

Chapter 12

Afraid to Cry Wolf: Human Rights Activists’ Struggle of Transnational Accountability Efforts in the Balkans

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If he has a conscience he will suffer for his mistake. That will be punishment-as well as the prison

(Dostoyevsky 2000, p.226).

Throughout the 1990s the breakup of the former Yugoslavia led to horrendous conflict among the newly proclaimed independent states. Since, dealing with past war crimes and accounting for mass atrocities has constituted a very intricate and contentious process, mainly led by state-centric international retributive justice initiatives. In fact, the International Criminal Tribunal for the former Yugoslavia (ICTY) was created in 1993 amidst flaring conflict with the aim to push for accountability for war crimes and human rights violations. Over the years, the ad hoc United Nations (UN) Tribunal’s work has led to a spillover effect of international criminal

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law into domestic judicial systems in the region. As Ruti Teitel, a law professor at New York Law School, points out:

In the post-Cold War context, we can see that there is an evident transformation in the significance of an expanded role for international criminal justice. Clearly, international criminal justice aims and contributions are complex and in transformed political circumstances inevitably imply diverse understandings of rule-of-law values. Consider, for instance, the extent to which international law at The Hague affords the rule-of-law values of fairness and neutrality, often perceived as fragile or non-existent in domestic processes (2010, 9).¹

Initially, civil society actors, in particular human rights organizations, supported these retributive justice efforts by participating in different programs, including witness protection and trial monitoring.² More recently civil society actors expanded their influence and impact—reaching beyond the initial judicial support, in which NGOs have been invited to participate by state actors—and created a deliberative space to increase victims’ voices in society, so-called ‘invented spaces’ (Jeffrey 2011). Although several scholars have questioned the progress and effectiveness of Bosnian civil society in post-conflict transitions (Belloni 2008; Fischer 2005; Chandler 1998), in a case study Alexander Jeffery underlines efforts by the Bosnia and Herzegovina (BiH) Court to integrate NGOs in transitional justice processes. He describes a court support network, which was established by the BiH Court’s Public Information and Outreach Service in 2005 and which aims at integrating the mission of the Court into Bosnian society. To this end, the Court approached various human rights NGOs located in different Bosnian towns, such as Sarajevo, Prijedor, and Mostar, among others. As Jeffrey writes, “[t]he idea was to reach a wide geographical spread and through these organizations establish a sustainable network that would spread information about the Court, and in particular the [War Crimes Chamber of the BiH Court]” (2011, p.352). Such scholarly insight is important, as several past restorative justice attempts across different countries in the region resulted in limited success (Jouhanneau 2010; Grodsky 2009; Pejic 2001). Notwithstanding, social activists and civil society organizations have incrementally increased their role and reach in transitional justice processes.³ In this chapter, we discuss the ongoing transnational fact-seeking initiative, called the Coalition for a Regional Truth Commission (RECOM), to elucidate the sociopolitical struggle of coalition members to advocate for alternative models to cope with mass atrocity in the former Yugoslavia.

¹ See also (Martin-Ortega and Herman 2010).

² Other authors, such as (Subotić 2009), and annual activity reports of NGOs, such as Documenta Center for Dealing with the Past and the Humanitarian Law Center, among others, have criticized the effectiveness of this justice cascade model by (Lutz and Sikkink 2001). Ellen Lutz and Kathryn Sikkink argue that through transnational advocacy network of lawyers and activists have fueled domestic judicial processes across Latin America.

³ Several authors have addressed the question of human rights activism in transitional justice processes and in particular highlighting the important impact of local NGOs in different regions (Roht-Arriaza 2005; Collins 2006; Burt 2009).

Drawing on concepts of sociology of spaces—based on the study of establishing spaces through action and the interdependence of action on spatial structures (Urry 2000)—we illustrate how activists move between different spaces constituted by narratives of justice and truth. More precisely, confronting mass atrocities in post-conflict societies can take place in many different ways, with human rights trials and truth commissions as two very important mechanisms.⁴ Our study is particularly interested in the complementary use of truth commissions and trials. To this end, we have carried out over two-dozen semi-structured interviews with key actors, such as human rights activists, representatives of domestic and international judicial institutions, and international organizations, among others.⁵ Early on, human rights organizations in the region acted primarily within the legal space. They helped for instance improve domestic war crimes prosecutions by providing victim and witness support. In fact, some of the witnesses and/or victims were initially exposed to intimidation and death threats due to the absence of anonymous testimonies in the courtroom during hearings and the lack of media responsibility.⁶ Subsequent projects of human rights activists, such as the RECOM initiative, were therefore an attempt to further develop victim-oriented transitional justice strategies. Additionally, it was an attempt to expand their domestic justice-oriented activities to regional fact-finding efforts. In this study we discuss and illustrate the persisting obstacles that hamper the successful implementation of the RECOM truth commission and human rights activists' attempts of claiming and institutionalizing extra-judicial space thus far.

Indeed, the expansion of so-called truth spaces poses myriad challenges. The attempt of establishing a fact-finding body for the former Yugoslavia has faced different types of opposition, ranging from external critique and politicization across the region to internal disapproval and politics by certain of its members. With the aim of creating a broad regional fact-finding initiative, the RECOM campaign also grapples with different types of victims (including families of victims, prisoners, and veterans, among others) who have, sometimes, conflicting needs and expectations. Different narratives of the past, however, also result in elusive consensus building attempts. Yet another reason was that the initiative's members were part of a regional network from different states that were initially united under of one federal nation-state before the conflict. Now, however, state borders separate this originally common space and, in spite of commonalities among participating actors across the region, several obstacles still impede a successful mobilization thus far. These conditions are unique to the Balkan region, as past truth commissions in South Africa, Peru and East Timor, among others, were established in more homogenous geographical spaces where atrocities were generally committed within the territorial boundaries.

This chapter is organized in two sections. First, we describe the continuous struggle of human rights activists to create a transnational extra-legal space—in

⁴ Other forms include reparations, lustration and vetting, among others.

⁵ Additionally, the study draws from various reports, policy briefs and strategy papers, among other documentation.

⁶ See for instance (Kurze 2012, Chap. 4).

particular a fact-finding commission—to deal with past atrocities across the former Yugoslavia. We focus on internal and external obstacles the movement faces. Second, we discuss issues of multiple narratives of victimhood, as a consequence of the transnational character of restorative justice efforts in the post-conflict Balkans. In order to do so, we draw on several different cases. With our research we show that despite the increasing importance of NGO actors in transitional justice processes in the region, several factors still hamper the successful creation of extra-judicial space and the implementation of alternative accountability mechanisms, such as the regional truth commission RECOM.

The RECOM Initiative: Struggling to Create an Extra-Judicial Space

Several authors have explored the sociopolitical role of NGOs in society using a sociology-of-space perspective in order to illustrate their active involvement in shaping policy processes (Miraftab and Wills 2005).⁷ Drawing on Faranak Miraftab and Shana Wills' notion of invited spaces—more precisely, spaces in which state institutions provide opportunities for civil society to participate actively in certain problem areas—Alex Jeffrey recently analyzed the creation of space (invented space) by human rights organizations in BiH to allow for deliberate conceptions of justice that go beyond legal institutions and processes (2011). His study defies a legalist approach, illustrating how activists who initially cooperated with the judiciaries have established alternative ways to implement transitional justice in post-conflict settings. While we employ these concepts to investigate regional transitional justice activities of a number of NGOs across the former Yugoslavia in this chapter, we concentrate on a series of factors that have thus far constrained the effective implementation of regional restorative justice efforts and truth spaces by human rights activists. Initially, however, we will address the problems of international criminal justice efforts promoted by the ICTY, which fueled these alternative accountability efforts.

The recent attempts to institutionalize an interstate fact-finding body—to account for past human rights violations and war crimes in the former Yugoslavia—emerged as a response to the rising critique of international and domestic war crimes prosecutions in the region.⁸ In fact, retributive justice mechanisms to cope with the past, such as the ICTY, despite the great global impact on and model character for international humanitarian and criminal law, has only partially helped war-torn and post-conflict societies in the region to transition (Subotić 2009). Some of the issues include: the geographical distance of the court between the Netherlands and the crime scene sites—which has often been criticized by victims/witnesses; the trial of

⁷For an extensive discussion on time and space, see (Urry 2000).

⁸See for instance (Kurze 2012, Chap. 3).

selective cases only (both on the international as well as domestic level); and the politicization of cooperation processes between countries of the former Yugoslavia and the UN tribunal in The Hague (Teitel 2005). Victims thus felt alienated by international and domestic accountability efforts. Increasing critique from victims' associations and human rights organizations were therefore crucial in helping launch an alternative process to improve the relationship between law and society. The objective was to create a deliberate space to account for mass atrocities that was outside the judicial space. Below we briefly trace the genesis and discuss the ontology of the movement in recent years.

The idea behind the RECOM campaign was that progress did not lie in more personnel, better strategies, and on-site presence of the judiciary system, but in the way that those who suffered most during the conflicts were integrated into attempts to cope with the past. In fact, the activities of several nonprofit organizations in this context—many of which often started working at the outbreak of violence in the early 1990s⁹ or shortly after—demonstrated the increasing efforts to raise victims' voices in transitional justice processes in the former Yugoslavia. In fall 2005, three established nonprofit organizations in the region—the Humanitarian Law Center in Serbia, Documenta Center for Dealing with the past (Documenta) in Croatia, and the Research and Documentation Center in BiH,¹⁰ discussed the prospects of an independent regional commission to investigate and disclose facts about war crimes and other serious human rights violations in the territory of the former Yugoslavia.¹¹ By May 2008, these organizations had gained enough momentum and launched the RECOM initiative in Priština, Kosovo, with over 100 NGOs from the region (Coalition for RECOM 2009). Due to the still highly politicized landscape of war-crimes-related issues in the region, the founders of the initiative stressed the importance of establishing a platform offering victims an opportunity to express themselves and to counter the relativization of any crimes against humanity by local and national authorities or justification of crimes committed against opposing sides in the conflict (Coalition for RECOM 2010).

⁹ The activities of the Humanitarian Law Center in Belgrade, Serbia, are a good example of documenting war crimes in the former Yugoslavia. The center also promotes victims rights, based on various initiatives, at <http://www.hlc-rdc.org/stranice/Linkovi-modula/About-us.en.html>. Accessed December 5, 2009.

¹⁰ These various organizations have as their core mission to document and disclose facts about the human rights violations and war crimes committed during the 1990s to educate society and create a voice for victims. Various forms of implementing this mission exist. Documenta, for instance, among other things, engages in commemorative culture, history teaching, and dealing with the past initiatives, thus emphasizing the interactive dialogue with society. The Research and Documentation Center, concentrates its work on documenting missing persons, and has published a comprehensive account of all the war victims in BiH, *The Bosnian book of the dead* (2009), as well as an interactive Google map that shows location, nature of the crime and number of victims. The Humanitarian Law Center, despite its involvement in commemorative culture, is known for its strong legal activities, providing support for victims in court and vis-à-vis state institutions.

¹¹ The International Center for Transnational Justice (ICTJ) and other prominent NGOs in the region also participated in this discussion.

Interestingly, despite coalition members of the RECOM campaign praising the work of the ICTY at conferences and other public events, their strategy clearly aimed at challenging the existing *modus operandi* of the UN *ad hoc* Tribunal. As the prevailing international transitional justice strategy in the former Yugoslavia—particularly advocated by the European Union (EU)—required state cooperation with the ICTY and improving domestic war crimes prosecution, official support of international organizations, such as the United Nations Development Program (UNDP) or the EU, among others, to promote the RECOM initiative was very limited.¹² Despite this drawback, the initiators considered the movement as a response to these retributive transitional justice mechanisms, which in their eyes proved only to be partially successful to cope with the violent past in the region.¹³

What were the tools RECOM coalition members had in mind to implement their goals? According to article 13 of RECOM's final draft statute the commission has six primary objectives. The main goal is to establish facts about war crimes and other grave human rights abuses that occurred during the conflicts in the former Yugoslavia from January 1, 1991 to December 31, 2001.¹⁴ Moreover, it will also look at the socio-political circumstances that led to these crimes and their consequences. The commission also aims at acknowledging "injustices inflicted upon victims in order to help create a culture of compassion and solidarity with victims."¹⁵ Other goals consist of promoting victims' rights, clarify the fate of missing persons and help prevent future human rights violations and atrocities. The RECOM commission's specific functions are listed in article 14 of the final draft statute. Its main tasks consist of collecting information on war crimes and other gross human rights violations as well as information on missing persons. The collected information is then stored in a regional database. Public hearings of victims and other persons about war crimes and human rights violations will also be part of the commission's functions. This function overlaps with the work of domestic judiciaries and has been problematized during several RECOM consultation meetings with lawyers, judges, and public figures (Kurze 2012, chap. 6). Finally, according to the draft statute, the commissioners¹⁶ will provide policy recommendations to help prevent further atrocities and human rights abuses, which will be published in a final report.

¹² Interviews held with several UNDP and EU officials in BiH, Croatia and Serbia during fieldwork between September 2009 and May 2011.

¹³ See (Kurze 2012, chap. 3 and 4) and reports published by human rights organizations, including Documenta, the Humanitarian Law Center, Human Rights Watch, Amnesty International, among others.

¹⁴ See Chap. 6 for a discussion on how the RECOM initiative members decided to define this specific timeframe.

¹⁵ See final draft RECOM draft statute of March 26, 2011, <http://www.zarekom.org>. Accessed on March 1, 2012.

¹⁶ According to the draft statute alleged war criminals and individuals with a political affiliation are ineligible for a position as a commissioner.

As a result, the RECOM movement aims at creating a space for victims to be heard in society, fueling sympathy and understanding. RECOM advocates hope to provide a regional mechanism that takes into account the context of past conflicts. Indeed, as several countries were involved in the breakup of the former Yugoslavia, dealing with past war crimes issues does not stop at national borders, but goes beyond the sovereign territory of the current states. The transnational context to create a regional truth commission, however, creates also several obstacles and challenges that we describe below. With regard to establishing a collective memory, RECOM coalition members also plan on creating a comprehensive database of victims to end the perpetual politicization of the number of victims in the region. In addition, RECOM advocates claim the data collection and the archives could help war crimes prosecutors with evidentiary material, witness handling and searching for the missing. Yet, as we will explain below, these ambitious goals are tainted by internal disagreements of different coalition members.

Since the official constitutional meeting of the RECOM coalition in Priština in 2008 the initiative has faced internal politicking and difficulties.¹⁷ The driving coalition partners of RECOM, such as Documenta and the Humanitarian Law Center, in particular, have grappled with mobilizing coalition partners from BiH, after the head of the Bosnian Research and Documentation Center, for different reasons, refused to give his official support to the coalition at one of the meetings in winter 2008.¹⁸ Void of an essential Bosnian member—BiH constitutes a symbolic member country due to its weighty history during the 1992–1995 conflict—Humanitarian Law Center director, Nataša Kandić, managed to fill the gap created by the loss of the influential Research and Documentation Center by partnering with the Association of BiH Journalists.¹⁹ Yet, the fact that this organization does not essentially concentrate on war crimes reporting has affected its legitimacy within the coalition, according to a prominent member of the initiative.²⁰ Critique has also come from participating organizations that have deplored the lack of transparency in RECOM's decision-making process (B92 2011). Moreover, the uncertain outcome of whether the commission will be created and the long process in rallying financial and political support—both of which have been fluctuating and vague—has also led to a RECOM fatigue with each of the main partner organizations focusing their energy and resources on domestic and local programs in their respective home countries.²¹ In addition to internal obstacles, the initiative's institutionalization

¹⁷ The movement was organized in three phases. The first phase assessed the needs and expectations of victims to create an extra-judicial to deal with past mass atrocities across the region. In phase two participants were incited to provide suggestions and recommendations for creating a regional commission. This took place in local, national and regional consultations and meetings. The last phase aimed at discussing and crafting a draft statute for the commission. It started in May 2010 and lasted until the adoption of a draft statute in on March 26, 2011.

¹⁸ See interview with Mirsad Tokača, director of the Research and Documentation Center in June 2011.

¹⁹ See interview with Nataša Kandić, director of the Humanitarian Law Center, in May 2011.

²⁰ See interview with official member of RECOM in Zagreb in February 2011.

²¹ See supra note 21. See also programs by Documenta, <http://www.documenta.hr> or the Humanitarian Law Center <http://www.hlc-rdc.org>. Accessed November 23, 2010.

process of a regional truth space has faced difficulties fueled by other political and international actors in the post-conflict Balkans.

Although the political and institutional structures in the former Yugoslavia have become more favorable for the RECOM initiative in recent years, numerous obstacles still impede the creation of a fact-finding body.²² In the following we describe the fragile political progress across the region and outline some of the inherent problems. The first important political wave of change in the former Yugoslavia occurred in the early 2000s. The death of Croatia's right-wing leader Franjo Tuđman in 1999 allowed the conservative nationalist era to end in which the narrative of the glorious homeland war to defend the young nation didn't leave any room for discussion of war crimes and human rights violations. Although this nation-building discourse is still promoted by large parts of the conservative political elite in Croatia, the socialist party has gained more political ground in recent years, which contributed to a political shift in Croatia's domestic memory politics. In December 2011 the *Hrvatska Demokratska Zdranka*²³ (HDZ) lost several seats in the legislative elections, ceding its majority rule to a coalition government, further contributing to the political change. As for Serbia, the notorious leader Slobodan Milošević was booted out of power after his 2000 electoral defeat amid rising protests from the streets after he attempted to unilaterally remain in power (Ramet 2010, Chaps. 12 and 13). During the past decade, several reforms and political initiatives demonstrated new governments' willingness to recognize and address war crimes and human rights violations. These efforts, however, are only the tip of the iceberg in a long process that is still ongoing.

Indeed, current political leaders in both countries, Ivo Josipović the president of the Republic of Croatia (who began his first term in February 2010), and Boris Tadić the president of the Republic of Serbia (in his second term, which started in February 2008), have both made important strides to foster a climate of rapprochement in the region. They represent a new political generation that has not been personally involved (be it directly or indirectly) in war crimes or the human rights violations of the 1990s conflicts.²⁴ In 2007, for instance, Tadić released a statement on Croatian national TV on the eve of the 16th anniversary of Croatia's independence, June 24, 2007, apologizing for crimes committed against the Croats by

²² Particularly during electoral campaigns, history is manipulated and old nationalist sentiments exploited by certain political parties or social groups.

²³ Croatian for: Croatian Democratic Union.

²⁴ In the 1980s, Josipović was a member of the League of Communists of Croatia, playing a key role in the democratic transformation of this party as the author of the first statute of the Social Democratic Party of Croatia (SDP) after Croatia's independence. He left politics in the mid-1990s, pursuing his academic career as a law professor at the University of Zagreb and only reentered the political realm in 2003, when Iвица Račan, then acting Prime Minister, invited him to join the government. Serbia's president, Boris Tadić, a trained psychologist, was part of the Democratic Opposition of Serbia, which was key in overthrowing Milošević in 2000. Politically part of the Democratic Party, he has made multiple symbolic reconciliatory public statements that are a sign of collaboration and understanding of both countries.

members of the Serbian population.²⁵ While then-president of Croatia, Stjepan Mesić welcomed the remarks, nationalist hardliners at home, such as Aleksandar Vučić, secretary general of the Serbian Radical Party, ferociously criticized him as a national traitor (Popovic 2007). Already in 2004, the Serbian president has made similar remarks while on a visit to Sarajevo, BiH.²⁶ More recently, on November 4, 2010, Tadić apologized for the massacre that took place 19 years ago in Vukovar, a town in Northeastern Croatia.²⁷ He said that “[b]y acknowledging the crime, by apologizing and regretting, we are opening the way for forgiveness and reconciliation”; yet not everyone received him with wide open arms. Several mothers of those killed in Vukovar, for instance, turned their backs while he gave his speech (Associated Press 2010). Both of these examples illustrate how the political landscape equals a minefield, as not only right-wing nationalist veterans feel betrayed, but also victims express their discontent with political symbolism that does not go far enough in their eyes. Tadić’s Croatian counterpart, Josipović, reciprocated these symbolic steps, and during the November 4, 2010 ceremony in Vukovar, he laid down a wreath in commemoration of over a dozen Serbs that had been killed in a nearby village (Associated Press 2010).²⁸ In addition, both leaders expressed their political backing of the RECOM initiative, in fall 2010 when RECOM members publicly asked for their support (Andrić and Hadžović 2011).

However, in spite of the symbolic gestures and discourses by heads of state in both of these countries (and across the region) institutional drawbacks remain—ranging from the lack of investigations of war crimes involving high-profile Croatian politicians, such as the former speaker of the parliament, Vladimir Šeks (Amnesty International 2010), to the appointment by the current Serbian government of Zoran Stanković as head of the Serbian Ministry of Health, despite his close ties with indicted war criminal Bosnian Serb General Ratko Mladić (Radio Free Europe/Radio Liberty 2011a).

²⁵ The rising wave of apologies in the region of the former Yugoslavia is not limited to Serbia and Croatia. In November 2010, Bakir Izetbegovic, Bosniak member of Bosnia-Herzegovina’s tripartite presidency, apologized for deaths caused by his ethnic group among other ethnicities. This trend started in 2000 with Montenegrin President Milan Djukanovic, when he apologized for the 1991 shelling of the Croatian coastal city of Dubrovnik in which his country was involved. Since, the Serbian and Croat heads of state have apologized in 2003, and Tadić apologized to Bosnians in Sarajevo in 2004 for Serbian atrocities committed there. Additionally, Josipović has apologized at Jasenovac, a memorial site of a World War II concentration camp, where tens of thousands of people were killed. Public apologies are not the only trend, as there have been political and judicial conciliation as well. The Parliament of Serbia, for instance, voted on a resolution on the 1995 Srebrenica massacre, while Croatia is assisting Serbia in its bid to join the EU (Pejic 2010).

²⁶ See “Tadić se izvinio građanima Hrvatske,” *B92*, 24 June 2007.

²⁷ Vukovar is situated close to the Serbian border and a war site where Serbian forces took over 200 hospitalized Croats to a nearby pig farm in Ovčara and massacred them in November 1991.

²⁸ Already in spring 2010, when giving a talk in front of the Bosnian Parliament, Josipović apologized for crimes committed against Bosnians by the Croatian people. He also visited the site of the Ahmići massacre with Bosnian Catholic archbishop cardinal Vinko Puljić and the head of the Islamic Community reis Mustafa Cerić. See “Josipović apologizes for Croatia’s role in war in Bosnia,” *Croatian Times*, 15 April 2010.

Interestingly, support from international organizations to create RECOM's institutional framework also remains limited and further complicates human rights activists' efforts to account for war crimes. While the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe (CoE) has released a report expressing its support for regional reconciliatory justice mechanisms among states of the former Yugoslavia, such as the regional fact-finding initiative RECOM (Marcenaro 2011), other organizations, including the UNDP and the EU, among others, avoid public statements that engage in direct political or financial support of RECOM.²⁹ Politicking among Coalition members and the lack of external support, however, were not the only challenges that kept the RECOM initiative from getting off the ground. During the creation of this regional truth space, a debate about the meaning of victimhood has emerged, producing different opposing narratives that we discuss below.

Multiple, Conflicting Narratives of Victimhood

Recent scholarship has grappled with the question of victimhood in post-authoritarian regimes. Drawing on interviews with war criminals and reports of the confessions of perpetrators in post-conflict settings in Argentina, Brazil, Chile, and South Africa, for instance, Leigh Payne analyzes the behavior of perpetrators (in terms of remorse, heroism, denial, or sadism) and the reaction of victim groups (Payne 2008). In the case of the former Yugoslavia, denial still remains an important phenomenon in society. Partly, as we will demonstrate in the following, because state institutions have sustained certain political discourses—such as the foundational myth of the Croatian Homeland War 1991–1995. In this context, veterans have generally enjoyed financial support in form of pensions provided by the state.³⁰ On the contrary, state institutions across the region have often ignored the fate of civilian war victims and their families. During the RECOM consultation process participating victims association have therefore stressed the need to define the meaning and status of a victim, illustrating RECOM initiators' conundrum of integrating different narratives of the region's looming past.

As a member of a local victims' association from Zvornik, a town in northeastern Bosnia from which nearly all Muslims were expelled during the 1992–1995 war, underlined:

Persecution of the civilian population can't be compared to the persecution of those who bore rifles and were members of a military formation. (...) This means that a civilian is a civilian, a soldier should not be mentioned because after all he was a member of the army,

²⁹ See interview with United Nations Development Program and European Union officials in Sarajevo in May 2011.

³⁰ Veterans in BiH, for instance, have also benefitted from financial and political support by their respective governments. See Popić and Panjeta (2010).

those are separate issues. However, here I exclusively speak about civilians, people who were taken and killed at their doorsteps or a bit further depending on where one was killed (Cited in Coalition for RECOM 2009, p.8).

This narrative, however, stands in opposition to the RECOM members' goal to establish facts about human rights violations and war crimes of *all* victims.³¹ And indeed, in some cases, the meaning of victim includes social groups that do not match the Zvornikan's above definition but include former members of the armed forces. Although the RECOM initiative counts only six veterans associations versus well over one hundred victims associations, this situation demonstrates the inherent predicament of RECOM's leading members to draw bridges among different local and regional civil society organizations during their consultation meetings.

In local and regional consultation meetings, such as in Vukovar in summer 2010 and in Skopje in winter 2010, for instance, members of different branches of the Association of Underage Volunteers of the Homeland War also participated in the discussion.³² These organizations have been created for persons, who at the time of the war were not considered adults, yet fought in the 1991–1995 Croatian war. As underage participants in the hostilities, however, they are not entitled to any veteran pensions from the Croatian state.³³ Hence, the concerns of one of their representatives with regard to RECOM's task of registering human losses stands in contrast with the statement given by the member of the Zvornika victims association:

I am in favor of a register of all losses, which would include both civilians and military men, and that list must inevitably include foreign nationals who participated in those conflicts. How are we going to register them? We should include them in the same register, together with the members of international forces. And a separate register should be created for victims, primarily victims of war crimes.³⁴

RECOM's policy strategy therefore does not necessarily receive the approval from its main target, support groups of war victims. As a result of its holistic approach, some victims' organizations, such as the Mothers of Srebrenica, do not participate officially as a member of the RECOM coalition because their members insisted on the exclusive definition of noncombatants (Coalition for RECOM 2009, p.8).³⁵ Narratives by political actors and state institutions also complicate RECOM advocates' mission to establish a regional commission and expand their extra-judicial spaces to deal with the past.

Nationalist discourses generated by (particularly populist) political actors across the region still pose an impediment to the successful creation of truth spaces by human rights activists. As a case in point, after the arrest of Ratko Mladić on

³¹ The final draft of the statute was adopted on the fourth Coalition for RECOM Assembly Meeting on 26 March 2011 in Belgrade. The draft is available at <http://www.zarekom.org/documents/Proposed-RECOM-Statute.en.html>. Accessed on May 2, 2011.

³² See reports of the consultation meetings at <http://www.zarekom.org/Consultations.en.html>. Accessed on February 11, 2011.

³³ See informal interview with Documenta director Vesna Teršelić in Vukovar on 14 July 2010.

³⁴ *Supra* note 33.

³⁵ See also *Supra* note 21.

26 May 2011, the Serbian Radical Party organized a rally consisting of about 10,000 nationalist protestors who gathered—with a small amount of participants rioting—in front of the Serbian parliament in Belgrade to demonstrate against Mladić's extradition to The Hague (Erlanger 2011). A few months earlier, Croatia faced a similar situation with nationalists and veterans mobilizing large parts of Croatian society across the region in order to protest against the ICTY first instance verdict in the General Ante Gotovina case (Radio Free Europe/Radio Liberty 2011b). The verdict was handed down two days before the initial start date of the RECOM signature campaign in Croatia. Given the very tense political climate in the country, human rights activists postponed the launch of the signature campaign to a later date in order to prevent violence among their campaign volunteers and demonstrators.³⁶ Drawing on the latter case, we will explore the question of state victimhood, which acts as an institutional hurdle to the constitution of truth spaces in society—in addition to the differing narratives of victims mentioned above—and which further exacerbates the restorative justice efforts of NGO activists in the field.

Political symbolism has a very strong effect on the community if it is grounded in lived experience. Benedict Anderson explores the sociopolitical consequences on employing symbols for political means in a longitudinal studies stretching over centuries (1991), Alex Bellamy analyzes the question temporally and spatially more concise, focusing on Croatia (2003, pp.1–6). Not surprisingly, the foundational myth of former Croatian army commander, Gotovina—who has risen to an emblematic war hero figure in Croatian society, and who represents the ontological core of the nation's nascent identity incarnated in a fight of good (Croatia) against evil (Serbia)—has sparked ferocious criticism at the intersection between international and national politics. Despite the Croatian government's international cooperation which led to his arrest and transfer to the ICTY in December 2005, the normative shift in favor of international humanitarian law in the endlessly dragging—and politically highly explosive—extradition issue of Gotovina was incomplete. In fact, during the entire period, politicians strategically politicized various debates on Croatia's national foundational myths (Pavlaković 2008). After the verdict, the Croatian government even took the necessary steps to initiate an appeals process and provide questionable amounts of legal and financial assistance to Gotovina's defense team in The Hague (Croatian Times 2011). These contradictory narratives of victimhood have thus far impeded the successful implementation of a regional truth space and the creation of a transnational truth commission.

Conclusion

This chapter has examined the ongoing struggle of a social movement to establish a restorative justice mechanism in the former Yugoslavia, the RECOM initiative. After the violent disintegration of Yugoslavia in the 1990s, the region has witnessed

³⁶ See interview with Signature Campaign officials of the RECOM initiative in May 2011.

several retributive and restorative mechanisms to cope with the past, including war crimes tribunals—on the international and (to a lesser, but still noticeable extent) national level—and fact-finding initiatives. During these processes human rights activists have occupied an important intermediary function, communicating and interacting between spaces created by varying justice and truth narratives. The aim of this chapter was to analyze these different, intersecting spaces and the role of civil society within these spaces to help understand why recent efforts to establish a transnational fact-finding mechanism have been unsuccessful thus far. The first part of this chapter addressed the ongoing internal and external struggle of human rights activists to establish an extra-legal space to deal with the past across the former Yugoslavia. In this context, we then analyzed the conflicting impact of different victims groups' narratives that accompanied the institutionalization process. The road to sustainable transition in the region is still long and full of challenges, and future developments will show whether human rights activists will be able to sustain their grass-roots projects and establish a dialog between different victim groups across the former Yugoslavia or whether the described obstacles persist and cannot be overcome to create a transnational truth commission for the Balkan region.

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