being hopelessly deepened. Regulation of a ban on denial of war crimes is a way to show respect to the victims, to recognise them as victims of crimes regardless of their ethnic belonging, and to provide them with certain satisfaction. Acknowledgment of war crimes and the cessation of denial is important for building a society based on moral, ethical, democratic and legal principles. A society that does not distance itself from crime, that does not condemn crimes, cannot thrive or provide security and prospects for a better future for its citizens. Therefore, it is high time to call war atrocities by their right name and to put an end to denial, trivialisation, condonation or justification of war crimes.

DENIAL, TRIVIALISATION, JUSTIFICATION OR CONDONATION OF CRIMES IN PUBLIC

Denial and trivialisation of crimes are imprinted in everyday life in BiH. Relativisation, revisionism and manipulation of facts have led to the situation that not only the nature of crimes but also their existence are being disputed. This practice is visible in public spaces through various monuments, names of public spaces, murals, activities of fascism-related associations, in textbooks, academic papers, all types of media (especially online). In order to understand the consequences of such practices, one should consider all segments of the graphics – currently in BiH broken into different narratives, themes, justifications. With respect to the problem, the chart presented here helps us identify where and what type of intervention is needed.

As can be assumed, profound changes in society, in addition to formal changes in policies, laws, and processes, are necessary. Denial and revisionism in war crimes cases are in contravention to the fundamental European values.

- contesting crimes and criminals extends the effects of war on a society
- victims are trapped in ethnic groups, and satisfaction of justice is almost non-existent.

A crime is a crime no matter who committed it.

Denial of war crimes is not freedom of speech.

- Freedom of speech/ expression is not absolute, it is limited by the rights of others. It ceases to be a freedom as soon as it turns into hate speech.

Change of discourse through:

- the media
- education system
- local initiatives
- nongovernmental organisations
- memorialisation
- religious communities

Public condemnation of war crimes

- Court established facts must become part of the social and political discourse.
- The perspective of peacebuilding applies both to scientific research and valorisation of history.

WHAT CAN BE DONE?

The foundation of the process of democratic society development is the acceptance of established facts about what has happened. Along with the adoption of legislation that would ban denial, trivialisation, justification or condonation of genocide, the Holocaust, crimes against humanity or war crimes, it is necessary to work **at all levels** in areas where these phenomena can already be overcome, such as decision-making in local communities with respect to the names of streets, public institutions, monuments and other forms of memorialisation in public space. For example, existing monuments, such as murals of convicted war criminals, can be repainted. The local community can be the initiator of changes in its scope of work, where citizens may best feel improvements in their lives.

The education system should also be accountable for addressing issues of war crimes committed and confirmed by courts. This includes fact-based textbook policies and curricula, but also openness to topics and non-formal formats of education that would enable students

to meet others, encourage them to think critically and develop a sense of empathy and understanding. Peace education is important for preparing children and young people to understand and form attitudes towards social needs and challenges, especially for the purpose of reducing violence in a society where ethnic tensions are highly pronounced.

Media reports should be accountable, fact-based, and free of sensationalist content on controversial topics from the past. All actors in public space must understand their role and responsibility in peacebuilding but also in undermining peace.

Art and culture have strong potential for addressing difficult topics. These potentials should be linked to the above areas so that the promotion of facts is made available in a less formal and easier-to-understand format, especially for young people.

Religious communities should advocate peacebuilding and tolerance, remind of empathy towards victims on all sides. Religious communities can be active leaders in peacebuilding through, for example, organising meetings of members of different religious communities (especially in small local communities), organising interreligious gatherings on complex and sensitive issues, encouraging the interaction of believers and sharing their experiences. At the same time, religious communities must refrain from participating in the manipulation, denial, glorification, condonation of war crimes and criminals, and examine their roles in the war, face their past.

Information platforms, networking of stakeholders and initiatives, cooperation and support in all areas of civil society are necessary. As much as judgments, facts and evidence may seem generally known, it is necessary to provide a permanently accessible and understandable platform with information and exchange of opinions. Because of firmly grounded interpretations of the past, it is necessary to offer facts versus myths and different versions of truth.

Dialogue on the topics of the war past should be opened and maintained - at all levels, including all stakeholders (governments, civil society, citizens, experts) and opposing interpretations of the past.

RECOMMENDATIONS

- Adoption of a law to ban denial, trivialisation, justification or condonation of genocide, the Holocaust, crimes against humanity or war crimes is required at the state level as a separate law.
- It is necessary to work at all levels in areas such as decision-making in local communities on the names of streets, public institutions, monuments and other forms of memorialisation in public space.
- Insist on the use of established facts (judgments of national and international courts, resolutions) in public space, especially in local communities.
- Provide public space for dialogue by creating a long-term platform of activists, legal experts, educational institutions, government representatives.
- It is necessary to introduce education for peace into regular teaching through various subjects. Peace education must stop being ghettoised.
- Textbooks must be based on established facts, and teaching staff trained and sensitised to teach the relevant units.
- Local communities can develop projects, extracurricular and optional activities within formal education as an example of good practice, and involve students in community engagement.
- Schools should have a more open cooperation with civil society.
- The capacity of the media to inform, engage and mobilise citizens should be aimed at promoting responsible reporting and critical thinking with guarantees of media safety/autonomy.
- Insist on institutional dealing with the past at the state/political level.

Forum Civil Peace Service (forumZFD) and TRIAL International, as two organisations active in Bosnia and Herzegovina in the field of transitional justice and dealing with the past, have initiated in 2019 a constructive discourse on the necessity to enact a law to ban denial of genocide, the Holocaust, crimes against humanity or war crimes, in the attempt to establish and maintain open discussions with various stakeholders and relevant groups on this topic but also, ultimately, a broader dialogue and raising of social and political awareness of the topic of dealing with the past. Two policy briefs have been created under this initiative: (*Calling War Atrocities by their Right Name in the Society of Bosnia and Herzegovina* and *Regulating a Ban on Denial, Trivialisation, Justification or Condonation of Genocide, the Holocaust, Crimes against Humanity or War Crimes in Bosnia and Herzegovina*) with the aim of pointing out at various social and political levels the opportunities for and needs of working to prevent the denial or condonation of war crimes and criminals in BiH.

For more, see both policy briefs and the publication:

POLICY BRIEF:

Calling War Atrocities by their Right Name in the Society of Bosnia and Herzegovina

POLICY BRIEF:

Regulating a Ban on Denial, Trivialisation, Justification or Condonation of Genocide, the Holocaust, Crimes against Humanity or War Crimes in Bosnia and Herzegovina

PUBLICATION:

Calling War Atrocities by their Right Name

(<https://trial.ba/wp-content/uploads/2020/02/Calling-War-Atrocities-by-Their-Right-Name.pdf>)

ABOUT THE ORGANISATIONS



forumZFD

Forum Civil Peace Service (forumZFD) is a German founded non-governmental organisation that is engaged in the Western Balkans through four country offices. ForumZFD Bosnia and Herzegovina aims at contributing to constructive public debates and initiatives on dealing with the past. Together with local partners, we support the development of sustainable structures for peacebuilding.

More on forumZFD:

www.forumzfd.de/en/western-balkans



TRIAL
International

TRIAL International is a non-governmental organisation fighting impunity for international crimes and supporting victims in their quest for justice. The organisation provides legal assistance, litigates cases, develops local capacity and pushes the human rights agenda forward. TRIAL International has been present in BiH since 2008 and provides support to war time victims of serious human rights violations and their families in the quest for justice, truth and reparations.

More on TRIAL International:

www.trialinternational.org,

www.trial.ba