

*VUKOVAR '91*  
INTERNATIONAL ECHOES AND SIGNIFICANCE

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# *VUKOVAR '91* **INTERNATIONAL ECHOES AND SIGNIFICANCE**

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## A Word from the Editors

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Wars, marked by the extensive use of organized violence, have left the deepest, negative, imprints in the history of mankind. In contemporary warfare we have reached the point where the overall survival on Earth comes into question. Therefore, it is not surprising that various social and creative activities were initiated worldwide, focusing on finding the ways to stop armed conflicts, to diminish their destructive outcome, and primarily – to protect war victims.

After the Second World War, based on a number of features, the European continent was seen as an international area distinct by the largest number of established security systems and standards, and by highly developed awareness. In accordance with this, a public belief that was created, considered Europe immune to international armed conflicts.

Regrettably, Serbian armed aggression (1990–1995) had not only put an end to these misconceptions but raised a justifiable doubt about the concept and purpose of European and worldly protective and humanitarian systems, based on the very act of aggression as well as on the situation in which Serbian aggression was conceived and carried out. All international war rules and humanitarian conventions were drastically violated, and certain crimes committed by Serbian formations had not been anticipated even by international law.

In the course of Serbian armed aggression, the most extensive destruction and human suffering, almost an ultimate concentration of evil of its own kind, took place in Vukovar in 1991. This fact was early recognized in both Croatia and internationally, and the phenomenon of *Vukovar '91* was attributed its deserving symbolic values. However, due to various causes and motives, confrontation with the phenomenon of *Vukovar '91* in terms of needed scientific researches was avoided at the level of Croatia as well as at the level of international structures. Furthermore, a con-

tinuous stigmatization of the Croatian Homeland War as the crucial element of the contemporary Croatian national identity is obvious.

In this situation *Ivo Pilar Institute of Social Sciences* initiated in 1998 a symposium entitled *Vukovar '91 - seven years after* which is afterwards held every year. Prominent scientists and public figures from Croatia and abroad had participated at the symposia with their presentations on different aspects of the events and significance involved in the meaning of *Vukovar '91*.

This proceedings includes papers that were presented at international symposia *Vukovar '91 - ten years after* (in 2001) and *Vukovar '91 - eleven years after* (in 2002). The title of the first symposium was *International Echoes of Vukovar '91* and of the second *Human Rights and Concentration Camp Experiences*. The papers in the proceedings do not follow their actual order of presentation but are classified according to their topics in four different chapters making up a consistent and comprehensive book.

The papers, provided in Croatian and English, opened up a question of international reverberations and significance of *Vukovar '91* and as such, represent a valuable contribution to a better understanding of these tragic events and their long-term consequences. We most ardently hope that this proceedings will have its share in the universal efforts to prevent tragic experiences like *Vukovar '91* in the future.

Editors

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*I.*

IN THE MIRROR OF  
INTERNATIONAL  
LAW AND  
SECURITY

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*VUKOVAR '91*  
– INTERNATIONAL  
LAW AND  
EUROPEAN  
SECURITY



During the Serbian military aggression on the Republic of Croatia (1990–1995), in Croatian and international public Vukovar was recognized as a particular phenomenon already in the early stages of the defense of the town (August–November 1991). *Vukovar '91* did not attain such exceptional recognizability status as a result of the deliberate activity of organized structures in Croatia or in the international community, but has spontaneously become a phenomenon due to the overall distinctiveness of the event, as well as the significance of its direct and indirect consequences.<sup>1</sup>

Since the year 1991 an immense number of different media texts were written on the subject of the *Vukovar '91* phenomenon, and electronic media have released a huge number of testimonies, evaluations, opinions etc. Furthermore, *Vukovar '91* has inspired a great number of artistic works – from the graffiti, sayings and songs to all forms of visual arts. Likewise, numerous authors, recognizing the significance of the phenomenon, initiated a large number of journalistic and literary works on the subject of *Vukovar '91*.

However, despite all inside governing structures in social and state institutions in the Republic of Croatia, *Vukovar '91* has continuously remained a strongly unpopular phenomenon at the actual and symbolic level. Evidence in support of this is the lack of systematic scientific researches on causes, course of action and consequences of *Vukovar '91*, as well as a prevailingly negative attitude towards the defenders and victims of Vukovar.

For that reason, the status of *Vukovar '91* at the level of its actual, symbolic, interpretative and identity value continues to rely entirely on limited possibilities of the research and presentational work as a result of self-initiated individual efforts. In such circumstances it is easy to understand that many aspects of the phenomenon are still completely unknown or inadequately scientifically investigated.

One of those aspects that have not yet been scientifically opened and investigated is most certainly the relation between the phenomenon of *Vukovar '91* and the international law and European security. *Vukovar '91* has directly opened a chain of principle-related and global issues, especially regarding the international war and humanitarian law and the system of European security, which makes the need for a detailed investigation of the phenomenon from a more universal point of view, even more crucial. Therefore, the purpose of this paper is to explain the meaning of the *Vukovar '91* phenomenon, in the context of key problems in international social processes and relations occurring in the world in the 20<sup>th</sup> century, and especially in Europe. It should be pointed out that these problems have evidently remained equally present in the 21<sup>st</sup> century, and this paper can thus be understood as a contribution to the understanding of these problems and prevention of their recurrence in the future.

### General characteristics of the 20<sup>th</sup> century

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As much as we disagree in regard to conception and methodology, with the which hold the approach that presents the history of a certain chronological period outside the causality of the entire course of history, we can still specify a series of indicators that lead us to believe that the 20<sup>th</sup> century is a specific period in the history of mankind. This is also supported by researches in specific natural and social sciences, as well as by interdisciplinary scientific approaches. Literature that deals with the 20<sup>th</sup> century as an entirety most often underlines enormous technical and technological development – almost unimaginable until then – which has become an increasingly critical basis of anything that takes place in the world. This equally applies to changes in material nature, environmental conditions and social processes.

The development led to achievements, which have facilitated enormous improvement in quality of human biological and social life. Advantages that were created in the 20<sup>th</sup> century – and which made it easier, to a great extent, for people to use natural resources, move in space and interact in different ways on social and individual level – formed the basis of general evaluations and conclusions that have determined the entire set of events in the 20<sup>th</sup> century as progress.

In the course of time, well-based opinions were repeated presuming that the span and rhythm of development of the natural sciences and technology in the 20<sup>th</sup>

century entered a stage, which questions possibilities of human control over the inertia of the process, its consequences and purpose of such development. Even more so because technical and technological achievements were directly and indirectly intensively applied on diverse forms of destructive actions, which have even made the survival on Earth questionable. In other words, great benefits of civilization brought about by development or progress were followed by the same or even greater number of negative events and processes. These negative aspects of development led to growing instability, insecurity and uncertainty of individuals and social communities, that is, of the man in general.

In terms of history, one of the indicators that mark the 20<sup>th</sup> century as an exception are definitely unprecedented sufferings of people caused by armed conflicts, as well as by various other forms of organized and unorganized violence. To make it simple, never in the history of mankind were so many people hurt by human actions as in the 20<sup>th</sup> century.

Statistical data undoubtedly represent the evidence of that fact. According to expert estimates, approximately seventy million people were killed in two world wars (twenty million in the First World War, and fifty million in the Second World War), and fifty-five million people were wounded (twenty million in the First World War, and thirty-five million in the Second World War). These tragic numbers are increased by the unestablished number of killed and wounded in several hundreds of different international and local armed conflicts and civil wars that have taken place during the 20<sup>th</sup> century. We can state as an example that in the Korean War alone (1950–1953) over one million people were killed.

However, for deeper understanding of the specific character of interpersonal relations in the 20<sup>th</sup> century, and for better interpretation of future prospects, following facts are much more significant. The 20<sup>th</sup> century is the only century in which a world war has occurred, and it has happened twice. It is beyond doubt that this cannot be repeated in the future; the aggregate of the destructive armed power that has been available for humankind over the past decades guarantees that it would be impossible to survive the Third World War on Earth.

It is especially indicative that despite enormous total suffering of people in the 20<sup>th</sup> century wars, the largest number of people were killed as a consequence of actions in so called peacetime conditions. According to the recent estimates, only the communist totalitarian systems in the

20<sup>th</sup> century resulted in death of approximately 90 million people.<sup>2</sup> It is even more crushing if we add an even greater number of people who died of poverty, hunger and sickness, mainly as a result of global international and interpersonal relations.

## International law

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Contemporary international law was progressively developing along with an accelerating pace of world events in the 20<sup>th</sup> century, and it also represents one of the characteristics that make this century special. During earlier centuries and periods there were certain customs, institutes and standards of conduct in different kinds of international relations, but they were limited regarding the international legitimacy, codification and scope of their effectiveness. It was not until the 20<sup>th</sup> century that codification, that is, systematization of law was created in the international law area, provisions of which were in different ways incorporated in positive legal systems of almost every country. Furthermore, international organizations and institutions were established, which are involved in both the creation and implementation of international law.

International law was branched and specialized conforming to the nature of international relations that were being legally regulated (traffic, diplomatic and consular, contractual, medical law, etc.). Thus, the theories dealing with the international law offer inconsistent classifications of individual areas of international law, based on different approaches and criteria, often mutually overlapping.<sup>3</sup>

However, taking into account a number of its specific characteristics and especially its significance, international war law assuredly takes a special place, aimed at regulating all relations between parties at war, as well as their relation towards neutral legal subjects. During the 20<sup>th</sup> century, international law is in every way – doctrinal, as well as normative – the most extensively developed and changed part of the international law. It is an explicit evidence of the frequency and destructiveness of international armed conflicts during the past century. The main characteristic of the international war law development process is the fact that it was changing *post festum*, that is, after war experiences became increasingly worse.

Therefore, development of war doctrines and strategies, weapons and methods of combats, as well as the impossibility to foresee negative consequences were regularly more *innovative* and faster than the legal theory or imagination, and consequently even than the international war



norms. Because of that, rules of the international war law almost never succeeded in anticipating and preventing armed conflicts and their negative consequences.

Theoreticians most often find the first sources of the modern international war law in the second half of the 19<sup>th</sup> century, *abundant* in wars, when a series of multilateral agreements were concluded in Europe, containing different rules of armed conflicts. However, two *International Peace Conferences in The Hague* (1899 and 1907) are rightfully considered to be a starting point of the international war law. Due to the certainty of a great armed conflict that was about to start, those conferences had very extensive purposes: to found an international organization, to achieve an agreement on disarmament and peaceful way of solving international conflicts, and to codify the war law. The first two goals were not achieved, but the codification of a considerable number of war rules, known as *The Hague Conventions*, was nevertheless realized. Before the beginning of the First World War, as many as 44 states ratified the majority of *The Hague Conventions*, and their principles continued to be the basis of the international war law until today, regardless of all changes and amendments.

Among *The Hague Conventions*, there are also conventions limiting the use of certain lethal weapons and instruments (air bombs, dum-dum ammunition, war gas), and regulating the status and treatment of war prisoners. Thus, these conventions concurrently constitute a part of the international humanitarian law, implying the significant overlap between the international war and humanitarian law. However, international humanitarian law is most definitely a special area of law, having as a task to regulate the universal protection of an individual in war and in the peacetime.

During the First World War and a series of other armed conflicts, humanitarian provisions of *The Hague Conventions* were most drastically violated. Therefore, in 1929 in Geneva, a separate *Geneva Convention relative to the Treatment of Prisoners of War* was concluded, trying to sanction, at least formally and legally, previous sufferings of war prisoners. Nevertheless, interpersonal treatment during armed conflicts, and especially during the Second World War, was contrary to all humanitarian principles and international law, and thus in 1949 *Geneva Conventions for the Protection of War Victims* (or *Geneva Humanitarian Conventions*) were concluded, trying to set formal regulations and mechanisms that would protect more effectively all victims of armed conflicts.

These, formally four, conventions are in fact one comprehensive unity, consisting of 426 articles, numerous forms, annexes etc., which considerably extended and elaborated the previous humanitarian law dealing with armed conflicts. The importance of *Conventions* emphasizes also the fact that they are, for the most part, ratified by nearly all world countries, and were gradually built in national legislature of most states. Thus the *Geneva Conventions* stand for a contemporary legal standard in the international humanitarian law area dealing with armed conflicts.

The main characteristics of *Geneva Conventions* are: a) extension of protection to other categories of victims, including civilians; b) any armed conflict of international character is included; c) roles, rights and obligations of protective forces are significantly augmented, as well as those of the *International Committee of the Red Cross*; d) conflicted parties have to adhere to the level of persons' protection, approved by *Conventions*; e) individuals may not renounce any right from *Conventions* – which legally prevented any kind of forcible extortion to renounce the rights to protection; f) both individuals and the state are responsible concerning the treatment of the protected persons.

After the *Geneva Conventions* were concluded, a large number of international armed conflicts occurred in the world, characterized by the appearance of new weapons and numerous new forms of human suffering. Therefore different legal acts were issued (protocols,<sup>4</sup> resolutions, declarations, treaties, contracts etc.), referring to these problems. However, according to their principles and scope, they are most often regarded as supplement or elaboration of *Geneva Conventions*.

*The International Committee of the Red Cross* (ICRC) is explicitly stated in *Geneva Conventions* as a neutral institution with a special position regarding protection, humanitarian and other help for protected persons, as well as regarding control over abidance by the *Conventions* regulations.<sup>5</sup>

Apart from violence and victims caused by classical armed conflicts, more and more complicated forms of the so-called peacetime violence, to which individuals and social groups are exposed, present a significant characteristic in the contemporary world. Multitude and incidence of occurrences leading to suffering of people are so widely ranged that it is hard to make a distinction between the wartime and the peacetime. Development of corresponding parts of international law during the last fifty years speaks of that fact in its own way, at least fundamentally starting from the peacetime international and interior circumstances.

That is why, in the more and more integrated world, a gradual creation of a special system inside the international law is introduced, with the main purpose to protect fundamental civilizational achievements belonging to individuals and social groups; starting from the right to life, freedom and identity to a series of social, economic, political and status rights. It was not before the end of the 20<sup>th</sup> century that this system was clearly recognized in the world in the domain of science and of public life as a unique entity, denoted with the collective term – (international) human rights.<sup>6</sup> However, in the domain of formal international legal system, human rights are still a non-integrated collection of separate charts, declarations, conventions, pacts etc., lacking many substantive and institutionally-operational components.

Therefore, literature sources provide rather diverse international legal documents (or their parts), belonging to that system, which is still in the process of creation. This paper requires to at least mention some fundamental documents: the United Nations Charter;<sup>7</sup> Convention on the Prevention and Punishment of the Crime of Genocide;<sup>8</sup> Universal Declaration of Human Rights;<sup>9</sup> Convention Relating to the Status of Refugees;<sup>10</sup> Convention Concerning Discrimination in Respect of Employment and Occupation;<sup>11</sup> International Convention on the Elimination of All Forms of Racial Discrimination;<sup>12</sup> Declaration on the Right to Development;<sup>13</sup> International Pact on Economic, Social and Cultural Rights;<sup>14</sup> International Pact on Civil and Political Rights;<sup>15</sup> Facultative Protocol to the International Pact on Civil and Political Rights;<sup>16</sup> International Convention on Suppression and Punishment of the Crime of Apartheid;<sup>17</sup> Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;<sup>18</sup> Convention on the Elimination of All Forms of Discrimination Against Women;<sup>19</sup> Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;<sup>20</sup> Convention on the Rights of the Child.<sup>21</sup>

The UN structure includes a number of bodies responsible, among other tasks, to monitor general or particular aspects of human rights in the world. The UN has also founded its own institutions, major activity of which belongs to the human rights area. This primarily refers to the UN Human Rights Committee,<sup>22</sup> SubCommittee on the Prevention of Discrimination and Protection of Minorities;<sup>23</sup> Committee on the Status of Women<sup>24</sup> and the Office of the United Nations High Commissioner for Hu-

man Rights.<sup>25</sup> Furthermore, there are also specialized inter-governmental UN organizations engaged in developing systems of human rights protection. Most significant among them are: International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO) and Food and Agriculture Organization (FAO).

In view of this, the 20<sup>th</sup> century's global development of the unique system, embracing international law and structure of world institutions, suggests the creation of the enormous organized legal, institutional, material and other power aimed at regulating various relations in the world in accordance with the best achievements of human civilization. This especially relates to the prevention and regulation of all kinds of armed conflicts and other forms of violence that have become a critical world problem. On the other hand, the practice of treatment in wartime, post-war and so called peacetime conditions indicate that all forms of violence and destructive behavior are on the rise.

## European Security

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In the context of world events during the 20<sup>th</sup> century, the European continent takes a special place as implied by the series of indicators. Firstly, after several thousand years of dominance, in the 20<sup>th</sup> century Europe ceased to be the center of the world.

Europe has undoubtedly left the deepest mark in the history of the world which can be supported by numerous civilization-pertaining facts considered collectively or from the political, military, technological and cultural standpoint. To make it simple, for centuries, absolute world power was placed in Europe, that is, Europe was master of the world in every way. This is best illustrated by the several centuries of colonialism, when some European countries, through their established colonies, owned the *rest of the world*.

The First World War was the turning point, with which the world dethronization of Europe started. This can be clearly seen from economic indicators; until the First World War Europe had a positive balance with the *rest of the world*, including the USA, and after the end of the First World War, Europe became an economic debtor of the USA.

The process of economic stagnation of Europe towards the USA and some other parts of the world lasted

throughout the entire 20<sup>th</sup> century, and had a series of direct and indirect consequences on all aspects of social life. Apart from economic indicators, a chain of demographic, military, politological and other indicators exemplify this fact; for example, in the last decades of the 20<sup>th</sup> century almost all European countries had a negative population growth rate, and military power and political influence of Europe ceased having the world significance.

Besides, dethronization of Europe as the center of the world can also be followed in the last hundred years in all aspects of culture, of which Europe was especially proud of. Traditional European cultural patterns that were being created for centuries – from the worldview and values to art and way of living – not only ceased being the role model for the rest of the world, but also became secondary in Europe itself. Thus the European historical identities were becoming more and more destroyed, and their dominant place in Europe was taken by ochlocratic societies with the mass consumer *culture*.

Over the past two hundred years, a lot of various publications (philosophical, sociological, politological, historiographic etc.) were written in Europe on this subject, anticipating the shift in European world status or attempting to determine its causes within the range from generally aged European civilization to rise in power of countries outside Europe. Taking into account its complex nature, the problem cannot be explained here in more detail, but it has to be acknowledged as the framework for the more complete understanding of the subject of this paper.

It is a remarkable and interesting fact that Europe was concurrently the source, the scene of action and, in every respect, the greatest victim of two world wars. From that point of view, the Second World War was undoubtedly (after the First World War) the next crucial negative event in the complete process of dethronization of Europe as the center of the world power.

Due to all that is mentioned, it is understandable and justified that preservation of European security and stability, especially after the Second World War, was the major, almost crucial issue, not only in Europe, but also in the world. Common awareness on this priority was clearly manifested in practical, theoretical and declarative way on the international level, as well as on levels of most European state policies, public opinions and activities of non-governmental institutions and individuals.

In this context, almost all major processes taking place in Europe after 1945 can be understood, regardless of their inner complexity or partial contradiction. Thus,

for example, the deep post-war process of de-Nazification of Germany should be observed not only as the usual reprisal against the defeated party in the war, but primarily as a method of long-term European protection, implemented, according to same principles, by the *Cold War* opponents in their occupied areas.

Furthermore, all negative events and consequences, which are the result of Europe being split over the *Cold War* and the *Iron Curtain*, have never grown into an armed conflict, and therefore, several centuries of the European *balance of fear* should also be understood as the mean of continental protection. Consequently, from today's distance, we should not hesitate from speculating on the security dimension created by European countries uniting into two opposed military-political alliances (the North Atlantic Pact and the Warsaw Pact), because regardless of a series of occasions, they have never entered into an armed conflict against one another in the European area.

Economic and other European integration processes that have occurred after the Second World War in the background of the *Cold War* have also had a direct and indirect security role and significance. This equally applies to the *European Community* (EC, later to be the *European Union* – EU) and to the *Council for Mutual Economic Assistance* (SEV), and especially to the political organization *Council of Europe*, founded in 1949 as a regional inter-governmental organization, basic purpose of which is to prevent recurrence of destructive wars in Europe.

In order to achieve that purpose, the *Council of Europe* based its activity on the development of parliamentary democracy and human rights, thus, no country could become a member (before and after the *Cold War*) if it did not accept and implement those principles, considered to be the foundation of the so called democratic security.<sup>26</sup> Two contracts (*European Convention on Human Rights* and *European Social Charter*) and additional protocols present the legal basis of the *Council of Europe* activity. The *Convention*<sup>27</sup> is generally considered to be the most elaborated and the most effective human rights system in the world. In order to ensure its implementation, two permanent institutions were founded: the *European Commission of Human Rights* and the *European Court of Human Rights*.

There is a number of other economic, political, social and corresponding organizations in Europe, which space-wise have the continental or regional range, and their activities represent a constituent part of the European security network.<sup>28</sup> A special place belongs to the increasing number of non-governmental associations and organiza-

tions (NGO), which have influenced the development of the international law, as well as the international institutions and different kinds of treatment.<sup>29</sup>

However, when speaking of the institutionalized European security, which had a complete continental range even in times of the *Cold War*, and has significantly contributed to its ending, then a special place belongs to the *Conference on Security and Cooperation in Europe* – CSCE (since 1995 the name has been changed into OSCE – *Organization for Security and Cooperation in Europe*). The process of the CSCE formation started in 1971, and was finished in 1975 with the fundamental document – *Helsinki Final Act* (HFA), signed by 33 European countries (including the Soviet Union; at the time, Albania was the only country that refused to enter), USA and Canada.

Starting point of the HFA concept was to overcome the *Cold War* gap, which was dividing Europe, with the clear purpose of preservation of European security and stability, and formation of the greater inter-state cooperation on the European continent. In the process, *Declaration on Principles Guiding Relations between Participating States of the CSCE* was adopted as a guarantee for achievement of this purpose, stating: 1) Sovereign equality, respect for the rights inherent in sovereignty; 2) Refraining from the threat or use of force; 3) Inviolability of frontiers; 4) Territorial integrity of States; 5) Peaceful settlement of disputes; 6) Non-intervention in internal affairs; 7) Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief; 8) Equal rights and self-determination of peoples; 9) Cooperation among States; 10) Fulfillment in good faith of obligations under international law.

*Helsinki Final Act* is divided into four principal chapters (the so called *Baskets*). Basket One is entitled *Questions relating to Security in Europe*; Basket Two deals with *Co-operation in the Field of Economics, of Science and Technology and of the Environment*; Basket Three relates to *Co-operation in Humanitarian and Other Fields*; and Basket Four refers to regulations concerning the *Follow-up to the Conference*, i.e., continuance of the process of cooperation during follow-up meetings. Before the end of the *Cold War*, meetings were held in Belgrade (1977–1978), Madrid (1980–1983) and Vienna (1986–1989), where final documents were drafted, presenting supplements to the HFA and other documents.

Two CSCE documents from 1990, immediately preceding the Serbian armed aggression, are especially significant for the subject matter of this paper. The documents



are: the *Copenhagen Final Document*, which also contains parts on the rule of the law, free elections and democratic values, and the *Paris Charter for a New Europe*, which reformed the CSCE from the *ad hoc* conference into the international organization with permanent institutions.

Based on the characteristics of the European security system created after the Second World War, as a whole, or from the point of view of its components (formal and actual presence of the international law; number and complexity of the institutions network that are completely or partially involved in the security activity; created awareness of security on all social levels), most experts have readily concluded that it cannot be compared to any security model outside Europe. In other words, the European security model convincingly takes the first place in the world.

This conclusion was most often proved by the fact that stability of the European area – as the most belligerent, most armed and definitely most divided and complex continent – was nevertheless – from 1945 to 1990 – not broken by an international war. On basis of that experience along with the process of the unarmed deconstruction of communist government systems, the confidence in general standard of the European security reached a high level during the eighties of the 20<sup>th</sup> century, which was, as shown by the course of events, unfounded. The illusion of the European security was so persuasive that no serious assessment or conviction of the possibility for an armed aggression to occur could be detected even on the margins. And when Serbian armed aggression started and was rapidly extending, this illusion significantly affected the perception and (in)activity of European security mechanisms.

### Vukovar '91

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Serbian armed aggression against Croatia and Bosnia and Herzegovina (1990–1995), apart from being *significant* as the first war in Europe after the Second World War, is even *more significant* for its causes, course of action and consequences being in many ways different from the contemporary European war experiences and doctrinarian presumptions. Thus, it has opened an enormous number of questions regarding the cultural identity actually reached in Europe at the end of the second millennium, international, legal and security aspects being just one part of the problem.

According to contemporary European standards, conceptual basis of Serbian aggression is completely out of date, or better said, it is non-European. Most European



nations (especially developed countries) do not identify their nation with ethnic origin, and do not obtain their national interests by military conquests and ethnic cleansing, but by economic, technological, scientific, political and other means. Serbian aggression placed its notional and political basis on the ethnic and religious identification (“All Serbs have to live in one country”, religious ornaments, reference to graves, participation of Serbian Orthodox Church etc.) and has planned and tried to accomplish their national interests by military occupation, ethnic cleansing of non-Serbian population and by colonization of members of their ethnic group (best evidence to that fact are formerly occupied parts of the Republic of Croatia and the still existing “Serbian Republic” in Bosnia and Herzegovina).

Serbian aggression was carried out without the proclamation of war, with the use of forbidden weapons, and apart from the official army, various paramilitary and volunteer formations and groups were included. Ethnic cleansing was carried out by all sorts of intimidations and ill-treatment, mass murders, mutilations, imprisonments and exile. Main targets of destructive attacks – with no military reasons – were civil objects (houses, hospitals, schools etc.), and especially cultural heritage (settlements, castles, museums, churches, graveyards etc.), with the only purpose to destroy historical identity of the area.

In the period 1991–1995, a special place, regarding historic meaning and symbolic, belongs to *Vukovar '91*. In three months of its duration, the *Battle of Vukovar* became a military phenomenon, the crucial military and political event for defense of the Croatian state from Serbian aggression, and the symbol of heroism, Croatian national pride and sacrifice.<sup>30</sup>

Besides, *Vukovar '91* was then also righteously recognized by the international public as the material and human suffering previously hardly imaginable on the European continent. During the attack on Vukovar and after its occupation, the Serbian Army in the most drastic way committed all possible war crimes which are sanctioned by the international war and humanitarian law, and a series of crimes, which the international law did not anticipate in its rules. And therefore, *Vukovar '91* was spontaneously recognized in public as the general symbol of victim of Serbian armed aggression against Croatia and Bosnia and Herzegovina.

During the three-month-long occupation, Vukovar, in which there were no Croatian military objects, was literally completely destroyed by artillery and bombing from air by

the Serbian Army, and the worst form of culturocide, urbicide and ecocide occurred in this Croatian and European town with exceptionally rich archaeological and historical heritage.<sup>31</sup> Generally speaking, this crime was planned with the intention to change the complete (cultural, national and natural) material identity of the area, in order to proclaim, after the war, this town and area, destroyed to unrecognizability, as historically Serbian.

The fact that planned mass genocide crimes were committed in the Vukovar area not only on the Croatian majority, but also on all non-Serbian ethnic groups (Hungarians, Ukrainians, Ruthenians, Slovenians and others) is the most tragic. In that way, Vukovar area was ethnically cleansed from the majority of its previous inhabitants, and with the use of the most ruthless crimes and atrocities. Findings from mass graves – which are still being discovered in the area of Vukovar – are one of testimonies on mass murders, mutilations and torture committed on civilians and Croatian defenders, and not even two hundred wounded people from the Vukovar Hospital were spared. Approximately seven hundred citizens of Vukovar are still missing.<sup>32</sup> Around five thousand citizens of Vukovar were imprisoned and sent to Serbian concentration camps, where they were exposed to almost unimaginable forms of physical and mental torture. Around thirty thousand citizens of Vukovar were exiled.<sup>33</sup>

However, the horrifying reality of suffering of Vukovar and its citizens becomes even more horrible by the disturbing fact that the Serbian military aggression (including the *Battle of Vukovar*) was prepared and carried out – literally – before the eyes of the world, and especially of European organizations that are institutional bearers of international law and security (from the UN to CSCE, *Council of Europe* and EC), and in front of a series of humanitarian organizations (from the *International Committee of the Red Cross* to many other European humanitarian organizations).

Literal presence of these institutions definitely should not be understood as an indefinite stylistic expression, which is confirmed by video recordings on the act of illegal imprisonment of later to be executed wounded people from the Vukovar Hospital. Namely, this bizarre act was done by the Serbian Army in the presence of their commander V. Šljivančanin, of C. Vance (as a special UN delegate) and of the *International Committee of the Red Cross* (ICRC) representative.<sup>34</sup>

In context of this paper, it is especially significant that *Vukovar '91* – and everything it symbolizes – occurred at the end of the 20<sup>th</sup> century in Europe that considers it-

self to be the most civilized continent, where international legal standards, security institutions and humanist consciousness are at the highest level. But, *Vukovar '91* at the same time most drastically witnesses the complete inefficiency of European and world security and humanitarian systems. In that respect, it is even more indicative that *Vukovar '91* was no exception, because international mechanisms acted the same way in Croatia before the Vukovar autumn 1991, and later in Bosnia and Herzegovina.

Therefore, the experience of *Vukovar '91*, stands for an actual collapse of international security and humanitarian systems, structure and trust in which were built after 1945 with enormous world intellectual, moral, organizational and material resources. This conclusion is even more obvious when we observe events in South Eastern Europe at the end of the eighties and first half of the nineties from today's point of view, that is, when public transparency of the complete process of preparation and realization of Serbian armed aggression is compared to the inefficiency of authorized international institutions.

Anticipation of the course of action was possible on at least two levels of analysis – the historical and the actual one. In terms of history, there was enough scientific literature and awareness of South Eastern Europe for centuries, including the 20<sup>th</sup> century, being one of the most dynamic and instable areas in the world. This process of contacts (conflicts and coexistence) among peoples, civilizations, cultures and religions in the South-Eastern European territory can be traced from the ancient times. In the last century and a half, the problem of instability of this area is mostly related to remains of the so called Eastern Question, which European forces were trying to solve ever since the Congress of Berlin in 1878. However, all events in the 20<sup>th</sup> century show that this question, center of which is Bosnia and Herzegovina, is still open.

In that context and in parallel with it, continuity of development of ideological and practical (military-political) aggressiveness of Serbian nationalism, which persistently attempts to territorially spread in the west direction, especially on the territory of Bosnia and Herzegovina, can be historically monitored throughout the last century and a half. The best illustration of that fact is Serbian organization of the assassination in Sarajevo in 1914, which was the immediate cause of the First World War; furthermore, the great-Serbian politics in two Yugoslavias and finally, the recent armed aggression on the Republic of Croatia and on Bosnia and Herzegovina.

Announcements of Serbian war aggression at the end of the 20<sup>th</sup> century have been made public with an increasing frequency since *Memorandum of the Serbian Academy of Sciences and Arts* was published in 1986, and more clearly, after Slobodan Milošević became the President of Serbia in 1987. After that, governing structures in Serbia were completely homogenized through the use of violence (*Anti-Bureaucratic Revolution*), and this homogenization expanded (by the *Yogurt Revolution*) on previous Autonomous Regions Vojvodina and Kosovo, and the Yugoslav Republic of Montenegro. An attempt to expand the *Yogurt Revolution* – by mob raids – on Bosnia and Herzegovina, Croatia and Slovenia did not succeed. But, when three west former Yugoslav republics held first multi-party parliamentary elections in 1990, Serbian government was concluding operative preparations for the armed aggression, which started in August 1990 on the Republic of Croatia.

All these events were completely public in the territory of former Yugoslavia, as can be seen from the then press. Various representatives of the international (European and world) community were also frequently witnessing these events during their visits. Therefore, reasons for inefficiency of international security institutions most definitely can not be found in unfamiliarity with historic or the then current facts and processes. It is also noteworthy that the Great-Serbian nationalist movement at the end of the 20<sup>th</sup> century can be compared – by its concept and methods used – with the period of Fascism in Italy and Nazism in Germany. In both mentioned cases inefficiency of the international community is strikingly comparable as well.

That is why *Vukovar '91* has opened another question relating to understanding of causes that made the international security system fail completely. However, even now, ten years after *Vukovar '91*, dealing with this question is avoided on the international, as well as on the Croatian level. For that reason this aspect also fits into the general institutional indifference to learn the truth of events and the essence of the *Vukovar '91* phenomenon. Such reluctance towards dealing with the truth reveals a number of tangible weak points of the world system we live in, as well as the hypocrisy of its moral values.

One of the real weakness indicators is the fact that the majority of crimes, which have happened during the Serbian armed aggression, has not been sanctioned in Croatia or in the international community, having in mind that the necessity of imposing sanctions does not come from some need for vengeance, but from the basic

civilizational and formal law, basic purpose of which is to prevent recurrence of crimes. Furthermore, numerous historical experiences have confirmed justification of the old Biblical principle of value that says that in every way only truth can set us free. And here truth does not stand for some abstract or idealized idea, but indeed an efficient principle that helps prevention of repeating the same mistakes.

Final persistence in these values brings us to the area of basic individual and collective responsibility towards ourselves, towards the heritage of the humanist tradition, and most of all, to the responsibility towards the safety of future generations, because if ten years ago we had been able to cope with such responsibility, *Vukovar '91* would definitely never have happened.

## FOOTNOTES

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<sup>1</sup> See: *Vukovar '91 – značenje, vrednote, identitet*. Proceedings (Ed. J. Jurčević), Zagreb, Ivo Pilar Institute of Social Sciences, 2000.

<sup>2</sup> *Crna knjiga komunizma*, Zagreb, 2000.

<sup>3</sup> See J. Andrassy, *Međunarodno pravo*, Zagreb, 1971.

<sup>4</sup> Two *Additional Protocols to the Geneva Conventions* were issued in 1977, and constitute a direct component of Conventions.

<sup>5</sup> ICRC is formally private humanitarian organization, founded in 1860s in Switzerland. However, due to its long-term humanitarian activity, ICRC gained a special real and formally-legal international status, by which it differs from other non-governmental associations and organizations.

<sup>6</sup> It is unnecessary here to enter into discussion on differences existing in theory on what humanitarian law is, or what humanitarian regulations, human rights etc. are. In any case, disagreements are the consequence of the justified objective overlap, as well as of the very fast development of those international law areas. Thus, in recent times, a trend of humanitarian law being considered only as one part of human rights development is becoming more and more present. (Comp. T. Buergenthal, *International Human Rights in a Nutshell*, St. Paul, Minn., USA, 1995.)

<sup>7</sup> Signed at the UN Conference in San Francisco, on June 26<sup>th</sup>, 1945.

<sup>8</sup> Convention was adopted by the United Nations General Assembly on December 9<sup>th</sup>, 1948, and entered into force on January 12<sup>th</sup>, 1951.

<sup>9</sup> Adopted by the United Nations General Assembly on December 10<sup>th</sup>, 1948.

<sup>10</sup> Adopted by the United Nations on July 28<sup>th</sup> 1951, and entered into force on April 22<sup>nd</sup>, 1954.

<sup>11</sup> Adopted on June 25<sup>th</sup>, 1958 by the General Conference of the International Labour Organization, and entered into force on June 15<sup>th</sup>, 1960.

<sup>12</sup> Adopted by the United Nations on November 21<sup>st</sup>, 1965, and entered into force on February 4<sup>th</sup>, 1969.

- <sup>13</sup> Proclaimed by the United Nations General Assembly on November 4<sup>th</sup>, 1968.
- <sup>14</sup> Adopted by the United Nations on December 16<sup>th</sup> 1966, and entered into force on January 3<sup>rd</sup>, 1976.
- <sup>15</sup> Adopted by the United Nations on December 16<sup>th</sup> 1966, and entered into force on March 23<sup>rd</sup>, 1976.
- <sup>16</sup> Adopted by the United Nations on December 16<sup>th</sup> 1966, and entered into force on September 3<sup>rd</sup>, 1976.
- <sup>17</sup> Adopted by the United Nations General Assembly on November 30<sup>th</sup>, 1973, and entered into force on July 18<sup>th</sup>, 1976.
- <sup>18</sup> Adopted by the United Nations on December 9<sup>th</sup>, 1975.
- <sup>19</sup> Adopted by the United Nations General Assembly on December 18<sup>th</sup>, 1979, and entered into force on September 3<sup>rd</sup>, 1981.
- <sup>20</sup> Adopted by the United Nations General Assembly on November 25<sup>th</sup>, 1981.
- <sup>21</sup> Adopted by the United Nations General Assembly on November 20<sup>th</sup>, 1989, and entered into force on September 2<sup>nd</sup>, 1990.
- <sup>22</sup> Committee was founded in 1946, under Article 68 of the UN Charter, by the UN Economic and Social Council. Members of the Committee are nominated by particular countries, and their efficiency is limited by the fact that they formally have the status of authorized representatives of their countries.
- <sup>23</sup> It was founded in 1947 as the body of the Committee. Members of the SubCommittee have personal status, and are nominated for a limited period by the Committee.
- <sup>24</sup> Founded in 1947, with state representatives as members.
- <sup>25</sup> Founded in 1994, after numerous unsuccessful attempts during previous decades. High Commissioner is a UN officer (the Office is the UN service) with the status of the UN Vice-Secretary, and represents the leading institution for the human rights area in the UN.
- <sup>26</sup> For example, during the period of dictatorship, Greece was excluded from the *Council of Europe* membership, and in 1991, former Yugoslavia was deprived of the "special guest" status in the *Parliamentary Assembly of the Council of Europe*.
- <sup>27</sup> Signed in 1950, and entered into force in 1953.
- <sup>28</sup> For example, ECE (Economic Commission for Europe), founded in 1947; OEEC (Organization for European Economic Cooperation), founded in 1948 and replaced in 1961 with the new organization OECD (Organization for Economic Cooperation and Development); Council of European Municipalities and Regions, founded in 1951; Nordic Council, founded in 1952; the Alps-Adriatic Working Community, founded in 1978; SEI (Central European Initiative), founded in 1989 etc.
- <sup>29</sup> For example, the European Movement, founded in 1948; Amnesty International, founded in 1961; Helsinki Watch, founded in 1979; International Helsinki Federation for Human Rights, founded in 1982, etc.
- <sup>30</sup> See *Vukovar, vjekovni grad na Dunavu*, Koprivnica, 1994.
- <sup>31</sup> Paper of Z. Karač, (published in this proceedings) refers to this issue, using actual data and illustrations; and so do many film, video and photographic records.

<sup>32</sup> See *Deset godina nade i boli*, Zagreb, 2001 (chapters IV–VI).

<sup>33</sup> See *idem*, chapter II.

<sup>34</sup> Presentation of Mr. Martin Bell (published in this proceedings) in parts refers to this issue; see the documentary *Kronika jednog zločina* by T. Žaja, presented by Croatian Television in November 1998.





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A RIGHT TO LIFE AND  
PROHIBITION OF  
TORTURE AS BASIC  
VALUES IN  
DEMOCRATIC  
SOCIETIES IN EUROPE  
(Unauthorized version)



It was a great honor for me to participate in the symposium at the occasion of the eleventh year after the fall of Vukovar, in order to commemorate the existence of concentration camps and also to reflect on human rights. When I was driven through the city I was, of course, shocked by what I saw. The ruins of the houses, now abandoned, that once were homes of families, brought back to me, to my mind, the images of the war. And just before we started I saw again these images.

We in Western Europe, we were confronted with these images in painful and often shameful way, and it made us realize that human rights are not just something that you can simply take for granted. You, of course, know better than we do that this, indeed, is a sad reality. It was undoubtedly with similar images in their minds, a few years after the Second World War, that representatives of the member states of the United Nations drafted the *Universal Declaration of Human Rights*, declaration that was adopted by the *General Assembly of the United Nations* in 1948. That declaration proclaimed a number of fundamental rights. It was not a binding text, however, merely a solemn declaration. But the tone was definitely set.

Immediately after the adoption of the declaration, the work started in order to come to human rights treaties, international treaties, containing binding obligations for the states that would agree to ratify these treaties. And it was in this context that the *European Convention on Human Rights* was adopted in 1950. It was and is a treaty that consists of two parts, one part containing substantive provisions, guaranteeing a number of fundamental, civil and political rights. The other part perhaps is even more important, because it sets up an international control mechanism, which nowadays includes the *European Court of Human Rights* in Strasbourg.

In my presentation, I would like to go deeper into some aspects of the mentioned *European Convention on*

*Human Rights.* I would like to look at two kinds of fundamental rights that are likely to be violated in cases where persons are deprived of their liberty – the right to life and the prohibition of torture and inhuman or degrading treatment or punishment. My presentation will be divided in three parts. First, I will take a look at these rights in a general way – what do these rights mean, what do they protect, are they protected and what is the scope of protection. This will be, as I said, the general part. Then, secondly, I will look at some concrete cases as they have been brought before the *European Court of Human Rights*, involving alleged or real violations of these fundamental rights. And finally, at the end, in the third part, I will take a look at the European human rights approach to prevention of human rights violations, especially considering persons deprived of their liberty.

So, let us first have a look at the human rights standards, as they are enframed in Articles 2 and 3 of the *European Convention*. The Article 2 deals with the right to life and the Article 3 deals with the prohibition of torture and inhuman or degrading treatment or punishment. According to the *European Court of Human Rights*, these articles are the most fundamental provisions of the *Convention* and they enframe some of the basic values of democratic societies that constitute the *Council of Europe*. Well, is that true?

Let's have a look at what the *European Convention* says. First of all, what is the scope of application of these articles? What is protected and what is prohibited? Regarding the right to life, it is not so difficult – it is life, physical life that is the object of protection. There have not been that many problems to figure out what life is. There have been some problems dealing with the beginning of life and the end of life and the question whether the unborn fetus can already be protected by the right to life. And this is a very difficult question, which the *European Court* has not answered yet; it has left the question open.

Recently, the *European Court* had to answer the question whether the right to life implies also, at the end of life, the right to die, for persons, for instance, who are incurably sick, who are paralyzed, who can not do anything anymore and who think that they do not have a decent life anymore. And in the mentioned case, involving an English woman, the *Court*, some months ago, said that the right to life does not imply the right to die.

The Article 3 brings us to more difficult problems of interpretation. What is prohibited by Article 3, when it prohibits torture and other inhuman or degrading treat-

ment or punishment? There is no definition in the *European Convention Treaty* of what inhuman or degrading treatment is, or what torture is. The *European Court* has said that, in order to be prohibited, the ill-treatment must attain a minimum level of severity. But that, of course, is relative. It depends on all the circumstances, such as the duration of the treatment, its physical or mental effects, and in some cases sex, age and state of health of the victim.

A further distinction can be made between different sorts of ill-treatment. On one hand, there is inhuman treatment, degrading treatment, and on the other hand, there is torture. Inhuman treatment, according to the *European Court*, is a treatment, which causes, if not an actual bodily injury, then at least an intense physical or mental suffering.

Degrading treatment is a treatment that arouses in the victim feelings of fear, anguish and inferiority, capable of humiliating the person, and possibly of breaking his or her physical or moral resistance. A specific form of such inhuman or degrading treatment is torture and it sometimes is important to say that something is not only inhuman or degrading treatment, but that it is torture, because the notion of torture attaches a very special stigma to the ill-treatment. What is then the difference between ordinary inhuman or degrading treatment and torture? International law has developed this question. In the beginning of the seventies the *European Court of Human Rights* considered only the intensity of the effect on the victim. And of course, the effect on the victim is very important. But, the result of this case-law was that only very, very severe punishments or inflictions of pain would amount to torture. Since then, conceptions have changed and developed, and more attention has been paid to the intention, intention with which acts of ill-treatment are being preformed on victims.

*The United Nations Convention against Torture*, adopted in 1984, defines torture as ill-treatment characterized by two aspects: on one hand, by severe pain or suffering and on the other hand, by intention, purpose of the perpetrator – purpose, like, for example, obtaining information or obtaining a confession, punishment of the victim, intimidation of the victim, or discrimination of the victim or the group he belongs to. And since then the *European Court* has followed this new definition of torture according to the *United Nations* and has changed its own case-law, so it now also holds that torture is characterized by these two elements – the effect on the victim, which

should be a very serious and cruel suffering, and on the other hand, the intention on the part of the perpetrator to inflict severe pain or suffering with certain intention.

Now that we know what is prohibited, let us see what is the scope of the protection. How far does this protection go?

Generally speaking, when we speak of human rights, we do not consider that human rights are absolute. Human rights can be limited for a good cause. If there is good justification, international law accepts that there may be limitations to human rights. And that is what I would like to reflect on now: how far does the protection go, where can limitations be set? And I would like to take a look at different obligations that states have. On one hand, they have a negative obligation, an obligation not to interfere with fundamental rights of individuals. A state that does nothing is in this respect a state that fully respects human rights. But on the other hand, a state may also have a positive obligation, an obligation to take measures, to protect human rights, to make sure that people enjoy their human rights in an effective way.

Let us first take a look at the negative obligation, obligation not to interfere, obligation to respect fundamental rights. When we look at the right to life, the obligation then is clear. It is an obligation not to kill individuals. But you may be surprised; this is not an absolute obligation. There are possible exceptions to the prohibition to kill people. There are, under certain circumstances, possibilities to use force, even lethal force, which may lead to death of individuals. And the *European Convention* names three of such situations where force may be used. The most important one is probably defense of any person from unlawful violence, and that can be a citizen, but also a policeman himself. Self-defense might also be the justification for the use of force. That does not mean that whenever you are in such situation you can kill people. To the contrary, use of force, even in those situations, should never be less than absolutely necessary, and on this point the *European Court of Human Rights* is controlling in a very strict way whether this proportionality principle has been respected by those who use force and by those who plan actions in which force will be used.

Another exception to the obligation to respect the life of individuals was, I am not saying that it still is, but was the death penalty. In the original text of the *European Convention* the death penalty imposed by an independent court was considered to be a lawful exception to the obligation to respect life. But now, international law has devel-

oped in such way that the situation is completely different. There are all kinds of new treaties, additional treaties and the newest treaty outlaws the death penalty in all circumstances, so I can not say that the death penalty is still an exception to the obligation to respect life.

Regarding the prohibition of torture and prohibition of inhuman or degrading treatment or punishment, there is something very striking about the scope of protection. This is an absolute prohibition. It is the only right where no limitations are accepted, even not if the victim upon whom torture or any other ill-treatment would be practiced is a victim which, in the eyes of many, would deserve it. And, of course, in these days, when there is a number of terrorists and suspects of terrorist acts detained in prisons or in police offices, very often there is a feeling that one might use torture in order to get some confessions or some useful information, but according to the international human rights law, torture can never be used, not even when you are dealing with terrorists.

Let me turn briefly to the positive obligations, to what can be required from the state, what positive actions can be expected from the state. It is not only that the state has to refrain from interfering with lives and integrity of individuals. Sometimes, or in most cases, states are required to take preventive measures. Preventive measures, in the first place, of course, are: an effective criminal law system and an effective law enforcement machinery of such nature that people who are thinking of killing individuals or ill-treating them, would be efficiently deterred from doing that.

Sometimes even more is required – when the risks for the given individual are very clear, operational measures may be required.

Recently, the *European Court of Human Rights* has reminded the Italian state of its obligation to be very careful, because prison authorities decided to release somebody who was convicted for murder, to release him conditionally before the end of his prison term. Authorities had to take into account whether or not there was a real risk that this person would commit a new murder. And, in fact, he has committed it, and that was then the case brought before the *European Court*, regarding the question whether the Italian authorities have been sufficiently careful.

If, unfortunately, violations happen, if the right to life is violated or if there has been torture or inhuman treatment, there is also an obligation for the state to offer regrets. In the first place, to start an official investigation,

an independent and effective investigation, in order to find out what had really happened and in order to be able to prosecute and punish the individuals who are responsible for it. And for the victims, some kind of reparation is also needed. On this point, the case-law of the *European Court* is still developing. It is clear that the *European Court* is becoming much more demanding on this point, but it is still unclear what may effectively be required from the state on this issue regarding reparation for victims.

After this general introduction, I would like to reflect on human rights law in action. That is my second part, *European Court of Human Rights* – a look at the control of respect for human rights it has. And first of all, I would like to say a few words about this *European Court of Human Rights*. It is an international court, established by the *European Convention on Human Rights*, with its seat in Strasbourg in France. Working languages of the *Court* are English and French, but anyone, any citizen of Europe can use his or her own language to bring a complaint before that *European Court*.

There are, however, some very important conditions of admissibility. A complaint can only be brought against a state, no individual can complain about violations of human rights committed by other individuals. That may be something for the *International Criminal Tribunal* in The Hague, but certainly not for the *European Court* in Strasbourg. And the second important condition is that before going to the *European Court* in Strasbourg, domestic remedies have to be exhausted all the way up to the supreme court, which is something applicants often forget. This court is a real court, it hands down judgments and these judgments are binding for governments. And it is not simply a piece of paper; control of the implementation of judgment is secured by the *Committee of Ministers of the Council of Europe*.

I would like to mention several examples from the case-law of the *European Court*, dealing with three issues: firstly – disappearance of persons; secondly – ill-treatments by the police and security forces; and thirdly – conditions of detention in prisons.

Regarding forced disappearances, there has been a whole line of cases that have been brought before the *European Court* in the last couple of years. Incidentally, all these cases have been directed against Turkey and involved complaints brought by Kurds living in Turkey. In the first of these cases the *Court* has been very careful and said that it is not enough to see that somebody was taken away one day that you can conclude, even after a number of years,



that that person has disappeared. More has to be shown as evidence. This, however, has been only the decision in the very first case. In all the later cases, the *Court* was satisfied by the fact that an individual had disappeared if for six or more years nobody had heard of that individual; that, to the contrary, there was a situation where people who sympathized for the Kurdish movement were at risk; and that taken all these circumstances, there can be a presumption that after so many years, a person was indeed dead, although his body was never found. And then, responsibility of the state would generally be to explain what happened and to justify what happened. But in cases of missing persons, the essence is that the state does not give any explanation at all, and so this inevitably must lead to the conclusion that the right to life has then been violated.

Ill-treatment of persons by the police or security forces presents a second line of decisions. There are many cases brought before the *European Court* involving such kind of ill-treatment. It is very typical for such ill-treatment to happen in the first days after the arrest of an individual, when the police or the security forces are trying to get all the information possible from the person who is suspected of being involved in a movement or is suspected of having committed some crimes. But there are limits to the power of police authorities when interrogating suspects.

There has been a leading case decided a few years ago against France, involving a person who was suspected of being a drug trafficker. He was arrested and brought to the unit specialized in drug crimes and they wanted to have a confession no matter how they get it. In the judgment it is explained that this person was subjected to various forms of ill-treatment, he was punched, he was kicked, he was hit several times, he was humiliated, an officer urinated over him, he was threatened with burns etc. Perhaps you will consider these are not altogether that serious forms of ill-treatment, but the *European Court* found that in this case the ill-treatment was serious enough to be prohibited by the *European Convention on Human Rights*.

And because in this case the ill-treatment was inflicted with the clear intention, intention to obtain a confession, the *Court* concluded, to the surprise of many, that this was not merely inhuman treatment, but that this was torture. There are other cases where ill-treatment of persons in police custody has been considered to be the act of torture. I am just referring to two examples: in a case where a person was subjected to *Palestinian hanging*, a torture technique that is well known, the *Court* concluded that indeed this

was torture; and on another decision the *Court* also said that rape constituted an act of torture.

Prison conditions, my third set of examples, are also something that very often brings about applications before the *European Court of Human Rights*. The *Court* had to stress, for instance, that prisoners are in need of adequate medical treatment; that prison authorities have the responsibility to take care of prisoners, to take care of their well being; that if a prisoner presents a risk to himself or to others, a strict scrutiny of that prisoner is necessary. You can not simply leave such prisoner alone or with others in the cell. Authorities have to treat such prisoner and to make sure that he is not going to kill others or kill himself.

Prisoners also have to be treated with respect for their human dignity. There have been recently a few cases before the *European Court*, where the *Court* found that unnecessary body searches, where people had to undress for routine controls, when there was no need to go that far, constituted a degrading treatment.

A recent case that I would like to mention, decided in July this year, concerned Russia. I would like to mention this case because it is probably going to have some consequences for the case-law of the *European Court of Human Rights*. This was not such a terrible case. Principle complaint of the applicant, Mr. Kalashnikov, was that he was in the cell with too many cellmates. And indeed, it strikes the imagination. It was a cell of about twenty square meters, normally for eight prisoners, but where, generally speaking, there were about twenty persons in the cell. That is about one square meter per prisoner. Lying all on beds, they could not sleep all at the same time, they had to share beds, there was no proper toilets facility, and there was a lot of infection by insects.

This was a situation that certainly did not meet the ordinary prison standards as they are promulgated by European control organs. And in this case, the *European Court* also found that this situation constituted degrading treatment of Mr. Kalashnikov. Why am I mentioning this? Because the first argument of the Russian government was that Mr. Kalashnikov should not complain, because his conditions were not so much different from those of all the other prisoners in Russia, and that there was certainly no intention to humiliate him, but that Russia simply did not have economic resources to take proper care of all its detainees. The *European Court* was not impressed by this argument, but after this judgment, I have heard that in Strasbourg they are very afraid that now they will get thou-

sands, if not ten thousands of complaints of the colleagues of Mr. Kalashnikov, who will read or hear that Mr. Kalashnikov's situation was not much different from the one they are in.

I will quickly turn to the third point – prevention of violations of human rights. In Europe there is now the *European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*. This *Convention* sets up an independent committee, a committee that can visit places where persons are detained. It takes up the role that in older years was fulfilled by the *International Red Cross*. Now it is an independent organ, official organ, which announces that it will visit a country, but does not announce which places it is going to visit.

And after the visit it drafts a report, a long report on what it has seen, then sends the report to the government and invites the government to reply to the report and to announce what it will do about the shortcomings. This is a whole dialogue that is set up between this committee and national governments. Initially it was intended to be a confidential dialogue, but by now most governments have agreed to publish reports of the *Committee* and to publish their own replies. And I found on the web-site the report of the *Committee* after its visit to Croatia in 1998, and also the reply of the Croatian government.

Sometimes, in exceptional circumstances, the *Committee* can issue a public statement about the country, which is a kind of sanction, and until now this has happened twice with respect to Turkey, and once with respect to Russia, concerning the situation in the Chechen Republic. There is also a link with the *European Convention on Human Rights*. When the *European Court* has to examine complaints about ill-treatment, it may have a look at these reports of the *Committee* for the Prevention of Torture.

Very recently, last week, there was a case handed down against Croatia, which was an illustration of such situation. The applicant, Mr. Benzon, complained about conditions in the *Lepoglava State Prison*. This was a prison that had been visited by the *European Committee for the Prevention of Torture*, and in its report the *Committee* has described conditions of the detention as unsatisfactory. The complaint later brought before the *European Court* was declared admissible, but before the *European Court* came to its judgment, the Croatian government entered into a friendly settlement with the applicant and promised, I quote from its undertaking, “to renovate, before the end of September 2003, the B wing (wing B) of the Lepoglava

State Prison”. On the basis of that friendly settlement the *European Court* closed the case.

Let me come to my conclusion. One may wonder after this survey of human rights standards, but also of human rights violations, whether human rights are effectively protected. Of course, texts alone will not suffice. Even treaties, binding treaties, will not be sufficient. And especially in the times of war, forces are at work, which are much stronger than texts, unfortunately. Nevertheless, I am convinced that a treaty like the *European Convention on Human Rights* can contribute, in the short term and in the long term, to ensure an effective respect for human rights. In solid democracies there is a tradition to abide by judgments handed down by independent courts, and so in Western Europe many legislators have been forced already by the *European Court of Human Rights* to change their national laws. This is something that is part of the democratic gain in European societies.

In new democracies, international protection systems can help build a culture of human rights that is so much needed, a culture in which there is genuinely room for respect for each other’s human rights. A culture also where there is respect for diverse opinions, where there is tolerance. This, too, is a human rights message. Once the violation of human rights has been acknowledged, and once there has been some kind of regrets, people and peoples have to move on and build the future in respect and in tolerance for each other. This, indeed, is a difficult task and I wish you all the good luck in this task.

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*VUKOVAR '91*  
– GENEVA  
CONVENTIONS  
AND CAMP  
EXPERIENCES



In the history of civilization, it is very likely that one will find numerous forms of inhuman interpersonal treatment with no great effort. The same can be said when observing the civilization as a whole or separately, by particular periods, as when observing all levels of relations between people – from relations between individuals to relations between structured social communities. Within those negative experiences, camps were always places where the most inhuman forms of organized interpersonal treatment were taking place systematically and extensively, from the civilizational standard perspective as from the traditional customs or formal positive law perspective.

Camps can be determined as “larger or smaller localities where groups of persons were confined, systematically and in an organized manner, according to different war, racial, religious, ethnic, political, social and other criteria, by military, police and other official bodies or by different groups and individuals”.<sup>1</sup> In specialized literature and public perception, camps are most often classified in several types (categories): prison camps, concentration camps, work camps, private camps and mass rape camps. However, in camp experiences there were rarely camps that could be deduced to only one form, so this categorization is conditional and made mostly according to prevailing suffering circumstances in particular camps.

By analyzing the complete history of camps, it can be concluded that convincingly the worst camp experiences occurred in the 20<sup>th</sup> century, when camps became a regular mean of armed conflicts, and often also a mean of interior and intergovernmental reprisals in the so called peacetime periods. Besides, a sort of, principle-related paradox has also occurred during the 20<sup>th</sup> century. On one hand, number of victims and ways of suffering in camps was constantly enlarging, and on the other hand international law was progressively developing a normative system that should be protecting camp prisoners.<sup>2</sup>

In that respect, it is significant that in the second half of the 20<sup>th</sup> century, numerous stereotypes, that is, misconceptions, were prevailing in Croatian but also in the world public perception, communicated through the media but also through historical and political-science writings. First, inaccurate data were imposed; data that placed the camp issue exclusively in the Second World War period, creating thus a completely false public impression that camps were not used in the postwar (and prewar) world.

Another basic misconception was that camps were the illegal (anti-legal) war instruments. However, reality is completely different: during the entire 20<sup>th</sup> century, according to the international law, camps were the legalized war instrument. What is more, we can say that one of the most elaborated and specialized parts of international law is exactly the one referring exclusively to regulation of the camp issue.

It is not necessary to mention here complex reasons or interests behind the production of such stereotyped general situation, but all that has definitely led to a decrease in possibilities to prevent contemporary camp experiences, as well as the overall dealing with those experiences and their consequences. This is best shown by the fact that camp experiences caused by the Serbian military aggression on the Republic of Croatia and on Bosnia and Herzegovina, enormous in number and in tragedy, remained drastically marginalized in the Croatian and in the world public perception, as well as on the local and international political and judicial level. The range of suffering can be best illustrated with the data that in November 1991, after the occupation of Vukovar, Serbian Army has captured and sent to camps approximately five thousand Vukovar civilians and defenders, where they were exposed to the worst, almost unimaginable, forms of physical and mental torture.

In view of this, the purpose of this paper is to contribute – by using the comparison between the international law and camp experiences caused by the Serbian military aggression at the end of the 20<sup>th</sup> century – to the change of the existing situation, where the problem of contemporary camps is unjustifiably marginalized.

## International law

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Regardless of numerous camp experiences, during nearly all history, legal status of camps or camp prisoners was not formally regulated. Therefore, the camp issue in different periods can be observed, from the legal aspect, on the



basis of different customs and circumstances, or can be indirectly related to general principles of the positive law in particular periods and areas.

First legal norms that would refer to the treatment in camps were not issued before the second half of the 19<sup>th</sup> century, even then being parts of the more extensive set of legal regulations intended to formally regulate the war prisoners' issue. In all that, general initiative and conceptual influence came from the growing civic worldview, while the actual reason was the increasing number of military conflicts, in which experienced human suffering multiplied. And so, a number of European states issued the first written regulations on the position of war prisoners, and in 1864 these issues were for the first time discussed on the international level at the diplomatic *Geneva Conference*, but not a single norm or declarative document were concluded.

Ten years later, in 1874, at the international conference held in Brussels, fifteen European states adopted the *Brussels Declaration* that was referring to war laws and customs, and also directly to interned war prisoners. It is interesting that this *Declaration* has never entered into force, due to the opposition of Great Britain and the increasingly tense international situation, but is nevertheless mentioned in literature as the first international codification of the war prisoners' position, including the camp detainees.

In 1899 and 1907, two *International Peace Conferences* were held in The Hague, where international conventions and declarations were issued and were ratified by as much as 44 states before the beginning of the *First World War*. Therefore, as well as for their later significance, these international legal acts present the foundation of the current international war and humanitarian law.

The *Hague Conventions*, among other things, also regulate the status and treatment of war prisoners. Thus the founding of the office for information on war prisoners is prescribed, obligation to pay war prisoners for their work is introduced, regulations regarding repatriation are established, work of humanitarian organizations in prisoner camps is facilitated, etc.

The first completely separate international convention, regulating the war prisoners' issue was issued in 1929 in Geneva, and is accordingly named – the *Geneva Convention relative to the Treatment of Prisoners of War*. Besides land-forces war prisoners, this convention also referred to naval and air forces prisoners. It imposed prohibition of using repression and coercion on war prisoners, suggested foun-

dation of hospitals in prisoner camps, easier treatment towards women prisoners in general was prescribed, prisoners gained the right to lodge a complaint to military authorities etc.

It is especially significant that all mentioned conventions and other international legal documents were referring exclusively to military war prisoners, that is, to persons in military service, although increased and diverse mass suffering of civilians during war conflicts became more present in the 20<sup>th</sup> century. It was not before *Geneva Conventions* issued in 1949, that the international legal protection of civilians in time of war was prescribed.

*Geneva Conventions* relative to the Protection of Civilian Persons in Time of War, from the year 1949, include four conventions: *Geneva Convention relative to the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*; *Geneva Convention relative to the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea*; *Geneva Convention relative to the Treatment of Prisoners of War*; *Geneva Convention relative to the Protection of Civilian Persons in Time of War*.<sup>3</sup>

All four conventions present a unique whole consisting of the total of 426 articles and numerous supplements (annexes, forms etc.), “which, besides setting new regulations, in many ways contributed to expansion and comprehensiveness of the international humanitarian law in armed conflicts thus far”.<sup>4</sup> *Geneva Conventions* are ratified by almost every country in the world (apart from certain reservations), and principles of those conventions are also incorporated into national law system of most countries.

After *Conventions*, that is, until the end of the 20<sup>th</sup> century, a series of international legal documents, directly or indirectly referring to the humanitarian law, were issued, but they were not nearly as significant as *Geneva Conventions* from the year 1949. “Therefore, *Geneva Conventions* today still represent the basic and most comprehensive valid and generally accepted international codification regarding protection of victims of armed conflicts, including camps, where war prisoners and civilians are interned”.<sup>5</sup>

The third and the fourth *Convention* are directly and thoroughly dealing with legal regulation of the camp issue. Those two *Conventions* are mutually correspondent, and for the most part their articles are identical in contents and expression. In the first part of both *Conventions*, there are articles setting forth general provisions. Thus the first article of *Conventions* prescribes: “The High Contracting Parties undertake to respect and to ensure respect

for the present Convention in all circumstances”. Second article recommends that *Conventions* “shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them”. Furthermore, *Conventions* “shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance”, and “although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations”.<sup>6</sup>

The fourth article of the third *Geneva Convention* (relative to the treatment of prisoners of war) in details and precisely sets categories of war prisoners. It is the longest article in both mentioned *Conventions*. Prisoners of war, “in the sense of the present Convention”, are classified into three groups and the total of nine categories, and prisoners of war are all “persons belonging to one of the mentioned categories, who have fallen into the power of the enemy”. The first category of war prisoners includes “members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces”.

The second category consists of “members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied”. *Convention* recognizes the status of every member of this (second) category if they fulfill the following (pre)conditions: that they are “being commanded by a person responsible for his subordinates”; that they have “a fixed distinctive sign recognizable at a distance”; that they carry “arms openly”; and that they conduct “their operations in accordance with the laws and customs of war”.

The third category includes “members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power”.

The fourth category are “persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labor units or of services responsible for the welfare of the armed forces”.

The fifth category includes “members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the

conflict, who do not benefit by more favorable treatment under any other provisions of international law”.

The sixth category embraces “inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war”.

The second group of the prisoners of war includes two categories of persons, to whom the *Convention* guarantees exactly the same status like the one of persons from other groups and categories. Those are “persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment”.

Furthermore, it also includes “persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law”.

Regarding the third group, it is stated: “this Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention”.<sup>7</sup>

In Article 4 it is stated: “the present Convention shall apply to the persons referred to in Article 4 from the time they fall into the power of the enemy and until their final release and repatriation” (that is, return to their homeland).

Article 5 ensures that “the High Contracting Parties may conclude other special agreements for all matters, concerning which they may deem it suitable to make separate provision”, but it is concluded that “no special agreement shall adversely affect the situation of prisoners of war, as defined by the present Convention, nor restrict the rights which it confers upon them”. Additional universal protection of war prisoners’ rights is determined by the Article 7, in which it is stated: “Prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be”.

Next several Articles of the General Provision of *Conventions* explicitly and precisely determine the status of the *Protecting Powers*: “The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers ... The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers”,<sup>8</sup> of the International Committee of the Red Cross (ICRC) and of other neutral humanitarian organizations.

Second part of the *Convention relative to the Treatment of Prisoners of War* includes five Articles (12–16), referring to the principles of the general protection of prisoners of war. It is concluded that “prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them” and that “irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them”.<sup>9</sup> Furthermore, it is stated: “Prisoners of war must at all times be humanely treated” and that they “must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity”, that is: “Measures of reprisal against prisoners of war are prohibited”.<sup>10</sup>

Prisoners of war “shall retain the full civil capacity which they enjoyed at the time of their capture”, except “in so far as the captivity requires”,<sup>11</sup> and “The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health”.<sup>12</sup> All prisoners must be treated “alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria”.<sup>13</sup>

Third part of the *Convention relative to the Treatment of Prisoners of War* is relative to the regulation of concrete captivity situations, and is definitely the most extensive and most comprehensive by the number of Articles. This part includes six sections and the total of 92 Articles.<sup>14</sup>

First section regulates the situation of the beginning of the imprisonment. It is first prescribed: “Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information”, and “Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card”<sup>15</sup> with the mentioned information. It is furthermore prescribed that “no physical or mental torture,

nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever”.<sup>16</sup>

Treatment of the articles of personal use (including money and values, except arms, military equipment and such) is prescribed in details. Basically these articles “remain in possession of prisoners of war”, and itemized receipt has to be given. After the end of the captivity, all articles “shall be returned in their initial shape”.<sup>17</sup>

As soon as possible after their capture, “prisoners of war shall be evacuated to camps situated in an area far enough from the combat zone for them to be out of danger”.<sup>18</sup> It is prescribed that conditions of evacuation “shall always be effected humanely”, with “sufficient food and potable water, and with the necessary clothing and medical attention”, and “as soon as possible”, “a list of the prisoners of war who are evacuated”, shall be established.<sup>19</sup>

Second section includes eight subsections, with the total of 28 Articles, in which regulations of the internment of prisoners of war are elaborated in details. “The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned.” However, “prisoners of war may be partially or wholly released on parole or promise”, in which case they “are bound on their personal honor scrupulously to fulfill, both towards the Power on which they depend and towards the Power which has captured them, the engagements of their paroles or promises”.<sup>20</sup> If prisoners of war are “interned in unhealthy areas, or where the climate is injurious for them, they shall be removed as soon as possible to a more favorable climate”.<sup>21</sup> War prisoners “shall not be interned in penitentiaries”, but “only in premises located on land and affording every guarantee of hygiene and healthfulness”.<sup>22</sup> Prisoners of war shall be assembled “in camps or camp compounds according to their nationality, language and customs”.<sup>23</sup>

“No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations”.<sup>24</sup>

Furthermore, it is prescribed that prisoners of war “shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population”.<sup>25</sup>

It is also stated: “Prisoners of war shall be quartered under conditions as favorable as those for the forces of the

Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health”, and all these provisions “shall apply in particular to the dormitories of prisoners of war as regards both total surface and minimum cubic space, and the general installations, bedding and blankets”.<sup>26</sup> Also, “premises provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted”, and “in any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them”.<sup>27</sup>

“The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies”; “sufficient drinking water shall be supplied to prisoners of war”; and “collective disciplinary measures affecting food are prohibited”.<sup>28</sup>

“Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power”, and “the regular replacement and repair of the above shall be installed and articles shall be assured by the Detaining Power”.<sup>29</sup>

“Canteens shall be installed in all camps, where prisoners of war may procure foodstuffs, soap and tobacco and ordinary articles in daily use. The tariff shall never be in excess of local market prices” and “the profits made by camp canteens shall be used for the benefit of the prisoners; a special fund shall be created for this purpose”.<sup>30</sup>

Prisoners of war “shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness”, and “separate conveniences shall be provided” for women. Also, “apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry”.<sup>31</sup>

“Every camp shall have an adequate infirmary”, while in case of serious diseases, or those whose condition necessitates special treatment, a surgical operation or hospital care, prisoners of war “must be admitted to any military or civilian medical unit where such treatment can be given”, and “all costs of treatment, any necessary apparatus” etc. “shall be borne by the Detaining Power”.<sup>32</sup>

Status and work of members of the medical personnel and chaplains captivated or “retained by the Detaining Power while with a view to assisting prisoners of war,” is



elaborated in details. They shall “receive as a minimum the benefits and protection of the present Convention”.<sup>33</sup>

Interned prisoners of war “shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith”, for which “adequate premises shall be provided”.<sup>34</sup>

Possibility and the way in which prisoners of war, who have not the assistance of a retained chaplain, may practice their religion are also provided.<sup>35</sup>

“While respecting the individual preferences of every prisoner, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst prisoners, and shall take the measures necessary to ensure the exercise thereof by providing them with adequate premises and necessary equipment” ... and “sufficient open spaces”.<sup>36</sup>

The managing of camps, transfer of prisoners after their arrival to the camp, maintaining of discipline in the camp, as well as treatment of officers<sup>37</sup> are all prescribed in details, and it is specially determined: “In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners’ own language, in places where all may read them”. Similar is prescribed for all communication (regulations, orders, notices etc.) relating or addressed to the interned prisoners.<sup>38</sup> The basic principle for regulation of these situations was – to prescribe the maximum protection (safety, material, physical, emotional, spiritual, health and hygienic) of the interned persons.

Regulation of war prisoners’ work is regulated in a special section of the Convention, consisting of nine Articles.<sup>39</sup> It is thus determined that “the Detaining Power may utilize the labour of prisoners of war who are physically fit”, bearing in mind that non-commissioned officers “shall only be required to do supervisory work”, and officers “may in no circumstances be compelled to work”.<sup>40</sup> It is explicitly prescribed in which economical areas and which types of labor may the prisoners of war perform; everything of a military nature or purpose, as well as the humiliating and public labor, and labor which is of an unhealthy or dangerous nature, is excluded.<sup>41</sup>

War prisoners’ working conditions (accommodation and food; working period; the right to daily, weekly and yearly rests; compensation for the accidents at work; safety at work etc.) “shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work”.<sup>42</sup>



Working prisoners of war must be paid for their work, which is elaborated on in a separate Article<sup>43</sup> in the section, where prisoners' rights regarding financial means are prescribed in details. This section includes eleven Articles. Among other thing, there is stated: "The Detaining Power shall grant all prisoners of war a monthly advance of pay", because of their status as prisoners of war,<sup>44</sup> and "the Detaining Power shall hold an account for each prisoner of war".<sup>45</sup> It is also prescribed that every prisoner has the right to "have at his disposal the credit balance of his account",<sup>46</sup> as is the way of controlling and concluding the account.

In nine Articles of the fifth section, relation between prisoners and the outer world is regulated in details.<sup>47</sup> It is stated: "Immediately upon capture, or not more than one week after arrival at a camp ... every prisoner of war shall be enabled to write direct to his family, on the one hand, and to the Central Prisoners of War Agency provided for in Article 123, on the other hand, a card ... informing his relatives of his capture, address and state of health".<sup>48</sup> This section also prescribes the war prisoners' right to send and receive letters and cards ("not less than two letters and four cards monthly"), "conforming as closely as possible to the models annexed to the present Convention",<sup>49</sup> and to "receive by post or by any other means individual parcels or collective shipments", bearing in mind that "all relief shipments for prisoners of war shall be exempt from import, customs and other dues", as well as "from any postal dues, both in the countries of origin and destination, and in intermediate countries".<sup>50</sup>

A very comprehensive sixth section (with the total of 31 Articles), regulated in the smallest detail, different types of relations between prisoners of war and the Detaining Power.<sup>51</sup> Prisoners of war have the right to make known "their requests regarding the conditions of captivity to which they are subjected" and "even if they are recognized to be unfounded, they may not give rise to any punishment".<sup>52</sup>

"In all places where there are prisoners of war ... the prisoners shall freely elect by secret ballot, every six months ... prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them".<sup>53</sup> If a camp has sections, each of them must have a special representative, and representatives may name their assistants among prisoners. Furthermore, a series of representatives' duties and obligations is prescribed, facilitating their work regarding all kinds of assistance and protection

of prisoners, and communication with the authorities, *Protecting Powers* and other organizations. Representatives in the officers' camp have the same status, except from not being elected, but the highest-ranking officer is recognized as the representative.<sup>54</sup>

As much as 27 Articles particularly thoroughly and precisely elaborate on issues of the penal and disciplinary sanctions for prisoners of war.<sup>55</sup> In general provisions it is prescribed that the *Detaining Power* "shall declare acts committed by a prisoner of war to be punishable, whereas the same acts would not be punishable if committed by a member of the forces of the Detaining Power, such acts shall entail disciplinary punishments only".<sup>56</sup> Among others, the following principles are essential: "in no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the rights and means of defence",<sup>57</sup> and "collective punishment for individual acts, corporal punishment, imprisonment in premises without daylight and, in general, any form of torture or cruelty, are forbidden".<sup>58</sup>

It would be interesting to mention here the provision that the prisoner of war recaptured after the attempt to escape shall only receive a disciplinary punishment, and that a successfully escaped prisoner, if again falling into captivity, shall not be punished for his previous escape.<sup>59</sup>

In the fourth part of the *Convention*, procedures regarding the termination of captivity, and especially regarding repatriation are provided.<sup>60</sup>

The fifth part regulates the status of information bureaux and relief societies for prisoners of war. It is prescribed: "Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall institute an official Information Bureau for prisoners of war who are in its power", and "Within the shortest possible period, each of the Parties to the conflict shall give its Bureau the information ... regarding any enemy person". Furthermore: "The Bureau shall immediately forward such information by the most rapid means to the Powers concerned".<sup>61</sup>

Besides: "A Central Prisoners of War Information Agency shall be created in a neutral country", with the task "to collect all the information it may obtain through official or private channels respecting prisoners of war, and to transmit it as rapidly as possible to the country of origin of the prisoners of war or to the Power on which they depend".<sup>62</sup>

Considering the topic of this paper, the final, sixth part of the *Convention* is especially significant, which prescribes regulations regarding the enforcement of the *Convention*, including the legal responsibility and sanctions.<sup>63</sup> It is stated: “Representatives or delegates of the Protecting Powers shall have permission to go to all places where prisoners of war may be”, and “the delegates of the International Committee of the Red Cross shall enjoy the same prerogatives”.<sup>64</sup>

It is furthermore prescribed that the High Contracting Parties of the *Convention* undertake “in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction”.<sup>65</sup>

Each High Contracting Party undertakes to “enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed”, and is “under the obligation to search for persons alleged to have committed or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts”.<sup>66</sup>

*Convention* has explicitly described acts, which are considered to be grave breaches of the *Convention*: “wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention”.<sup>67</sup>

Next Article prescribes an exceptionally significant measure of protection, which states: “No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article”.<sup>68</sup>

The fourth *Convention*, or the *Convention Relative to the Protection of Civilian Persons in Time of War*, not only includes all principles from the three previous Geneva Conventions, relating to protection of wounded and sick members of armed forces, and especially war prisoners, but is into a certain degree even more thorough and conforms to specific requirements resulting from the fact that those are all civilian persons.

For example, it is prescribed: “In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own terri-

tory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven”.<sup>69</sup>

Furthermore, each of the parties to the conflict may “propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons ... wounded and sick combatants or non-combatants ... and civilian persons who take no part in hostilities”.<sup>70</sup>

Regarding the civilian hospitals, it is prescribed that “the fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants and not yet been handed to the proper service, shall not be considered to be acts harmful to the enemy”.<sup>71</sup>

For the better protection of children and families, it is prescribed that the parties to the conflict shall facilitate the reception of orphaned children and children separated from their families in a neutral country, and that they “shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible”.<sup>72</sup> It is furthermore stated: “Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault”.<sup>73</sup>

“Individual or mass forcible transfers, as well as deportations of protected persons” are explicitly forbidden by the *Convention* “regardless of their motive”, and the Occupying Power may only “undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand”. However, such evacuation may not involve “the displacement of protected persons outside the bounds of the occupied territory”, and “persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased”.<sup>74</sup>

It is also prescribed: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”.<sup>75</sup>

“Internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. (...) No place other than an internment camp shall be marked as such”.<sup>76</sup>

“The internment or placing in assigned residence of protected persons may be ordered only if the security of

the Detaining Power makes it absolutely necessary”. It is also prescribed that any civilian persons protected by the Convention may voluntarily, acting through the representatives of the *Protecting Power*, demand the internment, and in that case the Power in whose hands he may be must fulfil their demands.<sup>77</sup> “If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case”.<sup>78</sup>

It is prescribed: “Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason”,<sup>79</sup> while throughout the duration of their internment, “members of the same family, and in particular parents and children, shall be lodged together in the same place of internment”.<sup>80</sup>

Differently from the treatment of prisoners of war, “the Detaining Power shall not employ internees as workers, unless they so desire”, but even if that is the case, the interned civilian persons “shall be free to give up work at any moment”.<sup>81</sup>

It is furthermore prescribed that in every place of internment, the interned civilian persons “shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them”.<sup>82</sup>

*Geneva Convention Relative to the Protection of Civilian Persons in Time of War* also explicitly prescribes acts, which are considered to be grave breaches of the Convention. Apart from stating all grave breaches, as in the Third Convention, the following grave breaches of the Convention are here expanded: “unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly”.<sup>83</sup>

In decades after the *Geneva Conventions* were issued as the foundation of the humanitarian law, international law was being greatly developed as a unique system. In such way, an entire series of different international legal acts – lately referred to with the collective term *human rights* – at the same time present an indirect supplementation of the *Geneva Conventions*.<sup>84</sup>

Due to a series of negative experiences in formally not interstate (“international”) armed conflicts, or conflicts in which participating countries denied its international character, applicability of *Geneva Conventions*, which are by definition international/interstate, has often been questioned. On the other hand, an accelerated global integration changed the traditional meaning of terms *sovereignty* of states and *internationality* of events.

Question of competence of *Geneva Conventions* was therefore completely open, regarding conflicts that are indeed international (according to participants and overall consequences), and which could be attributed inner (not international) character according to the previous criteria.

This problem was already open, that is, prescribed, in Article 3 of each *Geneva Convention*. Namely, Article 3 is identical in every one of the four *Geneva Conventions*, and explicitly applies to cases of armed conflicts “not of an international character”, and proscribes that each Party to the conflict “shall be bound to apply, as a minimum, the following provisions: ... shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria”.

Furthermore, Article 3 explicitly forbids “at any time and in any place whatsoever”, the following treatment of protected persons: “... murder of all kinds, mutilation, cruel treatment and torture ... taking of hostages ... outrages upon personal dignity, in particular humiliating and degrading treatment ... passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples”.

However, that question, as well as some other questions, are regulated, to a certain measure, in two *Additional Protocols to the Geneva Conventions*, issued in the year 1977 and representing a direct supplement; meaning, since 1977, they are constituent parts of *Geneva Conventions*.

Comprehensive *Additional Protocol I* already in the Article 1 proscribes that its competence applies, among other things, also to armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination, as enshrined in the *Charter of the United Nations*. This expands the definition of the international conflict included in *Geneva Conventions* (1949) to certain armed conflicts led with the purpose of the national liberation, thus also expanding all protective rights of *Conventions* to such conflicts.

*Additional Protocol II* is much shorter and less detailed, and regarding competence, it is prescribed that it applies to all armed conflicts included in *Geneva Conventions* and *Additional Protocol I*, and to armed conflicts “which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups”. However, there is also a restriction stating that it “shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature”.<sup>85</sup>

Considering that the Serbian propaganda system has tried for a long time to present the Serbian armed aggression on Croatia, Slovenia, Bosnia and Herzegovina and Kosovo as the *inner* (not international) *thing*, and with such approach it succeeded to achieve different media, psychological, political, diplomatic and legal effects in the widest area and institutions of the international community, as well as in the area of the South Eastern Europe, we should here remind of the *UN Resolution – GA Res.3314*, from the year 1974. This Resolution also defines aggression as the use of military force of one country against sovereignty, territorial integrity and political independence of another country, or in any other way contrary to the UN Charter not stated here. Definition of the term country is also stated there, and among other things, it is determined that it is used regardless of the country being recognised or being the member of the UN.

## Camp experiences

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Regarding contemporary camp experiences, it should again be pointed out that camps were a regular practice during the entire 20<sup>th</sup> century, not only in the series of local, regional or world wars, but also in the so-called peacetime periods and circumstances.<sup>86</sup> Causes of formation of contemporary camps are manifold and can be researched and explained from all social sciences' viewpoint. Here it would be most appropriate to state two general contexts. The first one is the civilisational context, which can monitor the formation of contemporary camps as the historiographical and value continuity of relations between the European capitals (colony owners) and their non-European colonial estates and peoples, from the 16<sup>th</sup> century on.

This relation was in every view – civilisational, culturological, humanistic, legal etc. – discriminating, because colonies, including their population were exposed to the most inhuman, meaning camp, treatment practice. On



that exact basis of the European relation towards the colonial world can the roots of the appearance and mass use of camps be observed in the European experiences in the 20<sup>th</sup> century, especially during the First and the Second World War.

One more circumstance, which facilitated the use of camps, is related to the increasing overall interdependence of events and social processes in the world. That is also how wars became totalitarian in the 20<sup>th</sup> century. Namely, it became unimaginable (and hopeless) to start modern wars – regarding both, aggression and defence – without including all social (national, state etc.) potentials. Such situation supported the increase in mass suffering of people, especially civilian persons.

Accordingly, camps became the constituent part of military doctrines, plans and operative actions, that is, one of the regular war means for achieving victory. Internment of particular social groups was applied as the regular war practice in almost all armed conflicts from local to global level, and all parties to the conflict were using it – both defeated and victorious.

Regarding camp practice in the South Slavic area, it is rarely stated that on the territory of the first authoritarian Yugoslavia they were used even before the beginning of the Second World War. The first camp formed by the regime was in Višegrad (eastern Bosnia and Herzegovina) in 1935, where – which is most interesting – mostly students and intellectuals unwelcome by the government were interned. In Croatia, after the Cvetković-Maček agreement (summer 1939), almost two years before the World War started on this territory, camps were also used (Kerestinec, Lepoglava) as the means of repression towards the unwelcome social groups.

Despite difficult experiences from the Second World War, camps stayed the regular practice of all participants in several hundreds regional and local armed conflicts all over the world, led for most different reasons. In order to point to the complete inaccuracy of the prevailing stereotype placing the camp practice almost exclusively in the period of the Second World War, we should state several examples. In the *Korean War* (1950–1953), the most powerful states of the world were participating, and it is especially significant that *western* countries (led by the USA) formally appeared on the South Korean side as the *UN army*. All parties were then using camps, including the USA (UN) forces, which have formed 72 camps only in one Korean province (Chungchong), where around 100.000 persons were interned.



The USA forces (this time without the UN patronage) participated as one of the leading actors in yet another great regional war – the *Vietnamese War* – and have formed, together with the Saigon regime, a great number of the so-called strategic settlements (in fact, collective camps), where the civilian population was interned.

In numerous attempts of capitals to stop the processes of their colonies gaining political independence, we can single out one data showing that France had more than 2200 so-called collective centres (*centres de regroupement*) in the Algerian area (before the Algerian proclamation of independence in 1962), where approximately two millions Algerians were interned.

Furthermore, in the series of communist states in the east and south Europe, regimes were using camps (prison, concentration and work) as one of the repressive means for the continuation of their governing. Thus, towards the end of the Second World War and in the immediate post-war period, on the entire territory of the communist Yugoslavia, a camp system was created, interning numerous persons according to different ideological, political, property and other criteria.

It is interesting that, along with a series of newly formed camps, all localities and objects used by the enemy regimes and armies during the war were also utilized for internment.

All previously briefly mentioned camp experiences also represent one part of the context, within which the genesis of camp experiences practiced by the Serbian armed aggression in the period 1990–1995, should be observed. That act of aggressiveness represent the cardinal and planned process of the “conquering war raid, integral by a series of characteristics: historical genesis, goals, methods of conduct, consequences etc.”, and it is only possible to relevantly understand the camp system used by Serbian structures during the armed aggression on neighbouring countries on the basis of this integrity.<sup>87</sup>

Just as the complete Serbian aggression – according to concept, goals, performance and consequences – the Serbian camp system formed since 1990 is also very comparable, in all mentioned components, with camps formed by the Nazi Germany. The same way the camps of allying states in the Second World War, according to their origin and purpose, were quite different from camps formed by the Nazi Germany, camps formed since the year 1991 under the surveillance of attacked countries were also rather different from the Serbian camp system. In few words, these camps – different from the Serbian ones – were not

parts of a previously planned system, or a component of the military strategy and political goals. Such conclusion can be recognised from the series of facts and documents stated later in this text.

In this context, the fact that support of systematic research was avoided in Croatia and in the international community is paradoxically significant and, at first sight, incredible. Thus, for example, in Croatia (Bosnia and Herzegovina etc.) there are no official or other structured camp data, their analysis and interpretation.

In such situation the rarely mentioned *Final Report* and *Annexes* issued in the year 1994–1995 by the *Commission of Experts*, based on the *UN Security Council Resolution 780* from the year 1992, represent a valuable start.<sup>88</sup>

In the document, the *UN Commission of Experts* states the geographical position of a series of approximately 480 (four hundred and eighty) separate camps, which were formed as a system under the Serbian surveillance, intern-ing both military and civilian persons. According to the Commission data, existence of around 300 camps was reported by one or more neutral sources, and the Commission considers the existence of those camps definitely corroborated, while the existence of around 180 camps is reported by the non-neutral sources, and they are considered as uncorroborated.

From around 480 Serbian camps, around 330 (200 corroborated and 130 uncorroborated) were located in Bosnia and Herzegovina; around 80 (30 corroborated and 50 uncorroborated) in occupied parts of the Republic of Croatia; and approximately 70 (40 corroborated and 30 uncorroborated) in Serbia (60) and Montenegro (10).

Serbian camp system – as well as other characteristics – clearly confirms that the Serbian armed aggression was a complete, integral project. Namely, the camp system was an entirety, which is confirmed by the *Commission Report*, where it is stated that the interned persons from Croatia and from Bosnia and Herzegovina were placed and moved to camps on the territory of all three countries (occupied parts of Croatia and Bosnia and Herzegovina, and territory of Serbia and Montenegro) without any obstacles. It is also stated in the *Report* that Serbian civilians and soldiers from one country were visiting camps in other two countries, in order to “participate in the ill-treatment” of interned persons.

Furthermore, the *Commission* states that “the ill-treatment of prisoners was customary” and that “commanding officers in Serbian camps knew of the ill-treatment and have often allowed Serbian civilians and paramilitary for-

mations to abuse the prisoners”. It is also described how “Serbs, commanding the camps in Croatia, have several times tried to deceive visitors interested in camp conditions” (ICRC and others) etc.

For better understanding of complexity and preparation of the Serbian armed aggression, another *Commission* statement is significant: “There were prisoners, who were forced to appear on the Belgrade Television and to describe their alleged attacks on Serbs”. Namely, *endangerment of Serbs* was one of the basic slogans and socially-motivating factors, with which the great-Serbian structures were conducting the national homogenisation of Serbs for the preparation of the executed aggression. All previous and current attempts to present and justify the Serbian armed aggression as the defence of *endangered Serbs* are based on the same stereotyped constructions.

Among systematically committed crimes during the Serbian armed aggression, Serbian camps for mass rape, formed in the occupied parts of Bosnia and Herzegovina by the Serbian government, hold an especially negative position. Namely, during the history of wars, sexual abuse, including rape, was regularly happening, but prior to the Serbian armed aggression on Bosnia and Herzegovina (since the year 1992) camps for the conduction of mass rape were never systematically formed. Only female persons of the non-Serbian ethnical origin (mostly Muslim Bosnians) were interned in such camps and raped. When raped women reached the high stage of pregnancy, they were released.

Mass rape camps were a part of the strategy with the purpose to conduct the ethnic cleansing of the non-Serbian population, and raped women represented the part of the banned population mostly motivated to stay in exile, that is to permanently reside in the most distant parts of the world – because of the psychological, moral, religious, custom and other reasons.

In the special part of the Report, the *UN Commission* reported on the conduction of rapes and sexual abuse in Serbian camps,<sup>89</sup> including the alleged cases of *rape camp* objects, where “all women were raped when soldiers would return from the front line, meaning every 15 days”, or *women prison centres*, where “mostly sexual abuse” was performed.<sup>90</sup>

Results of the survey, conducted among survived camp internees, also partially, in a certain synthesised way, speak of the treatment in Serbian camps. Those results are published in a separate chapter of this book.<sup>91</sup>

However, because of the general unfavourable status of the camp issue, and in order to compare the international law and camp experiences left by the Serbian aggression in a more complete, objective and concrete way, it is necessary to read and face the following text, based on a series of completely marginalized books, in which documents and testimonies gathered and published by associations of survived internees from Serbian camps or by individual prisoners, are collected.<sup>92</sup>

Passages from these works were selected as the prevailing typical experiences of camp internees, and will be included here, in order to facilitate their comparability with the part of this paper referring to the international law.

It is obvious from all documents and testimonies that in Serbian camps all provisions and regulations from *Geneva Conventions* relative to camps were violated systematically and in the most inhuman way, as well as numerous other international law regulations regarding the interpersonal treatment.

Locations of Serbian camps had no consideration for healthy climatic conditions and safety of interned persons. Condition of the premises was absolutely inappropriate for accommodation and residence not only of people, but also of animals. Accommodating conditions (number of persons, hygienic conditions, clothes, beds, blankets etc.) were dreadful. Camps were established in abandoned farms, in warehouses, basements of diverse public and private objects, sections of army barracks and regular prisons etc.

Most camps, in which thousand and more camp prisoners were placed, were previously abandoned and completely neglected cattle farms. For example, that was the case with the camp Begejci and camp Stajićevo in Vojvodina. Camp Begejci was active for around fifty days, from the beginning of October until the end of November 1991; camp Stajićevo was active 35 days, from the middle of November (November 18<sup>th</sup>, that is, since the occupation of Vukovar) until December 21<sup>st</sup>, 1991. During their existence and after they were closed, several thousand camp prisoners was moved to other camps, mostly in the Serbian territory (Sremska Mitrovica, Niš, Belgrade etc.).

One of the surviving internees described the camp Stajićevo in a following way: "It was a former cattle barn, deserted ten years ago. It was long about 200, and wide 30 meters, without the ceiling, covered only with tiles. On both sides across the room there were feeding-bins for stall-feeding of cattle. Bins were about one meter away from the longer walls. From the bins towards the centre of

the room there was a space (formerly) occupied by cattle, and across the entire barn there was a passage approximately three meters wide. Ground between the bins there was soil, and other parts of the barn were covered in some kind of a long ago worn-out concrete floor ... they squeezed around one thousand of us in that space. There was no living space ... we were squashed and walking all over each other".<sup>93</sup>

Treatment of internees – from the capturing or the arrest until the end of their internment or death – was permeated with frequent, cruel and most different forms of physical and mental abuse, in all Serbian camps. Prisoners were exposed to tortures individually or collectively, day and night, during lining up, meals, work and sleep. They were equally treated during systematic interrogations, which were experienced several times by all of the prisoners.

Articles for personal use, money, jewellery and other values held by prisoners at the time of the arrest were most often taken from them with the use of violence and threats, and without issuing any kind of a receipt. In most cases, men, women and children were interned in the same objects. Relocation of camp prisoners was often done without announcement or information on the destination, under the inhuman conditions and the cruellest treatment.

On all occasions – during the transfer, relocation and the internment in the camp – food was irregular, most insufficient in quantity and of extremely low quality. That was accompanied with the completely unhygienic conditions, inexistence of the infirmary and medical personnel. It all simply resulted in drastic loss of weight of all of the survived prisoners and in frequent sicknesses.

Religion confession was not only made completely impossible for the prisoners, but in many cases, the abuse was based on and motivated by the religious discrimination. Furthermore, for the prisoners, there was no possibility of satisfying intellectual, educational, cultural and other needs. Among other things, camp prisoners were abused by receiving false unfavourable and tragic general and personal information. There was no *Convention* text, or any other official written information regarding their status, available to prisoners in any of the camps.

Camp prisoners (soldiers and officers, as well as civilians) had to perform most different tasks, following the order of the camp holder. During work, prisoners were abused, and working conditions, additional nutrition and monetary reward were all completely neglected.

Communication with the outer world was disabled and retarded in different ways. It equally applied to the information on the existence of camps and records on prisoners, as well as on the communication of prisoners with their families, their native country government or with the international organizations, including the ICRC. There was no prisoners' representative elected in any of the Serbian camps.

Interned civilians were regularly placed in camps together with the prisoners of war, and in the series of cases, camp prisoners were confined together with the *local* persons, charged with for different criminal acts. Very often, interned members of the same family were separated, including children.

In all camps, methods of treatment characterised as grave breaches of the *Convention* were massively committed; intentional murders, torture and inhuman treatment, infliction of great suffering and serious injuries to body and health, deprivation of the right to the regular and unbiased trial, unlawful exile and relocation, illegal internment, taking of hostages, and property destruction and wrongful claiming. Serbian government did not take any measures to end and criminally sanction such treatment, but on the contrary, participated in the organization and execution of everything that was being done.

Arrival to each of the camps was similar, and it can thus be concluded that it was an organized model of treatment. One of the camp prisoners described it in the following way: "From the bus door all the way to the inside of the barn there were reservist military policemen and their civilian police on both sides of the walkway... Each one of them had some kind of a long stick in his hands, or some other hard object. We were not allowed to run to the entrance. While we were walking, they had more time to hit us repeatedly. For those who were going first, there was as much as one hundred meters to walk from the bus, and as the barn was becoming fuller, the walk was becoming shorter. We were coming out of the bus, and they were hitting us ... many were knocked down, and some never got up again... We were also carrying wounded persons... They had no mercy for them either. Some of our people were walking with crutches. They were tripped so that they would fall down and then they were completely helpless. There were broken arms, legs, ribs, heads. No one of us was allowed to come near and help those who were seriously injured... Along with all that, they were threatening us, saying that was really nothing yet, compared to what we shall be going through in the camp. And they were right".<sup>94</sup>

Camp Sremska Mitrovica (in the region of Srijem, south-west of Belgrade) was located in the old, big prison, surrounded by the four meters high wall with the barbed wire on top. In the Serbian system, this camp was one of the largest and the longest lasting; it was open on November 18<sup>th</sup>, 1991 and active until August 13<sup>th</sup>, 1991; “approximately 1500 prisoners were interned there, while around 4000 women, children and senior persons were held there for a while”.<sup>95</sup>

One of the numerous mutually similar testimonies on the Sremska Mitrovica camp, includes the following: “According to stories of those who arrived before my group, which also had to go through the same, all arrivals to the camp were accompanied by the so-called ‘double row’, through which all prisoners had to pass, while they were repeatedly and repeatedly hit with sticks by the official prison guards... As much as one hundred and sixty prisoners were literally suffocating in rooms, with no conditions for personal hygiene; they would not even give us the toilet paper or any other kind of paper that could be used for such purpose. We were all covered with the overgrown hairs and beards, we were finding most different ways to cut our nails, and we were rapidly losing weight, because what they were giving us to eat was such, quality and quantity wise, that it was questionable will we even be able to survive if we were to stay there for a longer time.

For breakfast and supper they would give us one slice of several days old, stale, dry and often mouldy bread, or a raw frankfurter, a hard-boiled egg, a piece of the undried bacon with nothing to cut it with ... a little piece of salami of very questionable quality, uncooked semolina with no salt or sugar, uncooked and unsalted corn grits and so on, from one day to another.

For lunch we had one slice of bread and several spoonfuls of unsalted liquid in a plate, with a hardly recognizable smell and taste of what ever was cooked in it. Mostly, it was a clear, transparent liquid, which a prisoner would finish in two sips, followed by the dry and mouldy slice of brown bread, and that was it. Until the end of the internment, food did not get any better in quantity or quality”.<sup>96</sup>

In one section of the army barracks located on the road leading from Belgrade towards Valjevo, there was a camp called Bujanj Potok. There also the torture was going on, described by one of the survived prisoners: “there were days when we were separately taken to an empty bedroom, to have a kind of a conversation very characteristic for them. One officer would be sitting in the room, look-



ing through an open window, listening uninterestedly to our moans and cries from the pain caused by punches we were receiving to our face and stomach. When the officer was satisfied with our cries, he would then order the hitting to stop. My stomach was red and blue from the punches I have received, and my buttocks and hips black from the haematomas... On another day, the guards ordered me to lick the parquet in the bedroom. I had to do in such manner that they could see my tongue licking the floor.

On several occasions I had to dance in the bedroom in front of everyone. I was ordered to do that by kids I was old enough to be a father to ... one time, they took me out to the corridor, started hitting me so hard that I fell unconscious under the punches...

The entire bedroom, a dozen of us, was tortured in groups. Two or three guards were present, giving out terrifying orders. From the early morning until the late night hours. We had to stand opposite each other and to kick our heads as long as they would not be satisfied. Then we had to slap each other's faces. After that, we had to run and hit our heads into the iron bed bars, as hard as possible. We had to stand in the line faces turned to one another, and one by one had to go pass the line and hit everybody's behind. We had to stand for several hours looking up to the ceiling... Another one of the "games" was that following the order "airplanes" we had to jump of the beds, get dressed and lay under the beds".<sup>97</sup>

Excerpt from the report of one of the prisoners in the Bubanj Potok camp testifies on the typical manner of interrogation and trial: "They asked me to come to the next room. There were a dozen of them inside. The beginning was that they were kicking me in the stomach and hitting me with the baton all over my back. The captain who was interrogating me offered me a cigarette and told me not to be afraid because they were not going to kill me, but they will be hitting me until I die slowly. He started hitting my head to the bed bars, I started bleeding from the mouth and I was slowly losing my senses. When I recovered consciousness, I was lying on the bed, all covered in blood. They pulled me out of the bed again and took me to the bathroom to wash myself. I was feeling cold and hot by turns. I had some water to drink, but very soon they pulled me away from the water and started hitting me again... The night was falling; I lost trace of time...

In the morning ... they put me in the paddy wagon and drove me for an hour to Topčider in Belgrade. There,



they started interrogating me all over again, but this time in front of the camera. After that, I was beaten again, and then tortured. They were putting out cigarettes on my arms and legs, breaking my ribs, hitting me on the head. They were slapping my face until I started spitting bits of my teeth, and they only laughed to all that. A new interrogation started, different than the previous ones. They were strangling me with wire, pricking my arms and legs with needles... Then they took me to the cell... Around midnight I received a "visit" of a group of soldiers, five or six of them, and they started torturing me again... Two of them were holding me, one was kicking me, and the other one was taking my pants off; then they tied my genitals and dragged me by it all over the room, shortly after that I lost consciousness again, and they pour water over me, and so I fell asleep from the cold... After the breakfast, another commission came. They read me my rights and a sentence to twenty years in prison... They let me sleep that night, but next morning, already when I was washing my face ... torture, beating, giving vent to their lowest instincts began all over again. They were telling me how they would cut me to pieces and send me home in such pieces. Days in Topčider were unimaginable and horrendous, you could not believe what people are capable of doing to another human being".<sup>98</sup>

Already in 1990, Serbian government started forming numerous camps in occupied parts of Croatia. And so, in Borovo Selo, a camp became active "shortly after Christmas 1990 in the cinema hall. Everyone who was captured in the area between Tenja and Dalj ended up in Borovo Selo". When the number of interned persons started increasing in summer 1991, classrooms and the school gym were turned into the camp. Prisoners were tortured in many ways, and some were murdered "most brutally: they were massacred with broken bottles, metal objects and knives and then thrown into the river Danube".<sup>99</sup>

The situation was similar in other Serbian camps in occupied Croatian territory – in Dalj, Darda, Beli Manastir, Petrovci, Negoslavci, Bučje, Okučani, Glina, Knin etc.<sup>100</sup>

For example, one of the prisoners in the camp in Darda stated the following in his testimony: "Torture was constant, even when we were working. We even had to pluck grass with three fingers... On the day before I came back, prisoners were murdered. They murdered Stjepan Penić, journalist for Radio Vukovar. First they beat him up, and then while he was still half alive, they poured gasoline over him and set him on fire. It was ordered by

Željko Čizmić and Lalo Mijoković. Drago and Franjo Kovčalijski had to dig their own graves, and then they were murdered, together with Nikola Grobljar. On the same day, Andrija Rapić was murdered, Janoš Dioši and Stipo Lijić, who was slaughtered in bed”.<sup>101</sup> Also, regarding Dalj, “it is not a well known fact that the mad ‘Chetnik duke’ Šešelj was personally interrogating the non-Serbian population in Dalj”.<sup>102</sup>

Quite customary form of mental-physical torture in Serbian camps was the procedure of taking prisoners to false executions.

“In the middle of the night, they have suddenly put us in the field vehicle, the seven of us. We were all tied up... After a while, the vehicle stopped. First prisoner was thrown out. I can hear them beating him, he is wheezing. It is obvious that he is suffocating from the beating or they are strangling him. The same happens to each next one. But, it is dark and I can’t see are those poor prisoners murdered or just beaten to death.

It was my turn. I was the last one. I can hear someone to my right shouting: ‘Don’t slay this one, we’ll skin this captain alive.’ As soon as the guards threw me out of the vehicle, they started kicking me. In the dark, I am fumbling for those dead prisoners, beaten and strangled before me. And so, by kicking me and shoving me, they pushed me to a wall or a fence, but they continue to beat me. They are taking all of my clothes off. Then, two of them took me and carried me, half-dead, to a room”.<sup>103</sup>

Another testimony: “Then they called the name of one of us and took him out of the house they were interrogating us in. We could hear the order given by the Yugoslav soldier: ‘Cover his eyes! Platoon ready for firing. Fire!’ And we could hear a sharp burst of gunshots. Then they took another prisoner and repeated all that. Then, it was my turn. At the moment they were taking me to the execution, many things ran through my mind. My feet were suddenly cut off, and somehow, instinctively, a desperate scream came out of me, like a farewell to life. When I came to the place of the execution, I was shocked when I saw those who went before me alive in that garage”.<sup>104</sup>

Certain Serbs, who refused to participate in the aggression or did not express their support for it, were also interned in some of the Serbian camps. “Camp guards called such Serbs traitors of the Serbian people. They were also treated brutally. They acted so inhumanly towards one Serbian from Lozica near Dubrovnik. He was beaten and tortured as if he was a Croat”.<sup>105</sup>

Apart from being forced to give different false statements for Serbian television networks, testimonies confirm that prisoners were also forced to do some other things: “we were forced to sign all kinds of statements we did not state, for example, that we are foreign mercenaries, that we are organisers of rebellions in different towns and that all kinds of weapons and tools for slaughtering and digging out eyes to Serbian population were found on us”.

Particularly long and hard experiences for prisoners were false exchanges. Camp authorities would read “a dozen names, and then put prisoners on a bus, drove them around the barracks, while guards would beat them during the drive, and they had to keep their heads down all the time, with their hands on the back of their head.

Then, after half an hour, all beaten up, they would be returned to their bedrooms”.<sup>106</sup> After false exchanges, they would tell us that our people do not want us, that Tudman does not want us, that the Croatian side has given up on the exchange etc.”<sup>107</sup>

Many camp prisoners testify on the camp authorities often hiding one part of prisoners from the ICRC or making the free communication with the ICRC representatives impossible. It is confirmed with the following statement of a survived camp prisoner: “I was not identified and registered in the list of prisoners until the third visit of the ICRC representatives. On that occasion, the official translator was one lady from the Yugotours company from Herceg Novi, Montenegro. Later, we have found out that she told to the prison director everything the prisoners were saying to the ICRC representatives about the treatment in prison... Because of that, many prisoners were beaten hard after the ICRC representatives left the prison”.<sup>108</sup>

However, even among the most inhuman atrocities mentioned here only in the small number, especially extreme forms of treatment in Serbian camps were exercised on interned civilians and defenders of Vukovar, who presented more than one half of the total number of interned persons from the territory of the Republic of Croatia. It was going on in camps formed in the occupied Vukovar by the Serbian authorities, as well as in numerous other camps to which people of Vukovar were later sent. The most explicit evidences of such treatment are exhumed victims from numerous mass graves in the Vukovar area, as well as one part of published testimonies of survived prisoners.<sup>109</sup>

In the mentioned *UN Commission Report* relative to rapes and sexual assaults, the section referring to the

Vukovar area is the most comprehensive and describes the worst cruelties in cases of “sexual atrocities”. In the Velepomet camp, which “served as the great collective centre for thousands of civilians captured in the next several days after the occupation of Vukovar ... men were beaten on their genitals and castrated. In one case, Serbian soldiers cut of a Croat’s testicles and penis. In another case, a victim has reported that he was repeatedly beaten on his genitals and lined up together with a group of imprisoned men, and forced to walk around the room, while their genitals were bound together with a wire... Prisoners testify on hearing screams of raped women. Yet another prisoner (his name is not mentioned in the report) testifies on a pregnant woman, his friend, who was raped in the camp, together with fifteen other women. Serbian woman married to a Croat was also raped. The last source testifies on the Velepomet camp being the place of ‘brutal rapes’.

Sexual assaults were also committed outside the camp... One captain has raped two fourteen-years-old girls in front of their grandmother, and then killed all three of them... Young Croatian women who were attending Serbian volunteers were forced to a sexual intercourse... One Albanian woman reported that she was interrogated and raped continuously for twelve hours by a group of Yugoslav National Army soldiers”.<sup>110</sup>

*Velepomet* was a large, walled-in warehousing space belonging to the company of the same name, composed of seven brick-built buildings and eight tin warehouses. Serbian authorities formed a camp there before the complete occupation of Vukovar, which stayed active until spring 1992. During the first three days after the occupation of Vukovar, “people were constantly taken away, and all trace of them was lost. In the beginning, interrogations were conducted 24 hours a day... People in uniforms were entering all rooms, calling names of certain people, or just recognizing them and taking them away. After that we could hear screams, moaning and shots – single ones, as well as the machine-gun ones...

Over one thousand people were placed in one tin warehouse, without water, toilet or anything, floor was made of concrete. We could do nothing but stand on our feet.<sup>111</sup> People, women and children were urinating under themselves”.

“In the back of the backyard there was a space bordered with a wire, and there were people inside that space, desperately reaching out their hands through the wire fence, towards people brought from the hospital and from

the town, calling us, knowing they will die soon, wishing someone they know would see them, so that those who will survive could later tell where they were last seen... During the night mad Chetniks would burst in the hangars, beating people with different sticks, metal bars, multi-layered metal wire cables, butt-ends of rifles, military boots, and all sorts of things. They were searching for and taking wrist-watches, golden chains, rings and everything of value held by any of the prisoners...

The one who spoke to me took out from his pocket an object of the metal yellow colour and asked, looking at us all: 'Do you know what this is?'

Of course we knew. It was the so-called "cattle gun", from which, when you release the spring, a long, sharp, metal spike would flew out, killing instantly even the strongest bull.

We said nothing, because we were terrified, and he stood up in all his largeness, importantly taking air deep into the lungs, suggestively saying: 'With this you can kill nicely'. After the internment ended, I found out from our people that it was Miloš Bulić, called Bulidža, who was trialed in the year 1999–2000 and released due to lack of evidence".<sup>112</sup>

Serbian government has also formed the *Ovčara* camp in one part of the farm of the same name, several kilometres from Vukovar. In this camp, 200 prisoners were murdered, and 61 prisoners from this camp is still missing; those were mostly wounded persons from the Vukovar hospital, who were taken from the hospital by the Serbian army, in the presence of the ICRC representatives and a special envoy of the UN Secretary General (Cyrus Vance).

## Concluding note

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Based on all data set in this paper, it is beyond any doubt that in Europe and in the world, the camps have continued to be the usual practice in the interpersonal treatment, even towards the end of the 20<sup>th</sup> century, especially in the process of preparation and during armed conflicts. It is also unquestionable that in the course of time, the international law, and in particular its parts directly or indirectly relating to the camps, and the practical camp experiences, is being more and more disconnected. That is to say, the more thoroughly the international law was prescribing protection of camp prisoners, the worse their experiences were.

Obvious evidence to that fact are the camp experiences occurring in the camp system established by the Ser-

bian authorities during the armed aggression on the Republic of Croatia and on Bosnia and Herzegovina. However, despite all, adequate coping with the camp experiences after the Second World War is lacking, on the public perception level, as well as regarding the public status of this issue. That, too, is proven by the systematic marginalization of camp experiences occurring during the Serbian aggression.

Therefore, any unbiased word said in public on contemporary camps has a special meaning as encouragement for further researches and prevention of recurrence of the camp experiences.

## FOOTNOTES

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<sup>1</sup> Jurčević, J., *Povijest logora*, in D. Rehak, *Putevima pakla u 21. stoljeće*, Zagreb, 2000, page 10.

<sup>2</sup> See *idem*; where camp categories, history of camp experiences and creation of international humanitarian law is described in more details.

<sup>3</sup> It is interesting to note that *Geneva Conventions related to the Protection of Civilian Persons in Time of War* was translated and published in Belgrade in 1962.

<sup>4</sup> Jurčević, J., *Povijest logora*, in D. Rehak, *Putevima pakla u 21. stoljeće*, Zagreb, 2000, page 19.

<sup>5</sup> *Idem*, p. 20.

<sup>6</sup> First two articles are literally the same in both *Conventions*.

<sup>7</sup> This statement was intended to prevent possible malevolent reduction of protection and rights, to a great extent guaranteed for the medical personnel and chaplains in Article 33.

<sup>8</sup> Article 7 of the *Convention relative to the Treatment of Prisoners of War*.

<sup>9</sup> Article 12.

<sup>10</sup> Article 13.

<sup>11</sup> Article 14.

<sup>12</sup> Article 15.

<sup>13</sup> Article 16.

<sup>14</sup> From Article 17 to Article 108 inclusively.

<sup>15</sup> Article 17.

<sup>16</sup> Article 17.

<sup>17</sup> Article 18.

<sup>18</sup> Article 19.

<sup>19</sup> Article 20.

<sup>20</sup> Article 21.

<sup>21</sup> Article 22.

<sup>22</sup> Article 22.

<sup>23</sup> Article 22.

<sup>24</sup> Article 23.

<sup>25</sup> Article 23.

- <sup>26</sup> Article 25.
- <sup>27</sup> Article 25.
- <sup>28</sup> Article 26.
- <sup>29</sup> Article 27.
- <sup>30</sup> Article 28.
- <sup>31</sup> Article 29.
- <sup>32</sup> Article 30.
- <sup>33</sup> Article 33; see Articles 32, 35, 36 and 37.
- <sup>34</sup> Article 34.
- <sup>35</sup> See Article 37.
- <sup>36</sup> Article 38.
- <sup>37</sup> See Articles 39-48.
- <sup>38</sup> See Article 41.
- <sup>39</sup> Articles 49-57.
- <sup>40</sup> Article 49.
- <sup>41</sup> See Articles 50 and 52.
- <sup>42</sup> Articles 51.
- <sup>43</sup> Article 62; see Article 54.
- <sup>44</sup> Article 60.
- <sup>45</sup> Article 64.
- <sup>46</sup> Article 63.
- <sup>47</sup> Articles 69-77.
- <sup>48</sup> Article 70.
- <sup>49</sup> Article 71.
- <sup>50</sup> Articles 71, 73 and 74.
- <sup>51</sup> Articles 78-108.
- <sup>52</sup> Article 78.
- <sup>53</sup> Article 79.
- <sup>54</sup> For detailed information on prisoners' representatives, see Articles 79, 80 and 81.
- <sup>55</sup> Articles 82-108.
- <sup>56</sup> Articles 82 and 87.
- <sup>57</sup> Articles 84 and 105.
- <sup>58</sup> Article 87.
- <sup>59</sup> Articles 91-94.
- <sup>60</sup> Articles 109-121.
- <sup>61</sup> Article 122.
- <sup>62</sup> Article 123.
- <sup>63</sup> Articles 126-143.
- <sup>64</sup> Article 126.
- <sup>65</sup> Article 127.
- <sup>66</sup> Article 129.
- <sup>67</sup> Article 130.
- <sup>68</sup> Article 131.

- <sup>69</sup> Article 14 of the *Geneva Convention Relative to the Protection of Civilian Persons in Time of War*.
- <sup>70</sup> Article 15.
- <sup>71</sup> Article 19.
- <sup>72</sup> Articles 24 and 26.
- <sup>73</sup> Article 27.
- <sup>74</sup> Article 49.
- <sup>75</sup> Article 49.
- <sup>76</sup> Article 83.
- <sup>77</sup> Article 42.
- <sup>78</sup> Article 43.
- <sup>79</sup> Article 84.
- <sup>80</sup> Article 82.
- <sup>81</sup> Article 95.
- <sup>82</sup> Article 102.
- <sup>83</sup> Article 147.
- <sup>84</sup> See paper in this proceedings: Jurčević, J., Vukovar '91 – *International Law and European Security*.
- <sup>85</sup> Article 4 of the *Additional Protocol II*.
- <sup>86</sup> It suffices to remind of the peacetime camp victims of the totalitarian governing systems; apart from mostly publicly known camps in the pre-war Nazi Germany and the militaristic Japan, and the post-war Latin American dictatorships, it is necessary to point to certain peacetime communism victims, much less mentioned and much more numerous – see, for example, *Crna knjiga komunizma* (The Black Book of Communism), Zagreb, 2000.
- <sup>87</sup> Jurčević, J., *Povijest logora* (History of Camps), page 28; except in the mentioned paper, for more comprehensive explanation of aggression characteristics see: *Rat protiv Hrvatske* (War against Croatia), thematic issue of the journal *Društvena istraživanja* (Social Researches), Zagreb, 1993, 4–5.
- <sup>88</sup> Final Report of the Commission of Experts established pursuant to Security Council Resolution 780 (1992), S / 1994 / 674, 27 May and Annexes (submitted by the Secretary-General to the Security Council December 1994, available soon through United Nations documentation).
- <sup>89</sup> Annex IX, Vol. V.
- <sup>90</sup> *Idem*, for example items 111 and 114.
- <sup>91</sup> See paper in this proceedings: *O čemu svjedoče zatočenici srbijanskih logora?* (What are Detainees of Serbian Concentration Camps Testifying on?) by authors Milas, G. and Šakić, V.
- <sup>92</sup> *Putevima pakla u 21. stoljeće (kroz srpske koncentracijske logore)*, Zagreb, 2000; *Sjećanja dubrovačkih logoraša*, Dubrovnik, 2003; Njavro, J., *Glava dolje, ruke na leđa*, Zagreb, 1992; Lukač, D., *Bosanski Šamac, grad logor*, Scharnitz, 1992 – Orašje, 1993; *Stotinu svjedočanstava*, Zagreb, 1993; Plavšić, D., *Zapisi iz srpskih logora*, Zagreb, 1994; Štefanac, V., *Iz Kostajnice na Manjaču*, Zagreb, 1994; Štefanac, V., *U logorima Manjače i Gline*, Zagreb, 1996; Vorgić, D., *Srpski logor Begejci*, Zagreb, 1996; Božičević, M., *Hranite ili ubijte*, Zagreb, 1997; Jelić, D., *Pogled u nepovrat*, Pazin, 1997; *Vukovarski franjevci u Domovinskom ratu (ratne*



*i uzničke zabilješke*), Zagreb, 1997; Antunović, D., *Od Kalvarije do pakla*, Zagreb, 1998; Barbarić, M., *Pozdrav iz Knina* 10. 10. 1991, Zagreb, 1999; Sablić, M., *Posljednja presuda "U ime naroda"*, Zagreb, 1999; Miljković, M., *Vukovarski deveti krug*, Zagreb, 2000.

- <sup>93</sup> *Putevima pakla u 21. stoljeće (kroz srpske koncentracijske logore)*, Zagreb, 2000, page 74.
- <sup>94</sup> *Idem*, page 74; this book includes testimonies of prisoners from around 30 Serbian camps, with very similar descriptions of forms of physical and mental abuse of prisoners at the moment of their arrival to camps. More details on camp experiences are included in books published by particular camp prisoners, and some of those books are mentioned in the following notes.
- <sup>95</sup> *Idem*, page 203.
- <sup>96</sup> *Idem*, page 206.
- <sup>97</sup> *Idem*, pp. 92–93.
- <sup>98</sup> *Idem*, pp. 95–96.
- <sup>99</sup> *Idem*, page 109.
- <sup>100</sup> *Idem*, pp. 106–303.
- <sup>101</sup> *Idem*, page 138.
- <sup>102</sup> *Idem*, page 129.
- <sup>103</sup> *Sjećanja dubrovačkih logoraša*, Dubrovnik, 2003.
- <sup>104</sup> *Idem*, page 92.
- <sup>105</sup> *Idem*, page 211.
- <sup>106</sup> *Idem*, page 203.
- <sup>107</sup> *Idem*, page 179.
- <sup>108</sup> *Idem*, page 33; this testimony is from the Morinj camp in Montenegro; compare, for example, similar testimony from the Sombor camp, published in the book *Putevima pakla u 21. stoljeće (kroz srpske koncentracijske logore)*, Zagreb, 2000, on page 159.
- <sup>109</sup> One part of documents, lists and testimonies is published in the mentioned books – most of them referring to camp prisoners from Vukovar; detailed documentation from the previous exhumations and lists of missing persons are in the property of the *Committee for Confined and Missing Persons* under the Government of the Republic of Croatia; compare book *Deset godina nade i boli*, Zagreb, 2001.
- <sup>110</sup> *Putevima pakla u 21. stoljeće (kroz srpske koncentracijske logore)*, Zagreb, 2000, page 162.
- <sup>111</sup> *Idem*, page 163.
- <sup>112</sup> *Idem*, pp. 171–174; it is the testimony given by M. Miljković, who has later published a book mentioned in the note 91.



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# *II.*

## INTERNATIONAL PERCEPTION

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ON THE FRONT LINE  
FOR INDEPENDENCE:  
CROATIA AND  
WASHINGTON



In October 1990, I published an article in an American newspaper entitled “Balkanization as a Blessing”. My purpose was to be somewhat of a devil’s advocate calling for the termination of Tito’s Yugoslavia and to highlight the dangerous political aspirations of Slobodan Milošević. I had several additional reasons for this position. First, to break free of conventional wisdom that Yugoslavia had to be preserved at all costs regardless of the aspirations of its constituent nations. Second, to look beyond what seemed to be inevitable disintegration and to try and contribute to the emergence of democratic independent states. And third, to challenge the Yugo-centrics in Washington who seemed to dominate the political debate but whose focus was narrow and Belgrade-focused.

Let me give you a little personal background to my own involvement in the demise of Yugoslavia. In my professional career until 1990 Yugoslavia was not on my agenda as I covered developments in the Soviet bloc first for Radio Free Europe and then for the Center for Strategic and International Studies in Washington. Yugoslavia became one of my primary interests when the International Republican Institute asked me to help monitor the first multi-party elections in several Yugoslav republics including Macedonia, Bosnia-Herzegovina, Serbia, and Kosovo. I must say that I have not really looked back since, and the former Yugoslav space became my primary focus in Washington, both for analysis and for policy recommendations.

During my election trips and political assessments in various republics, I sensed fairly quickly that Yugoslavia would soon become extinct. Only two real questions remained: how violent the process would be and how the United States and its European allies would react and what concrete initiatives they would undertake. Indeed, Croatia and the other republics aspiring to statehood faced a struggle on two fronts – one at home and the

other abroad. So let me briefly describe my own experiences on two of these fronts at that time – in Washington and in Croatia.

## The Washington Front

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I remember in the summer of 1990 preparing a report for the U.S. Department of Defense on the prospects for violent conflicts in post-communist Eastern Europe. In it I described the various points of contention across the region and zeroed in on Yugoslavia as the most obvious flashpoint for violent conflicts. But it was difficult to convince officials and policy experts in the administration that a bloody war was looming, and that it would not be a conventional war but one that could involve substantial civilian casualties. The conflict would be characterized by a land grab operation by rival nationalities and involving the largest and best-equipped military in the Balkans.

It also became an uphill struggle in DC both before and during the anti-civilian war to convince policy makers and legislators that the breakup of Yugoslavia was not actually the core of the problem, but the forcible attempts to hold the federation together and to recentralize power in Belgrade that promoted and legitimized violence. For many reasons, the George Bush senior administration favored keeping Yugoslavia together. However, I do not believe that this was a deliberately planned anti-Croatian or anti-Slovenian conspiracy as some have claimed. It was rather a question of stale conventional wisdom and misguided geopolitics.

Remember at that time, the Soviet Union was still in existence and there were fears in Washington that the violent breakup of Yugoslavia could presage the violent disintegration of the USSR by encouraging Ukraine and the Balts to push for outright independence and sparking conflicts with Moscow. There was also no experience of recognizing new states and visible concerns that other countries in the region could unravel as well if a precedent was set in Yugoslavia. In addition, the Bush White House was pre-occupied with the Gulf War and its aftermath and simply did not pay sufficient attention to the dangers in Yugoslavia.

The official Washington mind-set at that time was extremely difficult to overcome and it was clearly stuck in the Cold War. This was despite all the evidence that a new age was dawning and regardless of repeated warnings by some observers that without early and intensive American involvement the chances of war were escalating. Belgrade



for its part saw American non-interference as tacit approval of Milošević's policies and as a free hand to stage a crackdown and ensure the forcible integrity of the Yugoslav state.

Of course, Belgrade skillfully exploited all these prejudices, fears, and distractions, and deliberately engineered a bloody war to prove that any collapse of Yugoslavia had to be violent and that the aspiring states were responsible for the ensuing conflict. There was one other element involved: the fact that several American officials had served in Yugoslavia at some point during their careers and still viewed the country as some sort of barrier against Soviet penetration and a semi-ally of the United States, even if a communist one.

There were only a handful of analysts at the time in Washington who supported the demise of Yugoslavia and backed independence for all the republics and provinces. I must admit that for me warnings by politicians and analysts that the collapse of Yugoslavia would set a precedent for the disintegration of the Soviet Union made the prospect of Croatian and Slovenian independence even more appealing.

In Washington at that time, from mid-1990 onwards, there was also an intensive campaign of anti-Croatian and anti-independence propaganda in the mass media. Commentators and journalists who had never heard of the country suddenly discovered some new fascist monster that was determined to destroy the apparently successful multi-ethnic Yugoslavia. Some of the propaganda was primitive, some more sophisticated, but one had a sense that there was significant choreography in the background, not so much by Belgrade but by pro-Belgrade sympathizers in the West, including academics and policy experts writing in leading newspapers and journals and with some access to legislators and administration officials.

I was fortunate in one important respect, in that I was not a traditional "Yugoslavist", unlike some of my academic or NGO colleagues. Many of them were so wrapped up in the mystique and the experience of Yugoslavia that they saw no viable alternative and viewed any moves toward independence as morally repugnant and politically destructive. It was difficult to try and counter the anti-Croatian propaganda in the press and among some policy circles. One had to patiently explain that there was life outside of Belgrade and that Yugoslavs and Serbs were actually a minority in this artificial state. One had to point out that Croatia, Slovenia, Bosnia-Herzegovina,

Kosovo, and Macedonia also had aspirations to independence and statehood, while the regime in Belgrade was seeking not only to stifle these movements but to create an even more centralized state than existed under communism in which a Serbian elite would evidently dominate.

The task of trying to keep events in some perspective and to write impartially and truthfully about Croatia was not made any easier by some of the policies of the Tudman government, especially when the war in Bosnia-Herzegovina erupted in the spring of 1992. Evidence of secret collaboration between Zagreb and Belgrade, of engagement in "ethnic cleansing" campaigns, atrocities, mass expulsions, and concentration camps in Bosnia-Herzegovina played into Belgrade's hands so that Croatian nationalists were depicted as equally brutal to their Serbian counterparts. Even when Croatian independence was finally accepted in Washington, the negative publicity generated from Belgrade and through the media damaged the Croatian cause and set back the country's progress toward international integration. The government in Zagreb contributed to this negativism and isolationism by its authoritarianism and self-destructive propaganda and it took years for the damage to be undone. The effort continues.

## The Croatian Front

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Turning to the homeland front, I was in Croatia at the height of the 1991 war and visited several front line positions to see for myself the effect and nature of the conflict. It was truly a war of state-orchestrated terrorism with overwhelming force against poorly armed defenders in areas that Serbian nationalists and the Yugoslav army sought to carve out for the Serbian Republic of Krajina. Let me just recollect a few strong impressions that the war left me with, not so much in terms of my political analysis but of my personal feelings and perceptions.

First, I was enormously impressed by the brave young Croats, both men and women, who came from the United States, Australia, Canada, and elsewhere to help their mother country at a time of dire need. It reminded me in many ways of Poland in 1980-1981 during the birth of Solidarity and after the imposition of martial law. These young Croats risked their lives not only as army volunteers but as couriers and guides for foreign journalists and visitors like myself to dangerous front line positions and besieged towns and villages across Croatia. I believe their courage and sacrifice should be specially recognized and

honored by the Croatian government. They certainly helped to reveal a more accurate picture of the war in Croatia.

Second, although I was unable to make it inside Vukovar itself at the height of the war, I was in several surrounding villages in Eastern Slavonija, between Osijek and Vukovar, as well as in the Karlovac and Sisak areas, and saw and heard the brutality of the attacks on civilians. It struck me then, however, that although outgunned and outmaneuvered by overwhelming military force, the Croatian drive for independence would eventually prevail. I could see in the faces of the defenders that they were determined to regain what they were so brutally losing in a war for which they were simply not prepared. Indeed, I would argue that the brutality of the murders, mutilations, and expulsions had an opposite effect to the one intended as it served to stiffen popular resistance and will power.

Third, I remember telling policy makers and legislators in Washington upon my return from Croatia that the destruction of Vukovar and the shelling of Dubrovnik was definite cause for a strong Western military response against the Yugoslav army. If Belgrade could escape any serious repercussions for these offensive outrages, then Milošević and his generals and paramilitaries would become more brazen and the war would almost certainly spread to other republics and become even more destructive. Unfortunately, events essentially proved this thesis to be correct. America's response was weak and ineffective and the idea that the Western Europeans could stand up to Milošević proved to be a costly illusion. This painful lesson initially fell on the heads of ordinary Croatian and Serbian civilians caught in the midst of the conflict.

And fourth, I believe that Vukovar has important lessons for all of us, especially now as America struggles with its own terrible civilian tragedies following the terrorist attacks in New York and Washington. The main lesson is that one simply cannot appease terror and anti-civilian wars through diplomacy, negotiations, or ineffectual sanctions. Weak responses and international indecision merely assists the aggressors and the terrorists. Early intervention is necessary to deter acts of brutality and outright murder, and to demonstrate that assaults on unarmed civilians are unacceptable and severely punishable. This must be particularly evident if we are serious about creating a Europe-wide security system. The first and fundamental principle of security is the security and safety of the individual.

The people of Vukovar displayed an amazing spirit of defiance and steadfastness despite their unpreparedness for

Janusz Bugajski  
**On the Front Line for  
Independence: Croatia  
and Washington**

the war. They bravely resisted the overwhelming military odds until their last bullet. It reminded me in some ways of the Warsaw uprising against the Nazi occupation in 1944, and other acts of unbelievable collective courage. The spirit of Vukovar can uplift other cities and other populations coping with trauma and disaster. Americans, who are so used to predictability, progress, and security, can themselves learn from Vukovar on how to cope with tragedy and loss and how to move ahead. I salute the brave people of Vukovar and may your city rise again as a jewel on the Danube.

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Martin  
BELL

BBC London, Great Britain

REFLECTIONS ON  
*VUKOVAR '91*



First may I thank you for the honour you do me in inviting me to attend and address this conference. And may I at the outset apologise for any offence that I may cause by my candour, or lack of circumspection, in what I have to say. But I would rather be provocative than bland. You will have every right to be critical. The events that we are discussing didn't happen in my country. They happened in yours. They were traumatic, and indeed terminal, for so many thousands of people. We still don't know the accurate death toll. My only value here is that I was an eyewitness of some of those events. My experiences were fragmentary, as is the way with war reporters, rather than comprehensive. My reminiscences will also be fragmentary. I am not a historian, but occasionally had a seat at the making of history, of which news is the first draft. I was in Vukovar every day between the 15<sup>th</sup> and the 21<sup>st</sup> of November 1991. I was a witness to the closing phase of the battle, the fall of the town and its surrender. Also to the expulsion of those civilians who survived. I was a privileged outsider, carrying a letter of authorisation from the JNA. It was still one of the most terrible weeks of my life.

This is an opportune if sombre time to be holding such a conference, in the aftermath of the multiple disasters in New York and Washington, and with the conflict still continuing. These events remind us, as the siege and destruction of Vukovar also reminded us, that modern warfare has two distinguishing features that set it apart from all the wars of history. One is that we have developed ways of killing each other on an industrial scale, and in ways not even imagined in earlier times. Who would have thought of a passenger aircraft as an instrument of mass murder? The other is that civilians are not only not spared, but targeted with particular ferocity either by conventional weapons, as happened in Vukovar, or by improvised weapons, as happened in New York. The Geneva

Conventions on the rules of armed conflict might not have existed for all the use that they were in either case.

You know enough from your recent history not to take peace for granted. It may be that it has finally broken out in this part of the world. Certainly in Slovenia and here in Croatia, but about the rest of the former Yugoslavia I am not so sure. What we have in Bosnia, Kosovo and Macedonia may be no more than an imposed ceasefire, kept in place by pressure from NATO and the European Union. Just think about it. There are young soldiers on peace-keeping duty there who were eight years old when these Balkan wars began – wars which are now, if the peace doesn't hold, in their second decade.

To my mind the pivotal events in all those years occurred not in Bosnia or Belgrade, but simultaneously here in this country in November 1991. They were the bombardment of Dubrovnik and the destruction of Vukovar. Of these, it was Dubrovnik that claimed by far the greater share of the world's attention. It was internationally renowned, as Vukovar was not. It was a cultural and architectural treasure as Vukovar was not – or not deemed to be, although in my view the town by the Danube was as historic, as precious and (apart from the eyesore of its new hotel) as beautiful.

Dubrovnik was rescued from the barbarians by its fame and by its international status. The damaged clock tower, balustrades, palaces and marble paving stones were repaired, partly through the generosity of foreign benefactors. The city was badly damaged, but not demolished and reduced to rubble. Its medieval walls served it well. It never fell, but remained in Croatian territory. (Although perhaps it should be said that, in the long perspective of history, the old city-state of Dubrovnik was a relatively new part of Croatia.)

Vukovar, by contrast, was flattened and occupied. It quite literally ceased to be. Its fall must have been for any Croat the worst day of the war. It was levelled by the bombardment of 100 heavy weapons, and thousands more lighter ones. I remember a JNA colonel standing by a battery of World War Two American howitzers outside the town and boasting that they had hit it with 2 million shells – mostly mortar shells but some heavy artillery too. I inspected one of those shells before he fired it. It had the date on the shell case: 1937. All those years it had been stored in a federal Yugoslav arsenal, awaiting the expected attack from NATO or the Warsaw Pact (the Titoists could never quite work out which), and now the people of the former Yugoslavia were using those shells on each other. It



was and remains a tragedy of epic proportions. Let us not forget that.

Driving and dodging through the ruins at the height of the fighting, a travelling companion and I looked to see if there was any building left standing undamaged. There wasn't. Perhaps a tree unmarked? Not that either. Or even a bush? Not so much as a bush. I had never seen such destruction before or since in thirty years as a war reporter. It was like Stalingrad by the Danube. In September 1991, when I was still going in through Nustar over the cornfields to report the siege from the Croatian side, one of the fiercest battles was across the cemetery on the southern outskirts of the town. Gravestones were damaged and the earth churned up by tanks and other armoured vehicles. I remember wondering, what kind of a war is this in which it isn't even safe to be dead?

And just outside Vukovar, who now remembers the church in the village of Erdut among the vineyards? I used to visit Erdut for meetings with the Serbian warlord Arkan who was based there.

I make no apology for that. I needed access and information, and he was a source of both. Besides, if a reporter in a time of war deals only with those of whom he morally approves, he will provide a limited and inadequate account, or maybe none at all, of what is happening. Years later, when Eastern Slavonia was transferred back to Croatian rule, I returned to Erdut and thought for a moment I had taken a wrong turning. Something was missing. It was the church. Like the great church at Petrinja it had been systematically dismantled and removed by the Serbs so that no trace of it remained: as if to say, this place is ours and always had been. Such premeditated cultural vandalism, an affront to history as well as religion, is something that I never met in any other war zone. Not even in the Middle East. Nor in Ireland nor in Africa. It was, I regret, unique to the Balkan wars. So was the desecration of graveyards. And speaking of Africa may I add in passing my controversial view as a survivor of the Biafran war of secession from 1967 to 1970 that the people of Nigeria have something to teach the people of ex-Yugoslavia about peace and reconciliation after a civil war. I have heard it put this way – and it applies as much in the present Afghan emergency – that we can live together like brothers or we die together like fools. The choice is ours.

It was those dark days in November 1991, in Vukovar and Dubrovnik, which defined the rest of the conflict both in Croatia and in Bosnia for years to come. It's fashionable to blame the warlords and nationalists on both

sides, your own former President included among them. There is certainly more than enough blame to go round. But a substantial part of it must rest with the western democracies, including my own.

The twin bombardments of Vukovar and Dubrovnik were diplomatically the hinge on which all else turned. The Hague Conference, chaired by Lord Carrington, was very much in business at the time. It was seeking an acceptable constitutional solution for all the republics of the dissolving Yugoslavia. And the European Community had adopted the principled position that it would not recognise any of the republics until a settlement had been found for all of them.

But that solidarity was beginning to crack under the weight of the bombardment and the pressure of events. Through the power of television the destruction of Vukovar was brought into people's homes across Europe day by day as it happened: I know, because I returned to Belgrade every evening to write my reports and ensure that those pictures were beamed up to the satellite. There was a slight time delay in the case of Dubrovnik because it was cut off. But when those images were transmitted they had an equal or even greater impact. They showed two communities under siege, the Serbs as aggressors and the Croats as victims. The world tended to see it in black and white, although in my view it was etched in shades of grey. Whether Vukovar could have been relieved by the Croatian Army, with captured armoured vehicles from Varazdin and elsewhere, is a question for military historians and not for me. I don't know. I do know that no serious attempt to break the siege was made. The town's defenders were under orders not to surrender, but to fight to the last man. Vukovar had a sort of victim status, and its victimhood was used as leverage in the campaign to win recognition for Croatia by the European Community.

I have made this charge in a book I wrote about the Balkan wars, under the title "In Harm's Way", and I will repeat it here. Within the Community, the main protagonist of recognition was Germany, which used its diplomatic muscle on this issue more than on any other. Its commitment may have had something to do with the internal dynamics of the ruling coalition. Hans Dietrich Genscher, leader of the Free Democrats, was in his 17<sup>th</sup> year as German Foreign Minister. The CSU, the Bavarian wing of the Christian Democrats, coveted his job. Mostly Roman Catholics themselves, they made common cause with their fellow Roman Catholics in Croatia. So Genscher had to be more Catholic, if not than the Pope,

at least than the Bavarians. He was hailed as a hero in Zagreb, and for all I know still is. There was nothing wrong with that. Croatia was fighting for its life, and the people of its capital were entitled to pick their heroes.

Of all the European countries, the British were most apprehensive of the results of the piecemeal recognition of Croatia and Slovenia. Not from any pro-Serb bias, but because of the facts of the case. Lord Carrington, chairman of the Hague Conference, former Secretary General of NATO and a highly respected British politician, wrote on the 2<sup>nd</sup> December 1991 to Hans Van Den Broek, the Dutch president of the Council of Ministers, to try and forestall the decision: "An early recognition of Croatia would undoubtedly mean the break-up of the conference. There is also a real danger, perhaps even a probability, that Bosnia-Herzegovina would also ask for independence and recognition, which would be wholly unacceptable to the Serbs in that republic. This might well be the spark that sets Bosnia-Herzegovina alight". And so indeed it happened, just as Lord Carrington predicted. With the Hague Conference torpedoed, Bosnia was left in a sort of limbo to be fought for by its constituent peoples, with the Serbs striking first. In the judgement of Warren Zimmerman, the American Ambassador in Belgrade, "War in Bosnia now became virtually inevitable". It was slow to start, as civil wars usually are. But having started, it was unstoppable for three and a half years.

The complicating factor was that the British at the time were also negotiating the Maastricht Treaty on the strengthening of the European Community, and seeking concessions from the Germans on the opt out clauses of the Treaty. The British Conservatives, then as now, were divided on Europe, and the Prime Minister John Major needed something that he could present to his own party in the House of Commons as a victory. On 10<sup>th</sup> November 1991 he visited German Chancellor Helmut Kohl in the Chancellor's bungalow in the government compound in Bonn. It was a discreet evening meeting: no press conference or briefing, not a word to the waiting journalists, nothing ever said about it. That was unusual. But the British got their concessions from the Germans, and were reminded of those concessions ten days after the final Maastricht negotiations, in the meeting which agreed on the recognition of Croatia in December 1991. It was, if not a formal deal, an expedient understanding of mutual favours. And so it is my view that, for reasons of the political convenience of their governing party, the British played a significant part in condemning the people of

Bosnia to a war in which 200,000 of them lost their lives and 2 million their homes. It was unprincipled, dishonourable and a disgraceful chapter in our politics and diplomacy. I expect you in Croatia to have a different perspective on it, but we the British should look back on it with shame.

I was not aware of it at the time, although I sensed that something was clearly wrong; but pieced it together later from documents passed to me by, and discussions with, the diplomats on the circuit. There were not very many of them, we became good friends, and as Bosnia, collapsed into warfare and bloodshed on a scale much greater than anything in Croatia, we had to ask ourselves, could not this have been avoided? Of course, it could have been. But it wasn't.

Two days after the meeting in Bonn I travelled to Belgrade to report on the increasingly heavy fighting in the Croatian war. Again, I make no apologies, even to this audience, for having done it from the Serbian side of the lines. I am not a hero, although I have known a few heroes (even in journalism) most of whom are now deceased, and I have always sought to survive my wars as well as to report them. There is not such category as posthumous journalism, and dead journalists have filed their last stories.

In Belgrade I went to see Lord Carrington, who was rushing around the city with maps and trying to save the negotiating process. I then hired a young man who had the gift of tongues that I lack. His name was Vladimir Marjanović. He was fluent in Serbo-Croatian, German, French and English, spoke passable Japanese, and having done his national service as the officer commanding a JNA arsenal in Serbia he knew the calibres and ranges of all the weapons that would be in action around us. He was also to play his own part in the Vukovar story as an accidental conscript. In extreme circumstances I volunteered him to be the interpreter for the International Committee of the Red Cross at the surrender of the Croats on 18<sup>th</sup> November.

In war reporting for television, access is everything. Without access there are no pictures – and without pictures there is no story. So in company with Vladimir Marjanović, and with not very high hopes, I paid a call on the head of the JNA's public information service, Colonel Šušnjar. He was not a front line warrior but an academic sort of soldier, and almost certainly within the old JNA structure he would have had an intelligence background. He had studied the precedents, he told us, of military me-

dia relations in time of war. Unfortunately from our point of view, the precedents that he had studied included the operation by the British Task force to recapture the Falkland Islands in 1982. It had been a journalists' nightmare, in which I was lucky not to have taken part. Luck plays as large a part in reporting wars as in fighting them. Censorship in the Falklands was strict and access restricted: indeed if the Royal Navy, known to us as the "silent service", had had their way there would have been no press access at all. They would have sailed away secretly and reported the outcome later. Only at the insistence of the Prime Minister were a few British reporters allowed to travel with the Task Force, and no foreign reporters at all.

Fortunately for us, Colonel Šušnjar was not impressed by the Falkland Islands model. As the war in Croatia intensified he set up a system of forward press centres, mainly for the benefit of the Belgrade press, but from which the foreign press were not excluded, and were even made welcome. From his point of view he had a story to tell about the defence of Yugoslavia. That night a fax came through to us in the Grand Hyatt Hotel inviting us to report the following morning to the forward press centre in the border town of Sid. We duly made the journey, to be greeted by coffee, briefings, more documentation and a JNA captain in an armoured vehicle who escorted us through a dozen road blocks to a western suburb of Vukovar. Since references to the JNA in this conference are unlikely to be generally complimentary, I should like at this point to pay tribute to their press operation, which was by the standards of those times remarkably open and transparent – certainly more so than anything run then or since by the British Ministry of Defence.

We arrived in Vukovar on the morning of the 15<sup>th</sup> of November. The JNA had made the crucial breakthrough on high ground in the centre of the front, to the west of the town. Resistance was still fierce, and from a Croatian perspective I would think that the word "heroic" would be justified. Whatever moved was sniped at. A colleague from the rival British network, ITN, made the mistake of showing himself at a church window and was badly wounded. The JNA had mobilised an anti aircraft gun and were using it as a heavy machine gun, firing laterally at what remained of the Croats' positions. An informal ceasefire was agreed early in the afternoon of the 17<sup>th</sup> of November. The surrender was signed on the 18<sup>th</sup>. The war in Vukovar was over, at a terrible price in human lives – and some of those were lost after the surrender.

What was striking at the time was how few JNA officers were to be seen on the ground where the heavy fighting was done. They were there in force at the rear headquarters, and all present and correct at the signing ceremony. But the actual fighting was done by others – a battalion of reservists who (we got the impression) were extremely reluctant to be there. Roaming the streets were bands of irregulars, wildly dressed and wildly behaved, who seemed to us to be operating well outside the regular chain of command. They wore recognition badges, strips of coloured rags tied to their epaulettes, to enable their own side to distinguish friend from foe. But they seemed to have free rein to do what they wished in the streets.

The capture of Vukovar had taken much longer than anyone in Belgrade expected. All soldiers agree that street fighting is the worst sort of fighting, and avoid it if they possibly can. The bombardment of the town was as heavy as it was because the opposition was so fierce and the infantry were making little headway. Artillery is a terrible weapon, as anyone knows who has suffered under it. But it is limited. It substitutes for infantry, up to a point. It prepares the terrain but cannot hold it. Battles are won only by boots on the ground.

The JNA at the time was just about the only fully functioning federal institution left in Yugoslavia, and I suspect that it was beginning to fall apart and lose faith in itself. I noted in my diary at the time: “Some officers are much more peace-minded than the world gives them credit for, and deeply unhappy with the task entrusted to them”. They were also under pressure from Belgrade, as if their careers depended on it which they probably did, to deliver a long overdue and clear-cut victory. Those officers were mostly Serbs, but it was not entirely a Serbian army. Some of the soldiers were Serbs, some Albanians and some Bosnians. The next year in the Bosnian war I met one of the Muslim defenders of Sarajevo who as a JNA soldier had been assigned to the federal assault on Vukovar, and had deserted. Why give your life for a country that you didn’t believe in, and which had to a significant extent ceased to exist?

In large measure, then, the street fighting was left to the Serbian irregulars of the Territorial Defence. I can legitimately call them Chetniks, because that was what they called themselves. They were carrying nationalist emblems, the Serbian flag and the white eagle. They were singing nationalist songs, some of which caused great offence here in Croatia when the footage was shown on television. I didn’t censor them out on grounds of good taste, since war is

not a good taste business, and I tried to show things as nearly as possible as they happened. I don't apologise for that, either.

One detail that comes to mind is the combat boots. War is a time of looting and plunder, and the defenders of Vukovar had helped themselves liberally to yellow "Timberland" style boots liberated from the BATA factory at Borovo Selo. Their yellow boots were a distinctive part of their uniforms. The Serbian irregulars wore similar boots, but had blacked them over lest they be mistaken for Croats.

The question of the chain of command is an important one, and will be crucial at any future war crimes trial. Were those irregulars inside it or outside it? That there had been a problem was admitted by the JNA command, although they claimed to have solved it. I made a note of what an officer told me: "All armed formations wherever they come from are under our command and obeying our orders. All other groups have been sent away".

"All other groups" was almost certainly a reference to Arkan's so-called Tigers, operating to the north of Vukovar. Arkan himself held the federal army in contempt, as he did all communists. "They see red", he told me. "They see the sky red. They see the earth red. It's Comrade major this and Comrade captain that. They have no motivation". Then he whipped out a huge silver crucifix from under his shirt to show what a devout Orthodox Christian he was.

The notorious photograph of Arkan and his fighters at Erdut, including a real baby tiger from the Belgrade zoo, shows them posing on a tank captured from the Croats near Vukovar at that time. One day when I called on them, Arkan and his men were digging in against an expected attack, not by the Croats but by the JNA, who they felt were planning an operation to seize the tank.

There was one prominent JNA officer in the centre of Vukovar at that time. I will not judge him myself, since I hope that in due course his actions will be judged by the war crimes tribunal at The Hague. He was Major Veselin Sljivancanin, now wanted by the tribunal. It was he who denied access to the hospital at Vukovar to the delegate of the International Red Cross, Nicholas Borsinger, while the Serbs went through it picking out 200 men who, they believed, had taken part in the fighting. So far as I know those men were handed over to the Territorial Defence Force and not seen alive again.

That was the peculiar horror of Vukovar - and I cannot claim to have reported it all at the time, because I



didn't know it all. War crimes were committed, and prisoners killed, by the irregulars; while the regular forces were maintaining a façade of correctness and due process. This was the point of the surrender ceremony. The JNA actually included our BBC team in their armoured convoy to the event, in the outbuilding of a vineyard on the edge of the town. We were the official observers, to show that the Geneva Conventions were being respected. Looking back on it now, I would say we were being manipulated. My interpreter acted as Mr. Borsinger's interpreter, since his was not equal to the task. Interpretation is not a technicality. Lives depend on it. The agreement was that the women and children could go where they wished, and indeed buses would be provided for them to such handover points as Dvorovi in Bosnia. The men would be treated as prisoners of war under the Geneva Conventions. The agreements were not kept, certainly as far as the men were concerned. And Mr. Borsinger, a real hero of the International Red Cross, was expelled from the country two days later for his efforts to save the lives of innocent people.

By agreement, a JNA tank went in to remove the truckful of explosives that was parked across the Croats' last bastion in Vukovar. I have seen few more tragic sights in my life than the exodus of the thousands of survivors from the town, under armed guard, on the afternoon of the day of surrender. Some elderly men were carrying guns, which they laid down at the feet of the Serbs. These were broken down old weapons, and come to that they were broken down old men. The sniper rifles had been prudently hidden away: to be suspected of having been a sniper meant certain death. And I have to confess that I didn't even do my job especially well. The sight of that shuffling column of thousands of defeated people reduced me to absolute silence. I would like to have spoken to them but had nothing to ask them. It would have been an intrusion into their private grief. The report that night on the BBC News was a mismatch between the most eloquent pictures, and words which were not adequate to them.

I would like at this distance, after ten years, to salute two possibly forgotten heroes of the siege and the events that followed. One of them was a Croat and the other a Serb. The Croat was the last ditch commander of the defence of Vukovar. He operated under a "nom de guerre", an alias in time of war. He had been ordered to fight to the last man, and in the final negotiations in the vineyard, with two colleagues beside him, he tried to get through to Zagreb to obtain authorisation for the surrender. The communications failed. He surrendered anyway, and saved



lives that would otherwise have been lost – though fewer lives than would have been lost, if the agreement had been kept in its totality.

The Serbian hero in my view was Captain Zoran Stanković, chief pathologist of the JNA at the time of the siege and after the surrender. He went about his business, in the days that followed, among the hundreds of bodies transferred to the makeshift morgue in the old brick factory in Vukovar. He did his professional duty respecting the dead in every meaning of the word respect, and (I believe) was demoted twice as a result. There followed a period of years in which anguished families on both sides were kept waiting, as they exchanged “pathologists” protocols’, 20 or 30 on one side for 20 or 30 on another, the documents identifying the dead and certifying the reasons for their death.

I knew two Captain Stankovićs in these wars, both of them heroes. Zoran Stanković was one. The other was Miloš Stanković, a British Army officer of Serbian origin who served as adviser and interpreter to Generals Sir Michael Rose and Sir Rupert Smith, the British UN commanders in Sarajevo in 1994 and 1995. He was later falsely arrested by the British Ministry of Defence Police under suspicion of having spied for the Bosnian Serbs. He saved lives which without him would have been lost. I make no apology for my friends, especially when they are heroes. My friend Miloš Stanković had a good phrase for these conflicts. He called them *necrowars* – that is, wars in which it is harder to exchange dead bodies than live ones, and in which the dead matter more than the living. In front of this distinguished audience, I dare to suggest that’s worth thinking about. Looking back after ten years on the wars of ex-Yugoslavia, I increasingly come to wonder, what were they for? And have they not taught us that it is time to revive the letter and the spirit of the Geneva Conventions? Those Conventions were drafted for reasons, which are more valid and relevant today than they ever were.

I don’t know if after ten years the events in Vukovar are as well-remembered in Croatia as they should be. Perhaps they are. Or perhaps like the British you like to remember your victories and forget your defeats; or disguise your defeats as victories, as we do. It is commonplace to say that time heals all wounds. In this case I don’t think it does. It doesn’t heal the wound of Vukovar. The wound of Vukovar will be with the people who lived there and in Serbia and they will remember it in this generation and the generation after it and the generation after that. You live your history more here, and the past casts longer shad-

ows here, than anywhere else in the world. We should surely be willing to forgive but not to forget. Indeed to forget would be to dishonour those who have died, on both sides.

In the end, I would argue, there were no winners at all in this matter but only losers. In Vukovar the Croats lost a priceless part of their heritage which can never be retrieved. The Serbs inherited a ruin, which they annexed and occupied for a while and in due course handed back. They lost self-respect and gained nothing from it but grief. Yugoslavia ceased to exist as they had known it. Its dream of brotherhood and unity died, which had been born (if my memory serves me correctly) at an inaugural party meeting in a riverfront house in Vukovar itself. It was not an ignoble experiment. But the possibility of Yugoslavia's patchwork of peoples living among each other peacefully was gone, perhaps for good. Nor did the international community cover itself with glory.

The best lesson to be drawn from it is a simple one: lest we forget. That is why we are gathered here in Zagreb at this sombre anniversary. The best homage we can pay to the past is to learn from it – to learn not to repeat its mistakes, and our mistakes in it. We all made those mistakes, and I did too. The Germans have a phrase for it: “Nie wieder”. Never again.

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*VUKOVAR '91*  
IN AMERICAN,  
CANADIAN AND  
BRITISH PRESS



## Introduction

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Serbian aggression and aggression of the Yugoslav National Army on the Republic of Croatia, and especially events that took place in Vukovar, were a daily subject of interest of the international public, particularly in the year 1991 and 1992. We have here noted and interpreted some of the most significant reviews and analyses on Vukovar from renowned American, Canadian, English and Irish newspapers.

The mentioned newspapers have continued to deal with evaluations of the Vukovar events in the years to come. However, during those two years, the western press had been rather accurately informing its readers of the essence of conflicts in Croatia, most of all of the Vukovar events. In those times, some political structures in the international community still had not worked out the adequate political programme and its implementation on territories of the former Yugoslavia. Therefore, western press reports were still not completely under the influence of the often false viewpoints, which are today accepted in some political structures of the international community. Because of that, newspaper articles here selected are offering a mainly objective picture of *Vukovar in 1991* and events in that war zone.

This paper is divided into eight sections, according to different topics presented in the press.

## List of referred newspapers

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### USA:

- *The Buffalo News* 1992: December 1<sup>st</sup>
- *Chicago Sun - Times* 1992: October 30<sup>th</sup>
- *Chicago Tribune* 1992: September 1<sup>st</sup>; October 29<sup>th</sup>
- *The Christian Science Monitor* 1992: December 15<sup>th</sup>
- *The Daily Morning News* 1992: October 4<sup>th</sup>
- *The Economist* (US) 1991: August 31<sup>st</sup>

- *The Houston Chronicle* 1992: October 29<sup>th</sup>
- *The Lancet* 1991: December 7<sup>th</sup>
- *The New Republic* 1991: December 16<sup>th</sup>
- *New York Times* 1991: August 29<sup>th</sup>; October 1<sup>st</sup>, 21<sup>st</sup>; November 4<sup>th</sup>, 14<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, 21<sup>st</sup>; 1992: March 4<sup>th</sup>; August 17<sup>th</sup>; November 29<sup>th</sup>
- *Plain Dealer* 1992: December 18<sup>th</sup>
- *The San Francisco Chronicle* 1992: September 1<sup>st</sup>
- *St. Louis Post-Dispatch* 1992: September 29<sup>th</sup>
- *Times* 1992: October 24<sup>th</sup>, 31<sup>st</sup>
- *USA Today* 1992: September 1<sup>st</sup>; October 27<sup>th</sup>
- *The Washington Post* 1992: October 24<sup>th</sup>; 29<sup>th</sup>
- *Wall Street Journal* 1991: August 29<sup>th</sup>; October 1<sup>st</sup>; 14<sup>th</sup>; November 4<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 14<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>; December 5<sup>th</sup>; 1992: October 7<sup>th</sup>

#### **Canada:**

- *The Gazette* (Montreal) 1992: December 29<sup>th</sup>
- *The Ottawa Citizen* 1992: October 23<sup>rd</sup>
- *The Toronto Star* 1992: September 20<sup>th</sup>; November 8<sup>th</sup>; December 1<sup>st</sup>

#### **England:**

- *The Daily Telegraph* (London) 1992: September 19<sup>th</sup>; October 29<sup>th</sup>; November 2<sup>nd</sup>, 10<sup>th</sup>, 19<sup>th</sup>; December 16<sup>th</sup>
- *Financial Times* (London) 1992: September 12<sup>th</sup>; October 17<sup>th</sup>
- *The Guardian* (London) 1992: October 23<sup>rd</sup>
- *The Independent* (London) 1992: October 27<sup>th</sup>, 29<sup>th</sup>; November 19<sup>th</sup>

#### **Ireland:**

- *The Irish Times* 1992: September 28<sup>th</sup>

### **How was first information on battles for Vukovar received**

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As early as on August 29<sup>th</sup>, 1991, *Wall Street Journal* from New York had written about radio reports on tanks and aircrafts being involved in battles in the eastern Croatian city of Vukovar. On October 1<sup>st</sup>, 1991, the same journal published a text stating that the *Yugoslav Army* has sent tanks and armoured divisions in battles against the secessionist Croatia and wants to conquer the well-defended Croatian city of Vukovar in a single military action.

On October 1<sup>st</sup>, 1991, *The New York Times* informed the readers that Serb-dominated *Yugoslav Army* has entered the *secessionist* Croatia and started a new offensive on Sep-

tember 30<sup>th</sup>, with the goal to conquer the besieged city of Vukovar.

On October 21<sup>st</sup>, 1991, *The New York Times* wrote about sporadic battles that are going on in the *secessionist* Republic of Croatia. They also mentioned a convoy aid of the *European Union* observers that had finally arrived to the besieged Vukovar, after the three-day delay, trying to ensure the cessation of hostilities in the sixteen-day long Yugoslav conflict.

On November 4<sup>th</sup>, 1991, *The Wall Street Journal* reported on the escalation of war, stating that the *Yugoslav Army* has intensified attacks on besieged cities of Dubrovnik and Vukovar.

On November 11<sup>th</sup>, 1991, this journal stated that the *Yugoslav Army*, led by Serbs, is fighting with rebel Croats for every street, in order to take control over Vukovar, the key national area in the *national civil war*.

*The Economist*, US, on August 31<sup>st</sup>, 1991, in an analytic article states that the *Yugoslav Army* has finally disclosed that it is by no means neutral in conflicts between rebel Serbs and Croatia, which is fighting for independence from Yugoslavia. When Vukovar was attacked on August 25<sup>th</sup> with all weapons, allegedly nobody knew who started it. Some say that Croats did, cynically provoking attacks on themselves, in order to gain international sympathies and recognition, which journals did not believe.

And finally there was news about the fall of Vukovar. On November 18<sup>th</sup>, 1991, *Wall Street Journal* reported that Croatia has admitted military defeat by the *Yugoslav Army* in surrounded Vukovar and requested the *Red Cross* to save citizens of the town. The same journal, on December 19<sup>th</sup>, 1991 points out that Croatian military authorities have ordered their units to end the three-month-long battle against federal troops. On October 23<sup>rd</sup>, 1992 Canadian *Toronto Star* also wrote that Serbs have gained control over Vukovar.

### Evaluations of war actions around Vukovar

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On September 19<sup>th</sup>, 1992, *The Daily Telegraph* from London, describing Serbian celebration of the *liberation of Vukovar*, states: "Serbs have conquered Vukovar in one of the most violent battles in the Yugoslav civil war". *The San Francisco Chronicle*, on September 1<sup>st</sup>, 1992 says that you should really have guts if you want to walk across Vukovar. This journal warns its readers that Vukovar was the first place in former Yugoslavia where centuries-long animosities between Serbs and Croats have emerged into the war of absolute vengeance, which knows no logic.

*The Independent* from London, on November 19<sup>th</sup>, 1992 writes about the celebration of the one-year anniversary of liberation of Vukovar by Serb-dominated *Yugoslav Army*: "Citizens are mourning after their town. When they are asked who did it, they avoid the answer. However, one Serb has nevertheless admitted that it was done by drunk Serbian officers". Serbian Orthodox priest Stavrofor, describing cruelties that have happened in the town, said: "This is European Hiroshima. This is a war of horrors, war from hell. This is a devil's war."

On October 7<sup>th</sup>, 1992, *Wall Street Journal* based in New York brings news that Vukovar museum was completely destroyed. Department of Archaeology resembled archaeological findings with scattered pieces of ancient statues. However, it is noticed that a miracle occurred here: "Pedestals with busts of Marx, Lenin, Engels and Stalin were remained intact".

*The Houston Chronicle*, on October 29<sup>th</sup>, 1992 informs its readers that mixed marriages between Serbs and Croats were common in Vukovar before the war. Now, if they are not dead, Croats are victims of ethnic genocide and exiled from that area. Serbs are afraid to ask the police for permissions for their spouses to return home. An Orthodox priest, who had lived in Vukovar for 37 years, says that there were never as many divorces as today.

### Theses on the distribution of blame for the battle for Vukovar

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On December 1<sup>st</sup>, 1992, *The Buffalo News* mentions ethnic cleansing on territories of former Yugoslavia. It is pointed out that Croats and Muslims have also practiced ethnic cleansing, but "their efforts" were not as systematic as those in areas controlled by Serbs.

*The San Francisco Chronicle*, on September 1<sup>st</sup>, 1992, obviously unobjectively informed, says that the greatest crimes committed by the Croatian side were those of the "ultra-right Ustashas", nationalists that are allegedly using the Nazi salute and walking in marching step.

On September 8<sup>th</sup>, 1992, *The Irish Times* published a letter to the editor in which some reader claims that the war recognition of Croatia by Germany has definitely provoked the war, started by Serbs and their *Yugoslav Army*, conquering and destroying a great part of Croatia. Serbian arguments – that they have protected the Serbian minority – are not true, points out this reader, and asks: "Why were they then attacking predominantly Croatian areas?"

On October 7<sup>th</sup>, 1992, *Wall Street Journal* tries to distribute blame for conflicts: "After Croatia proclaimed in-



dependency, tensions escalated between local Croats and Serbs, who were manipulated by nationalist politicians, accusing one another”.

*Chicago Tribune* shares this opinion. In the October 1<sup>st</sup>, 1992 issue, the journal states: “Report of the United Nations from the last Monday points out that all three ethnic groups – Croats, Serbs and Muslims are responsible for crimes. However, Serbian forces are held the most responsible for violation of human rights in the Bosnian war”.

On November 1<sup>st</sup>, 1992, *The Toronto Star* also sees the responsibility for the war on both sides and states that the tragedy of the battle for Vukovar lies in the fact that no one here, or at least it seems so, understands why it has occurred, why all those ruins. One Serb said: “There is no logic explanation for what has happened here. Croatian unilateral declaration of independency from Yugoslavia on June 25<sup>th</sup> last year has changed it all”.

Ivan Čizmić  
**Vukovar '91 in American,  
Canadian and British Press**

### Was it a conquering war?

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On December 16<sup>th</sup>, 1991, *The New Republic* refers to Mile Šušnjar, *Yugoslav National Army* colonel, who has led a group of foreign reporters through Vukovar and claimed that it was a crucial issue for Serbs to liberate Vukovar. He accused *fascist Ustasbas* (Croats) for destroying the town. However, journalist of *The New Republic* notices that during 86 days of siege under the *Yugoslav Army*, the entire world has seen reports from the Croatian city of Vukovar.

*The Times*, on November 19<sup>th</sup>, 1992, followed the Serbian anniversary of conquering Vukovar with the speech of Veseljko Šljivančanin and his statement to the gathered crowd: “This is Yugoslavia, this is Serbia, this is Montenegro”.

On November 19<sup>th</sup>, 1992, *The Financial Times* quotes Šljivančanin’s speech, in which he, among other things, stated: “Europe and the rest of the world have to understand that we would betray those who gave their lives in order to make Vukovar a part of Serbia”.

The same journal also quotes Šešelj’s statement: “Serbia will never be brought to knees (...) International community is trying to weaken Serbia, but they will never break Yugoslavia”.

*The Chicago Tribune*, on September 1<sup>st</sup>, 1992, added to the above-mentioned statements the one by the Serbian officer Milko Dačević, in which he claims that it is the Serbian goal to create new borders after the disintegration of Yugoslavia. It does not only apply to Goražde, but also to

Vukovar, Bijeljina, Gospić, Foča and Čajnići, so there will be no more borders between Serbs.

On December 29<sup>th</sup>, 1992, *The Toronto Star* points out the solidarity of Serbs, quoting Zoran Trajković, the Kosovo Serb, who says: "I am a Serb, my motives for fighting are patriotic, I wish to help my brothers Serbs".

On October 29<sup>th</sup>, 1992 *The Washington Post* informs of the threat of the Serbian officer Petković, who said that if the *United Nations* with negotiations would some day award Croatia by placing Vukovar under Croatian control, and regardless of what they in Geneva are negotiating about, Serbs would definitely not leave Vukovar without the fight.

*The Daily Telegraph* on November 19<sup>th</sup>, 1992 points out that new citizens are irrevocably insisting on the claim that Vukovar will never again be Croatian, regardless of the fact that Croats were the majority in the city before the war, and that their heritage in Vukovar descends from the Austro-Hungarian monarchy, and not from Serbia.

*The Washington Post*, on October 29<sup>th</sup>, 1992, describes the situation in Vukovar: "Victorious Serbs, several thousands of them, surrounded by destroyed houses. Fundamental political issue of where is Vukovar – in Croatia, Serbia or somewhere called Serbian Krajina, is yet to be solved".

## Responsibility for war crimes

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*The Toronto Star*, on December 1<sup>st</sup>, 1992 states that Mazowiecki has strongly condemned Serbian crimes in former Yugoslavia. *Chicago Tribune*, on November 29<sup>th</sup>, 1992 writes that Sarif Bassiouni, a member of the *United Nations* commission and Professor of Law at the *De Paul University* in Chicago stated that there are numerous evidences of crimes in Vukovar, which could serve for prosecution of those responsible for war crimes in the Yugoslav war, only if the Security Council or some other international body would form a tribunal to conduct an investigation.

On December 1<sup>st</sup>, 1992, *The Buffalo News* publishes a report of the United Nations Secretary General Butros Butros Ghali, in which he accuses Serbs of creating or causing conditions for lawlessness and disorder.

For *The Daily Telegraph*, on December 16<sup>th</sup>, 1992, Vukovar is the first leading example of war crimes. This was also confirmed by the statement of the USA Secretary of State Lawrence Eagleberger, where he says that those war criminals should be prosecuted at the international court the same way as Hitler's collaborators in Nürnberg.

On November 29<sup>th</sup>, 1992, *The New York Times* informs its readers that after the investigation was completed, com-

mission for war crimes investigations intends to suggest to the *Security Council* for establishment of an *ad hoc* or permanent tribunal. A journal points out that investigators are convinced that there is enough evidence to identify perpetrators. Regardless of the nature of war, if you kill wounded people from the hospital, it is a war crime.

Ivan Čizmić  
**Vukovar '91 in American,  
Canadian and British Press**

### Placing Vukovar in context of other war actions

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On November 1<sup>st</sup>, 1992, *The Toronto Star* warns that restoration of Vukovar would be a Herculean task, even for the brave ones. But they also cautiously notice that Vukovar would be a challenging area for development of historic prejudices that would encourage the continuation of war in the years to come.

*The Daily Telegraph*, on November 19<sup>th</sup>, 1992 quotes one Serb, Olivera Rokvić, who has stated that some people say that Vukovar must not be repeated. But battles have spread on other towns. This city is a symbol of war, and not a symbol of a need for peace. And nothing will change until Serbs and Croats understand that. And that is a long way ahead, said Olivera Rokvić.

*Wall Street Journal*, on December 5<sup>th</sup>, 1992 writes that citizens of Dubrovnik have directed an appeal for help to the world, where they say: "Citizens of Vukovar are no longer able to call or write for help".

On October 31<sup>st</sup>, 1992 *The Times* writes that there is only one possibility that could save Sarajevo from being destroyed as a town, as Vukovar was a year ago, and that is a determined military intervention or at least one convincing threat of such action from the *United Nations*, USA and the *European Union*.

*The San Francisco Chronicle* shares such opinion on September 1<sup>st</sup>, 1992, pointing out that nothing was done for people in Vukovar, partially because the attention was focused on Sarajevo.

*The Daily Telegraph* informs its readers of the spreading of war operations. Thus the issue from November 1<sup>st</sup>, 1992 states that Serbs are practicing the same war tactics in the north-eastern Bosnia, as in the siege of Vukovar. First they bomb their target from sides with artillery and rockets, and they also use tanks.

In the September 19<sup>th</sup>, 1992 issue it is stated that just after the Serbian and Yugoslav forces have made efforts to conquer the Eastern Croatian city of Vukovar during the last November, it is now expected that they will try to take control of the Sarajevo area and of the great part of the occupied territory in Southern, Eastern and South-Eastern Bosnia.

In the issue from the November 2<sup>nd</sup>, 1992 it is concluded that Serbs from Bosnia and Croatia are now one step away from achieving their war aspirations – creation of *Great Serbia*, which would occupy great parts of Croatia and Bosnia and Herzegovina.

### Comments on the International Community activities

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On November 12<sup>th</sup>, 1991, *The Wall Street Journal* claims that if any encouragement could be found in the fact that the *European Union* has imposed sanctions on Yugoslavia, it is the fact that the *European Union* is finally agreeing on something. Would that throw Slobodan Milošević and his masters of war to their knees is a big question. Economic sanctions are a small possibility of stopping the war and politic brutality. With the well-advanced civil war, Milošević's goal is to stay in war, and not to have friends. Sanctions are ineffective and uncertain. If USA and the *European Union* were more decisive in accepting the certainty of the inevitable dissipation of Yugoslavia in the past century, today their policy would be much more efficient. Simply, there was no unanimous Western policy. Why those twelve nations, which were in favour of political unity, were not able to do anything more than to impose economic sanctions. Disputes between Germany and France have delayed the sending of peacekeeping forces.

On October 7<sup>th</sup>, 1992 the same journal concludes that Vukovar in the Serbs-occupied Croatia is a city rich with symbolism of the irreconcilable demands of both countries. The city of the first great battle in the *Yugoslav civil war* is now a complete ruin. Although a peace plan of the *United Nations* is inviting Serbs to leave the occupied areas, such a plan is very weak. Serbs have no intention of leaving because for them Vukovar is a part of Serbia. If the *United Nations* continues to insist, Serbs will oppose. If the UN does not succeed, Croats are threatening to fight for the return of Vukovar in Croatia, concludes the journal.

### Message regarding the Vukovar events

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On November 19<sup>th</sup>, 1992, *The Independent, London* bitterly concludes that the ethnic logic has forced Serbs to liberate Vukovar by destroying it.

Journal *USA Today*, on October 1<sup>st</sup>, 1992 points out the fact that Vukovar is the earliest and the most destructive battle in the *Yugoslav war*. The journal quotes the Belgian Captain Malherge, who claims that Croatian refugees would be killed if they were to return to Vukovar: "We can

offer no guarantee to refugees. It would be a real massacre. The town conquered last year in the *blitzkrieg* is now a part of the Serbian Republic of Krajina. Seventy percent of the population owns machine guns. It is a Serbian tradition to have weapons”.

On December 15<sup>th</sup>, 1992, *The Christian Science Monitor* reminds of the fact that the *Yugoslav Army* tanks have caused that Vukovar resembles Stalingrad. Furthermore, the journal writes about the world sympathy for the Croatian cause. The Former Yugoslav Republic was seen as the victim of Serbian aggression, and there was an aim to fulfil its democratic aspirations.

On September 20<sup>th</sup>, 1992, *The Toronto Star* analyses the situation on the former Yugoslav territory, claiming that for journalists, whose first intention was to report on triumph of democracy in satellite states of the disintegrating *devil's empire*, development of events in the Eastern Europe turned out to be sending a completely different message. Different from Somalia, or any other place in Africa where poverty and hunger have contributed to chaos, tragedy that came upon Yugoslavia is entirely the result of complete frivolity.

*The New York Times* on March 4<sup>th</sup>, 1992 concludes that devastation of the 700 years old city of Vukovar is the result of the *Yugoslav civil war* between Serbs and Croats. Graves are also the silent warning of the bitter ethnic hatred, which was repressed for decades by the communist authorities, and exploded after the fall of communism in the Eastern Europe and USSR.

Vukovar was so heavily bombed that some here believe that it would never again be restored. They are quoting one Yugoslav Army officer – psychologist: “Perhaps the best we should now do is to leave the city exactly as it is, in order for future generations to see the consequences of human irrationality”. However, the journal relates this tragedy to proclamation of independence of Croatia and Slovenia from the “Serbs-dominated Yugoslav federacy”.

In the city military command there is no mention of Serbian forces returning Vukovar to Croatia. “Never, never”, said the Yugoslav Army officer Vojislav Đolović. Among *winners* it is emphasized that it was the *liberation of town*. Accidental passers-by said to journalists that there were no ethnic tensions in town, and those that have occurred were initiated by the new-comers, and have not culminated until the proclamation of Croatian independence. Furthermore, it is concluded that the development of *democracy* pushed Yugoslavia into hell.



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*VUKOVAR '91*  
IN THE CROATIAN  
EMIGRANT PRESS





## I.

International aspects and reverberations of events that took place in Vukovar in the late summer and autumn of 1991 are impossible to completely understand without at least a glimpse into the Croatian emigrant press. In other words, the Croatian emigrant press, especially in English speaking countries, because of its availability to a wider range of readers than the Croatian emigration itself, to a significant degree contributed to the international perception of *Vukovar '91*.

It is easy to understand that the views of Croatian emigration regarding the phenomenon of *Vukovar '91*, events that occurred and the tragedy of Vukovar were reflected in the Croatian emigrant press. However, the opinions regarding the Croatian nation-building movement in the homeland as well as Serbian military aggression on the Republic of Croatia were also presented during the time which is particularly important – when the Croatian state was still not internationally recognised.

The Croatian emigrant press had and still has a great importance in informing emigrants, in preserving the Croatian identity of numerous Croatian settlements all around the world, but also in creating a bridge of its own kind for Cooperation and understanding between the homeland and emigrated Croatia, as well as between Croatian national interests and interests of the international community. The latter came into play especially in the process of preparations for Croatian independency, which were soon confronted with the open Serbian aggression. Among other things, it was then necessary in a well-argued and documented way to oppose well-established stereotypes and prejudices about Croats and the Croatian state, perseveringly spread by the Yugoslav and great-Serbian governing, political, diplomatic and scientific structures in the former Yugoslavia, as well as abroad.

The Croatian emigrant press played an important role in the preservation and development of nation-building

ideas among emigrated Croats, which was an important precondition for raising their awareness regarding the need for the creation of an independent Croatian state as the most important, in other words, the only condition for the survival and progress of Croatian people.

In general, the issue of the *Croatian Homeland War* is still an insufficiently studied subject of Croatian contemporary reality and its recent past. Evaluation of the *Croatian Homeland War* is possible and necessary from different aspects, but taking into account its causes and consequences, the historical, political, demographical and international aspects of war and aggression are the most important. In view of this, it has to be admitted that the phenomenon of *Vukovar '91* is still not absolutely objectively and comprehensively analysed and evaluated in the Croatian community.

Commemorating the 10<sup>th</sup> anniversary of the *Battle for Vukovar*, of the unspeakable destructions of the town and sufferings of its citizens, and elucidating some international aspects and reverberations of *Vukovar '91*, let us at least point out the role of the Croatian emigrant press in spreading the truth about Croatia, and especially in promoting rights of Croatian people to freedom, to achieve an independent state and above all in promoting the right to defend their own home and homeland. For the purpose of this paper it is not possible to embrace all aspects of the role and significance of the Croatian emigration in preservation of the Croatian identity and promotion of Croats' right to their own state. However, this is an opportunity to learn about the importance of *Vukovar in '91* in the Croatian emigrant press, that is, about the way the emigrant press presented and evaluated the situation in Vukovar.

Croatian emigrants contributed immensely to the creation and defence of the Croatian state. This contribution is obvious in many aspects and areas – from providing political, financial and material support, to the direct inclusion of emigrants into Croatian military formations.

*Vukovar '91* was the central event in the formation of the Croatian state and in the *Croatian Homeland War*. *Vukovar '91* was the symbol of Croatian resistance to the aggressor, as well as also an advance sign of the victory in war. As such, it deserves to be reflected on and evaluated from different viewpoints, especially regarding international reverberations, including the contexts of the Croatian emigrant press, because it was responsible for all the relevant information on actual events in Croatia and in Vukovar in the year 1991.

In my analysis, I have focused on the events taking place between the end of August to the end of December 1991, because that was the period of the direct and most intense aggression on Vukovar and surrounding areas. I have selected six Croatian emigrant publications – two from Australia (*Hrvatski vjesnik* and *Spremnost*), two from the United States of America (*Zajedničar* and *Naša Nada*), and two from Canada (*Hrvatski glas* and *Nezavisna Država Hrvatska*). In total, 71 copies of emigrant journals (weekly, fortnightly and monthly editions) were analysed.

## 2.

The phenomenon of *Vukovar '91* in the Croatian emigrant press should be observed in the context of its role in providing information about the war in Croatia and Vukovar to the Croatian emigration and the wider international public. In that sense, the role of the Croatian emigrant press should be also evaluated in the light of its contribution to the refutation of the widespread great-Serbian and Yugoslavian propaganda among Croatian emigrants, as well as in international political and other circles.

It is essential to determine to what extent the Croatian emigrant press represented valid sources of information on things that have actually happened in Vukovar and in Croatia in autumn 1991. In the mentioned context we may also raise certain questions: Did Croatian emigration, through Croatian emigrant press, recognise *Vukovar '91* as the core of the Croatian fight for independence and creation of the independent Croatian state? Did Croatian emigration accept the phenomenon of *Vukovar '91* as the base of new Croatia and foundations of Croatian future? In other words, which symbolic and connotative dimensions of *Vukovar '91* were evaluated and considered in the Croatian emigrant press during September, October, November and December of the year 1991?

It should be pointed out that the Croatian emigrant press was following events in Vukovar and its surroundings during the end of summer and autumn of 1991. However, the number of articles, as well as their analytic quality are undoubtedly indicating that there were serious limitations, due to the lack of relevant and, most of all, timely official and other information, which had to be, but obviously were not adequately directed from Croatia towards the emigration. The latter means that, in general, Croatian emigration was insufficiently informed on events in their homeland, at least in the context of contribution of the Croatian emigrant press to such information.

To a certain degree it is understandable; as one may expect, the Croatian emigrant press was mostly focused on presenting the Croatian question and Croatian way of life in new environments, and not as much on the transfer of information from the homeland. In the context of war in Croatia and Vukovar in 1991 this represented a serious flaw; not only the level of information of Croatian emigrants was reduced, but also the role of the Croatian emigrant press in informing the wider international public about actual events in Croatia and in Vukovar in 1991. This resulted in a smaller number of articles and reviews on Vukovar than expected, considering the significance of Vukovar, and even more so considering the engagement of the Croatian emigration in defence of Croatia.

Only a few of the analysed publications, especially the Australian *Hrvatski vjesnik* and *Spremnost*, were regularly and rather comprehensively reporting on events in and around Vukovar in 1991. In other publications such reports were occasional and evidently written with the lack of the actual and reliable information.

Regardless of all above mentioned, the Croatian emigrant press had soon recognised, both on the symbolic and identity level, the meaning of the phenomenon of *Vukovar '91*. It was especially obvious in days and weeks after the Serbian occupation of Vukovar. I will try to substantiate these facts with several selected and most evident examples.

In the November 1<sup>st</sup>, 1991 issue of *Hrvatski vjesnik*<sup>1</sup> there is a text entitled *Please, understand this message as an appeal*, with the overttitle *Stop the War in Croatia, Give Vukovar a Chance*, which is in fact the unsigned testimony of one sufferer from Vukovar dated October 27<sup>th</sup>, meaning in the period of the hardest ordeals of defenders and citizens of Vukovar. Among other things, this text states that “the war until extinction is going on in Vukovar”, that “death has become the most important part of life in this destroyed town”, that “Vukovar is not only an assembly of buildings, it is a living organism that breathes. Vukovar has his blood stream, his life that is now being taken away from him. They are tearing apart his flesh, breaking his bones”.

Author of this appeal humbly begs: “We are not asking for mercy from no one, we are only asking for a life worthy of man. We are asking that our children have a chance, chance for these young boys to have their own children”. In the same issue, *Hrvatski vjesnik* brings the text authored by Drago Veselčić, originally published in *Večernji list* in Zagreb, entitled *The Calm Before a Storm?*, which states the data on losses of Yugoslav military and paramilitary (Chetnik) for-

mations in attacks on Vukovar and its surroundings. The power of the military force that had pounced upon the town and its citizens becomes evidently clear from those losses.

The November 22<sup>nd</sup>, 1991 issue of the same journal includes the article entitled *Our Brave Vukovar*, which, among other things, says the following: “Croatian town Vukovar and all defenders of Vukovar have demonstrated and are demonstrating the chivalrous fight of Croatian people for freedom and free life in their Croatian homeland, for which they have made and are making superhuman sacrifices in defence of every little piece of Croatian land... Vukovar is not the Croatian Leningrad, nor is it the Croatian Stalingrad, or the Carthage... Vukovar was and is only one thing – Croatian Vukovar in superhuman fight against hundreds and hundreds of steel tanks and thousands and thousands of high explosive shells, bombs and rockets... Vukovar is the symbol, a pride and will of one people in fight for peace, order and human dignity against the barbaric terror from Serbia... Vukovar and defenders of Vukovar, alive or bodily dead are the conscience of the sleepy Europe... Vukovar, that is another life that unites us and invites us to go forward together, even stronger in this fight against terror, fight for To Be or Not To Be”.

The same issue of *Hrvatski vjesnik* includes the article entitled *Croatian Blood, Sweat and Tears* authored by journalist Željko Žutelija. In this article he reflects on the attitude of the international political and wider public towards the events in Vukovar. Žutelija writes the following: “The Tragedy of Vukovar consists of thousands of such destinies in the greatest post-war suffering of a town in Europe. Those who survive this hell will be able to give evidence of the genocide committed upon the nation that was unfortunate enough to live close to the Serbian border, over which constantly were passing new conquering hordes, killing people and destroying Vukovar, while the world was watching calmly and indifferently, ignoring appeals for help of the suffering and wounded citizens and defenders ... Europe and World have betrayed Vukovar. They have allowed the great-Serbian militant madness to destroy the beautiful town on Danube, and to expose citizens of that town to sufferings unremembered in the recent history of humanity. They have not offered help, they did not name the aggressor, they did not stop the war ... the world did not want to see the truth, and because of that Vukovar was suffering and finally fell”. Žutelija also points out the dilemma of the Croatian public, which is “divided in the evaluation of possibilities of the Croatian state to offer greater and more efficient help to Vukovar”.

In the December 6<sup>th</sup>, 1991 issue of *Hrvatski vjesnik*, there is another article by Željko Žutelija, entitled *Freedom Dawns in Croatia*, stating, among other things, the follow-

ing: "Fight of Vukovar against the superior enemy, sometimes in ratio of one to hundred, is a heroic victory of fighters who have surpassed all known military theories on endurance, bravery and resistance to the enemy incomparably stronger in technique and in numbers".

December 13<sup>th</sup> and December 20<sup>th</sup>, 1991 issues of *Hrvatski vjesnik* include the interview by I. Butković with the defender of Vukovar Marko Baketa, entitled *Hiroshima as the Mild Imitation of Vukovar*. In this comprehensive and very emotional conversation all horrors of war and the great-Serbian aggression that came upon Vukovar were presented, but certain unknown facts, even controversies related to the tragedy of Vukovar were also mentioned.

I would only like to quote several very impressive thoughts: "When Croatia needed to be defended, Vukovar has shown and proven how Croatia should really be defended... And never, I believe never again will any town live on promises as much as Vukovar did... Then at least try to understand how much did people of Vukovar had to convince themselves that they must succeed, because after all those sufferings we did not even try to imagine what would happen if we fell".

A shorter review of controversies concerning the defence and fall of Vukovar is included in the November 1991 issue of *Nezavisna Država Hrvatska*.<sup>2</sup> The article entitled *The Twelfth Truce Is Signed And Destruction Of Croatia Continues* states the following: "In the last few days many critiques could be heard regarding the defence of this firm Croatian base. We have received different information via fax, from Radio Vukovar and from some officers, who are complaining that Zagreb has forgotten and abandoned Vukovar".

However, the December issue of the same journal evaluates the symbolic and the real importance of Vukovar. In the text entitled *Vukovar - The Croatian Siget*, it is stated that: "Broken, demolished, destroyed, occupied, bombed from the air, from Danube and from ground, enduring heroically all attacks and - losses, all troubles and lacks of the essential life provisions and of the defence - Vukovar has become the symbol of Croatian courage and determination to defend Croatian sovereignty and independence on this east position of the truncated Croatia".

After the information on the fall and occupation of Vukovar, *Hrvatski glas*<sup>3</sup> from Canada, in the November 30<sup>th</sup>, 1991 issue, dedicated an entire page to Vukovar. In the article entitled *Vukovar Has Fallen*, it is written that: "Heroic resistance of citizens of Vukovar and courage of Croatian volunteers enters the bloody history of fight in the name of life of Croatia! They deserve gold medals from pillars of democracy of the world. New Vukovar will be the fortress on the border between the East and the West".



*Zajedničar*<sup>4</sup> also writes about events in Vukovar. In the October 23<sup>rd</sup>, 1991 issue of that journal there is an article entitled *Heavy Defeat Of Serbian Elite Forces In Vukovar*, stating the following: “*When the history of the Croatian defensive war will be written, Vukovar will definitely have a honorary place*”.

I have already pointed out that regarding the systematic following of events in and around Vukovar, along with *Hrvatski vjesnik*, there is another significant journal of Croatian emigrants in Australia – *Spremnost*.<sup>5</sup> I will only quote several titles of articles published in *Spremnost* in the period from September until December 1991, most of which are titles from the cover page. For example: *Thousands Of Terrorists Rushed At Vukovar* on October 8<sup>th</sup>, *Tragedy Of Vukovar* on October 22<sup>nd</sup>, *Enemy Broken Before Vukovar* on November 5<sup>th</sup>, *Legendary Defenders Of Vukovar* on November 26<sup>th</sup>.

In the November 26<sup>th</sup> issue of *Spremnost*, there is a title of the article on the cover – *There'll Be Meat, There'll Be Meat, We Will Slaughter Croats...*, in which, among other things, it is stated the following: “*Those were the words of the song that echoed the streets of Vukovar when 'liberators' were singing and getting ready for new massacres, carrying their symbols – skulls and knives. It was shown and heard on all continents of the world, but everybody acted as if they do not understand. Horrible!*” In symbolic sense, *Spremnost* compares Vukovar to Leonidas who is defending the pass of Thermopylae (in the October 29<sup>th</sup>, 1991 issue).

This was only a selection of the most significant articles and reviews published by the Croatian emigrant press on Vukovar in September, October, November and December 1991. It is not a large number of articles, but they are revealing the basic attitude of the Croatian emigrant press towards the phenomenon of *Vukovar '91*. And so, Vukovar is the *Croatian Siget*, Vukovar is the *symbol of Croatian courage and determinedness*, Vukovar is the *fortress on the border between the East and the West*, Vukovar will take a *honorary place* in the history of Croatian fight for freedom.

It is completely obvious that the more complete insight into the presence of *Vukovar '91* phenomenon in the Croatian emigrant press can only be obtained from the analysis of the entire ten-year period, which should involve the widest possible spectrum of emigrant publications and other Croatian media, especially the radio, from all parts of the world, in which Croats live. However, this short survey was more than sufficient to conclude that the

Croatian emigrant press, regardless of a series of limitations, dedicated enough deserved space to events in and around Vukovar, marking the phenomenon of *Vukovar '91* as the crucial event in Croatian fight for freedom and independence.

## FOOTNOTES

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- <sup>1</sup> *Hrvatski vjesnik* is a weekly journal of Croatian community in Australia, which has been published since 1983 in Melbourne, Victoria. For this review, 16 articles were analysed – issues from September 6 (issue No. 389) to December 19 (issue No. 404), 1991.
- <sup>2</sup> *Nezavisna Država Hrvatska* is a monthly journal, free organ of united Croats, which has been published in Toronto, Canada since the year 1961. For this review, four issues were analysed, from September (issue No. 365) to December (issue No. 368) of the year 1991.
- <sup>3</sup> *Hrvatski glas* is a fortnightly journal, organ of Radić's emigrated Croatia, from the Canadian town Nanaim. It has been published since the year 1929. In total, eight issues were analysed, published in the period from August 31 (issue No. 16) to December 25 (issue No. 23/24), 1991.
- <sup>4</sup> *Zajedničar* is a weekly journal, organ of the Croatian Fraternal Union from Pittsburgh. It was first published in the year 1905. Seventeen weekly issues were analysed, from September 4 (issue No. 34) to December 25 (issue No. 51), 1991.
- <sup>5</sup> *Spremnost* is a weekly journal that has been published since 1958 in Sydney, Australia. Sixteen weekly issues were analysed, from September 3 (issue No. 35) to December 17 (issue No. 50), 1991.



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# *III.*

CONTRIBUTION  

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TO  

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THE OBJECTIVE  

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PICTURE  

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# THE TRAGEDY OF THE URBAN HERITAGE OF VUKOVAR

Destruction of the  
Croatian and European  
Town Identity in 1991



Before Vukovar was destroyed in the 1991 war, it was one of the finest towns in the continental part of the Republic of Croatia, with impressive historical landmarks and many well-preserved monumental structures.

#### Position of the town and conditions for its development

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Vukovar developed on a raised loess plateau on the right bank of the river Danube, at the mouth of the river Vuka. It is situated on the boundary of two historical regions – Slavonija and Srijem – in a picturesque landscape where the low-lying Slavonian plain suddenly begins to ascend the hills of Fruška gora. There are more than 30 metres of topographical difference between the historical town nucleus on the riverbank (78 m altitude) and the raised plateau with the Franciscan Monastery and the water tower (109 m altitude). This gives the town a very impressive silhouette, especially from the north Danubian perspective.

Vukovar developed as a harbour on Danube and a strong commercial and crafts centre (shipbuilding, brickyards, fishing) with good traffic connections along an important royal road and the bridge over Vuka. It was also the processing centre for the rich rural surroundings (mills), and in more recent times, a meaningful industrial centre (“Borovo”, “Vuteks”, “Vupik”).

According to the last pre-war population census, the town of Vukovar had 44,639 inhabitants (1991) and was the 11<sup>th</sup> Croatian town in size.

#### Urban topography

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The present Vukovar town complex consists of four urban units that differ in terms of character and time of construction.

- OLD VUKOVAR on the right bank of Vuka and Danube was built spontaneously and irregularly, with dense

rows of houses mushrooming along meandering alleyways running through well-hidden gullies. Historically, this is the middle-class commercial and crafts district of Vukovar and is still today the town centre. It was not until the early 19<sup>th</sup> century that the town's high terraces ("Švapsko brdo", "Milovo brdo", "Mitnica"... ) began taking the shape as parts of intentional planning, providing a ringed safeguard to the town centre. These were districts with rows of standardised rural-type houses.

- NEW VUKOVAR, much smaller, located on the left Vuka bank, with a planned network of streets, was not inhabited until the early 18<sup>th</sup> century (1722). It was originally a feud held by the Eltz family, but later on it was used by the county administration and finally by the military garrison.
- BOROVO, the third and newest town area, appeared as a separate industrial settlement with marked urban traits (since 1931) on a flat land along Danube, which is located several kilometres northwest of Vukovar. It was originally planned as a separate satellite "garden city" but, today, Borovo and Vukovar are structurally connected and form a conurbation.
- LUŽAC, formerly the peasant village of family Eltz, is now entirely merged with the town, linking Borovo and Vukovar by the port zone "Priljevo".

### Urban progress and development – creation of the town identity

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The wider town area is a locality of several fortified Neolithic settlements (5000 BC), a number of them situated on hillsides or riversides (today referred to as "Lijeva Bara", "Desna Bara", "Kriva Bara", "Supoderica", "Ciglane Eltz", "Najparov vrt", Grammar School platform, "Petri-Skela" and Vučedol outside of town).

In Roman times (100-400 AD) the area around the Vuka river mouth was uninhabited, but accidental archaeological findings (locations "Petri Skela", "Velika Skela", "Olajnica", Eltz's garden) are suggesting the existence of a road station or a fortification (*propugnaculum*) on the Danube *limes*.

The first early medieval settlement and hillfort was built high above the Danube river (around the year 800), on a plateau where the present monastery and grammar school are situated, stretching all the way down to the "Lijeva Bara" where a large old-Croatian necropolis of the Bijelo Brdo cultural circle (1000-1300) was discovered. Similar smaller gravesites were found in "Kriva Bara" and

along the New Vukovar main street, indicating other early-medieval settlements.

By the early 13<sup>th</sup> century the town must have grown to a considerable size, because the first written records are referring to Vukovar as a county centre (*in comitatu de Wolkou*, 1220). A Romanesque-Gothic castle with three brick towers (*castrum Walkow*, 1231) stood above the “Bečarski križ”, constructed in several stages (demolished in 1752). Adjacent to it, on the present monastery hill, the nucleus of an old military palisade – protected feudal settlement was formed. At that time the commercial suburb (Radić Street and the Vuka banks), was already in existence, which was at a very early stage (1231) awarded the status of the free royal borough. The third town area, the Varoš (*Warasy*, 1286) marketplace, was situated on the left Vuka bank (somewhere near the new stadium) and existed as a separate settlement, until the early 16<sup>th</sup> century, when the population was relocated. In the Middle Ages, Vukovar had two parishes (1251), the archdeaconry seat (1229) and the Romanesque stone churches consecrated to St. George and St. Lambert.

During the Turkish government (1526–1687), Vukovar, degraded to a *kasaba* or *nahia* (district, 16<sup>th</sup> c.) and *kadiluk* (court district, 17<sup>th</sup> c.), had lost its earlier importance. According to the *Defter* (Land Register), by the end of the 16<sup>th</sup> century the town had ten *mahallas* (streets) with 233 houses. Later, during the 17<sup>th</sup> century, the number of *mahallas* decreased but by the end of the Turkish government the number of houses had increased to about 350 in a town of 2,500 inhabitants (coefficient 7 persons per house). Turkish Vukovar was covering more or less the same area as the medieval town – 20.5 hectares, and was at that time larger than any other town in the free parts of Croatia. The irregular town matrix and most of the structures continued from the Middle Ages throughout the entire Turkish period, because even though the town was conquered (in 1526) it was not destroyed, nor was there any fundamental degrading or any considerable development in the 16<sup>th</sup> and 17<sup>th</sup> centuries (the town stagnated).

On the main road Sultan Suleyman built a big wooden bridge over the Vuka (1526, destroyed in 1787). Seven *mosques*, a *caravanserai*, three *hans* (inns), a *tekia* (dervish monastery), a *hammam* (Turkish baths) a *mekteb* (school) and three smaller bridges were also built.

When the Turks left Vukovar (in 1687) they burnt it down and evacuated it so that the only residents over the next several years were soldiers. The first renewal of

Vukovar in post-Turkish times took place on a new location that had previously not been inhabited, on an islet along the mouth of the river Vuka (after 1691), where a completely new population was colonised from the surrounding villages (according to a 1698 census, *Insula Vukovariensis* had 57 houses). The first baroque revival of Vukovar could not take place until the ruins of the Turkish *kasaba* were completely removed (about 1700), after which the town was rebuilt in its former location but without any structural continuity and on a completely different urban matrix. Thus Turkish Vukovar (known from the 1687 town plan) left no trace on the later development of the town (except in some parts along the main street), and anything that may have survived from Turkish times was completely erased in the later frequent destructions caused by floods and fires, as well as by the urban restructures that followed.

However, under the Austrian government the town began growing again. A number of wooden public buildings in a markedly traditional style were constructed: the first Orthodox Church (around 1690), the first Franciscan Church (1707), and the Postal Office building (1695). Residential houses were at first made of timber; wicker and unbaked brick, covered with shingle or reed, which favoured frequent fires so that entire town districts were simply burned down (e.g. in 1736, 1743, and 1755). Not a single element of this earliest “wooden baroque” stratum was preserved in Vukovar.

The first solid brick-made buildings were baroque churches, nearly all built in the first half of the 18<sup>th</sup> century: the two-storey Franciscan Monastery (1723–1756) with the St. Phillip and Jacob’s Church (1723–1733) and a monumental belfry (*M. Weichmann*, 1773–1774), the Orthodox St. Nicolas Church (1733–1737, modified in 1755 and 1763), the St. Rock Chapel near the Eltz Castle, with a picturesque wooden bulb on the belfry and other popular baroque elements (built in 1740, modified in 1805 and 1858), the St. Cross cemetery chapel, no longer existent (built 1741–1744, destroyed in fire in 1921), the small St. John Nepomuk Chapel in the park in front of the Franciscan Monastery (1749), and the prison chapel in the County courtyard (round 1780). In addition as many as four schools were built (1730–1743). The oldest one-storey urban brick-houses with their characteristic massive arcades and open arched ground-floor porches were built around the two baroque triangular squares in the Old Vukovar (Houses of Mihailović, Bingulac, Poić... 1750–1790).



The baroque layout of the town is known from Frast's map (1733), Blumen's (1759) and Schraud's maps (1795–1796), which clearly show that at that time Vukovar was still stuck in its medieval and Turkish ductus, except for its longitudinal expansion along the main Osijek-Belgrade road (*Via longa regia*). By the end of the 18<sup>th</sup> century the town reached up the "Milovo Brdo" and the beginning of *surduk* (gullies). On the eve of the Black Death (1795), after barely one hundred years of the post-Turkish urbanisation, the town had 1000 houses and 5651 inhabitants. At the turn of the 19<sup>th</sup> century a brick-lined sewerage was constructed in the town centre, which was the first major municipal project.

The old part of the town became linked to New Vukovar on the left Vuka bank with a massive masonry bridge, the last late-baroque project in Vukovar (*J. Rubigger*, 1772; destroyed in 1932). The colonisation of the New Vukovar area did not begin until after 1722. The first settlers were army officers and Habsburg Court officials, followed by the staff of the Küffstein (since 1728) and Eltz estate (since 1736), and the Sirmium County, which had its seat here (since 1745). The only street developed in New Vukovar by the end of the 18<sup>th</sup> century was lined with about 100 massive ground-floor houses with their characteristic high roofing.

This new part of the town was growing along with the baroque Old Vukovar, but most of the buildings were bearing the early classicist marks imported by army engineers. By the middle of the 18<sup>th</sup> century on the site of the present Court, a cavalry garrison complex was completed (destroyed in 1902), followed by two smaller army barracks. On the site of an old feudal manor (from 1736), the monumental classicist Eltz Castle was built (1749–1751, extended in 1781, 1811, 1824 and afterwards), as well as the elegant Country House with its prominent central risalto overhanging the ground-floor porch (*J. Hatzinger*, 1773). Opposite the Eltz Castle were five estate administration manors (late 18<sup>th</sup> century) and further on, nearer to the bridge, the still preserved Classicist one-storey Rogulić House, Uglješić House (destroyed 1991), Adamović mansion (around, 1840) and "Lion Hotel" (1856; demolished after the 1965 flood) were located. By the end of the century a big one-storey silk manufacturing facility, two breweries, two flourmills and a series of watermills along the Danube bank were built.

In the baroque environment of Old Vukovar the classicist style appeared at a later stage, not before the early 19<sup>th</sup> century, represented only by few buildings, like the

Stanišić corner house and the elegant buildings of the Town Magistrate's Court (*Domus oppidana*, A. Semper, 1817–1818). A wooden bridge was built at the mouth of the river Vuka (in 1847). Originating from this time were traditional reed and “stamped-mud” houses (Kačić St., Podvuka). And just outside the town (at the “Dobra voda” water spring) the Orthodox St. Petka's Chapel was built (1808–1811). Valuable public sculptures included the stone-made “Bečarski križ” (1805) and the wrought iron *Ex Voto* crucifix in front of the Franciscan Church (1840), both destroyed in the War 1991.

Biedermeier left very few traces in Vukovar (the Ensminger House at the main street).

The 1795–1796 plague and recurrent fires (in 1809, 1822, 1833 and 1836) caused stagnation in the town's growth and development in the first half of the 19<sup>th</sup> century. Extremely disastrous was the fire in 1822, which wiped out 327 houses and 600 outhouses – one third of the then Old Vukovar (*G. Homer's* regularisation plan for the town centre has been preserved). In 1850, Vukovar had 6,178 inhabitants and 1,233 houses.

In the second half of the 19<sup>th</sup> century the town rapidly expanded along outgoing roads leading toward neighbouring villages, especially at the “Mitnica” and “Švapsko brdo”, the latter entirely consisting of uniform rows of rural houses. It was then that Old and New Vukovar merged into a single municipality (1873), ushering in an era of rising prosperity. Most streets were cobbled (since 1876). The railway was introduced to Vukovar, too (in 1879 to the suburbs, in 1891 to the town; the extension around the town was built in 1912). Electricity was introduced in 1909. The main street in New Vukovar sank into the luxuriant greenery of a fourfold tree line (*M. Lancosz*, 1903). At the turn of the century the town had 2,610 buildings and a population of 10,032 (1901 census).

In the second half of the 19<sup>th</sup> century a number of pseudo-period buildings were built in the centre of Vukovar: Paunović (1867), Jirkovsky (*K. Kaellcseny*, 1874), Landesmann palaces (1893), the German School on “Švapsko brdo” (1891), the Crafts School (1892), Grammar School (*F. Streim*, 1894), “Grand Hotel”, later Workers' Cultural Centre (*V. Nikolić*, 1895–1897), District Court (*A. Tokos*, 1902–1903), Serbian Centre (1905) and the Historicist-Art Nouveau Serb Orthodox Municipality building (*M. Matić*, 1909–1910). Also worth mentioning is the neo-baroque adaptation of the Eltz Castle (*V. Sidek*, 1895–1907) and the elegant “Paladian” Knoll Villa, later the Small Eltz Castle (around 1860). Paunović (*A. Tokos*,

1898), Eltz (*V. Sidek*, 1907), Panić and Stanić (*M. Pilar*, 1906) Chapels stand out among a dozen of historicist mausoleums, as well as the Our Lady of the Oak-Tree Chapel on Priljevo (*I. Möller*, 1891–1892). Especially impressive among the monumental religious buildings were the domed synagogue (*L. Schöne*, 1889; destroyed in 1958) and the large annex to the Franciscan Church (*R. Jordan*, 1896–1897). Many early-industrial structures were also built: the Eltz granary (1860), mills, a fire fighters' storehouse (1866; pulled down after 1965), a slaughterhouse (*A. Tokos*, 1901).

Except for the very successful adaptation of the Calvinist Church (*F. Funtak*, 1910), and Hungarian School (1911, annex 1922), genuine Art Nouveau is poorly represented in Vukovar. There are only composite forms of the Tirolese and Hungarian Art Nouveau, e.g. the Tachler Hardware Store in the centre of the town (1914). Highly valuable are the Art Deco productions between the two wars by *F. Funtak*, *Karlovsky*, *A. Freudenreich* (Croatian Culture Centre, 1919–1922), and, especially, *E. Gölis* (villas in Kidrič St., the corner houses of the "Gaspar Pharmacy" (1927), Paediatric Clinic, Serbian Bank (1922), "Tehničar" House, Milanković House (1925), etc.). In the twenties and thirties of the 20<sup>th</sup> century there were numerous local Vukovar builders: *F. Trembl*, *F. Kundl*, *M. Kerek*, *M. Puches* and others.

In the nearby Borovo, a large industrial urban complex, a paradigmatic example significant on the European level, named "Bata-ville" was under construction (*F. L. Gabura*, *V. Karfik*, *A. Vitek*, since 1931–1938). Immediately before the outbreak of the World War II Vukovar had as many as 60 streets and 6 squares.

Important developmental projects during the period 1945–1991, especially those after the flood in 1965, in which the town centre was heavily damaged, were entrusted to *M. Maretić*, *R. Mišćević*, *A. Paunović* and *M. Salaj*.

In more recent times, praiseworthy architectural projects were designed by *A. Dragomanović* (department store, 1969–1970), *M. Salaj* ("Danube Hotel", 1976–1980), *P. Kušan* – *S. Kolobov* (new Water Tower, 1962–1968), *M. Šosterić* (Bakery at "Priljevo", 1972–1976), *B. Velnić* ("Nama" department store, 1979). An interesting residential interpolation in Nazor Street was designed by *B. Marušić* (1976–1978). Many new modern blocks of houses and industrial buildings were designed by Vukovar architects: *I. Mikić*, *M.* and *T. Papić*, *V. Pokas*, *A. Kedmenec*, *S. Marušić*, *V. Štimac*, *Đ. Skrbín* and others.

Before the Croatian Homeland War, several valuable sculptures by *A. Augustinčić*, *G. Antunac*, *Ž. Janeš* and *B.*

*Crljenjak* stood in public places of Vukovar. In Dudik, on the outskirts of Vukovar, there is a memorial park dedicated to victims of the World War II (first monument by *Z. Kolacio*) later on successfully rearranged by *B. Bogdanović* (1980).

## Destruction of town in 1991 and pre-requisites for renewal

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During the three-month long Serb occupation of Vukovar in autumn 1991 (August 25<sup>th</sup> – November 18<sup>th</sup>) over 100,000 shells were fired at the town. The town continued to be systematically devastated during several years of occupation (until January 15<sup>th</sup>, 1998, when the reintegration process ended). When it was all over, the historic town and almost all of the monuments in Vukovar were destroyed. The most important urban landmarks, symbols of the town's Croatian identity, were particularly severely damaged: the Franciscan Monastery and Church (estimated war damage of 6.15 million Euros on that complex alone), many chapels, the Eltz Manor (estimated War damage 5.56 million Euros), County Palace (2.67 million Euros) Grammar School (2.38 million Euros), birth house of the Nobel Prize winner Ružička, the baroque town nucleus... Furthermore, almost the entire industry was also destroyed, the public utilities and almost three quarters of the houses. The total war damage in the town was estimated at 1.1 billion Euros.

Vukovar is being renewed (renewal started in the summer of 1998) on the basis of documentation prepared by UNESCO for the *Vukovar Project* (1995–1996), the *Master Plan* (1996) and *Detailed Regularisation Plan for the Reconstruction of the Historical Nucleus* (1997). Most of the historical monuments are being renewed as part of the national donation programme, competently and conforming to requirements, supported by conservational expertise and supervision, but only a small number of the most important structures have been included so far. Results on the level of the town planning renewal completed to date may be assessed as unsatisfactory because no effort was made to correct (or not to renew) parts of the town that had not been well planned or of unauthorized construction, especially the extensively built-up suburbs, the port and “Priljevo” industrial basin. The political decision – “each to his own site, each to his own house” – resulted in the unsystematic renewal of individual structures interspersed with numerous sites that are covered with ruins or are completely empty. Moreover, they are currently not planned for renewal; about 40% of the urban structure has

not been included in the renewal programme due to population losses caused by war or other demographic factors including migration, and because the owners are unknown. It seems that Vukovar will remain to be a *destroyed town* for a long time to come.

### Elements of the monumental valorisation of the town

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The dominant style and most of the valuable buildings in historical Vukovar are baroque, and there are also many fine structures from the period of high historicism. The most important historical complexes in Vukovar are:

- INTERNATIONAL IMPORTANCE (0 category): Vučedol archaeological site;
- NATIONAL IMPORTANCE (A category): "Lijeva Bara" archaeological site, Franciscan Monastery and the Parish Church of St. Phillip and Jacob, Eltz Manor, Srijem County House, the complex of two-floor baroque houses, Old Vukovar town square;
- REGIONAL IMPORTANCE (B category): Orthodox Church of St. Nicholas, St. Rock's Chapel, Eltz curias, Knoll Villa, buildings of the "Grand Hotel", District Court and Hungarian School, and several town houses in the historical nucleus;
- LOCAL AND TOWN IMPORTANCE (C, D categories), nearly all the protected buildings in the town, most of them significant primarily in terms of their contribution to the distinct atmosphere of their surrounding.

In the past Vukovar underwent several important urban reconstructions which strongly affected the historical nucleus and overall urban agglomeration. Most significant among them were: the first urban regularisation after the plague (1796), the regularisation after the great fire (*G. Homer*, 1822), the development of the railway-line belt (1891; extension 1912), and the planned construction of the new satellite-industrial town of "Bata-ville" (1931-1938).

The north panorama of Vukovar from the Danube river and several micro-urban townscapes in the baroque nucleus are of great importance for the overall image of town.

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Picture 1.

Town on the river – the Danube panorama of Vukovar at the end of the 19<sup>th</sup> century, with major urban dominants: baroque Franciscan Monastery (left) and historicist domed synagogue (right) – *postcard, 1900*



Picture 2.

Acropolis over the baroque town – Franciscan Monastery with the St. Phillip and Jacob Church (founded in 1722); Vukovar Gymnasium is in the background – *postcard, 1910*



Picture 3.

The heart of the civic Vukovar – baroque square surrounded by representative trade houses (built in the period 1750–1780) – *postcard, 1916*



Picture 4.

Middle European identity of the town – baroque castle and garden of counts Eltz (build from 1749 on) – *postcard, 1916*





Picture 5.

Symbols of the historic Vukovar – the “Grand Hotel” palace (1885–1897) and the baroque harbor bridge at the mouth of river Vuka (1772)



Picture 6.

Vista of fin-de-siècle Vukovar – main town street at the beginning of the 20<sup>th</sup> century – *postcard, 1910*



Picture 7.

In front of the Nobel Prize winner Lavoslav Ružička's birth-house (in the right end) – view of the main street of the so called New Vukovar – *postcard, 1916*



**Picture 8.**

The Eltz Castle (category "A" monument) – the Town Museum and the alternative war hospital. war damage amounts to 5.56 millions Euro. museum inventory not included – photo by J. Zentner, 1992





Picture 9.

The Eltz Castle – back wing destroyed by an air bomb (the so called blockbuster) of 500 kilograms – *photo: archives of the "Vjesnik" newspaper*



Picture 10.

Franciscan Monastery, the bell tower and the St. Philip and Jacob Church (category "A" monument) – in Television Belgrade reports regularly mentioned as the "Ustasha machine-gun nest": *war damage amounts to 6,15 millions Euro* – photo by Z. Karač, 1998



Picture 11.

Franciscan Monastery, cloister – during the town occupation it served as the shelter for civilians and as the depository for sacral and museum arts, including the Bauer Collection





Picture 12.

The Croatian Home, secessionist Town Theatre (category "C" monument) – building completely destroyed in the fire caused by napalm bombs: war damage amounts to 1,1 millions Euro, equipment not included – photo by Z. Karač, 1997



Picture 13.

The Croatian Home – exterior of the object destroyed by armor piercing shells, fired off by the Danube fleet of the Yugoslavian National Army – photo by Z. Karač, 1998



Picture 14.

Gymnasium (category "C" monument) – school object bombed with incendiary phosphorous bombs (they cause a fire that can not be extinguished): *war damage amounts to 2,38 millions Euro, equipment not included* – photo by "Hrvatska elektroprivreda" / UNTAES, 1996



Picture 15.

Birth-house of the Nobel Prize winner Lavoslav Ružička (category "B" monument) – museum object with the memorial collection, ignited with phosphorous bombs: *war damage amounts to 300,000 Euro, museum inventory not included* – photo by V. Červenka, 1992







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*VUKOVAR '91*  
AND THE  
COUNTER-SOCIETY  
PRACTICE



### The triangle of aggressors

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When competent discussions about the Serbian attack on Croatia in the year 1991 evolve, it is most often pointed out that it was an international attack. However, a closer look at attempts to catalogue true participants of the aggression reveals that their precision is not flawless at all. In general, attempts are reduced to lists of organisers of the Serbian conquering programme, settled in Serbian and other Yugoslav military institutions; and to lists of local executors. Such reduction is undoubtedly very convenient for the Hague indictments and corresponding instruments of, by general opinion, slow and not always true justice. But, it also unintentionally blurs outlines of the whole picture that is actually much clearer. Besides from imprecisely describing the Serbian aggression organiser, these catalogues, generally, lack at least two more, from the present perspective clearly identifiable, aggression participants: certain countries – members of the “international community” and – the Serbian counter-society in Croatia.

It is definitely incorrect to state that certain European countries, together with Serbia, have in a military manner attacked Croatia in the year 1991. However, it would not be incorrect to point to the fact that some of those countries were assisting the preparation of aggression in a political, military and financial way, and were also actively supporting Serbian military and paramilitary formations by occasionally intervening on battlefields. Some of their officers, diplomats and intelligence agents were therefore active participants in mass crimes that have later become cases of court investigations. Nevertheless, as we can see, their names are not on indictments from The Hague. Will they ever be? – it is the question that goes far beyond the scope and task of this text.

In trying to name the other, the absent participant, we have used a word “counter-society”. Why? It would be useful to remind you of several facts and their, usually less emphasised, meanings in our search for the answer.

**Example No. 1.** After Serbian occupation of Vukovar in November 1991, occupational town authorities were applying diverse procedures to kill and displace non-Serbian population, primarily the Croats. In **political** handbooks, such practice is “reassuringly” called: ethnic cleansing. If we keep our attention, for a moment, only on the technical purpose of the procedure, it becomes obvious that its goal is to – **evacuate** a certain populated area by physically removing non-Serbian population. Naturally, it is possible to explain such perversity with moral dullness and blind racism of the occupator. But, such explanation is too simple to be precise. Clearly, the mentioned procedures have been causing quite definitive **social consequences**. Their roughest draft would be reduced to **separation of territory** from groups that have previously inhabited it. Separated and evacuated, conquered territory becomes the main form of the war prey.

There is no basis to claim that it is the conventional practice in wars for land. There are many examples of one country attacking the other **without** such practice. On the contrary, there are often efforts made to preserve the civilian population on the conquered territory – if for no other reason, then because of the labour force. Image of the main war prey in form of the separated and evacuated territory is therefore indirectly pointing to the fact that the aggressor does not belong to the group of entirely conventional aggressors. He has more intricate intentions.

**Example No. 2.** It is well known that many defenders of Vukovar were held in Serbian concentration camps. According to numerous testimonies, prisoners were permanently exposed to systematic torture and humiliation. Murders, deliberate or accidental, come “natural” at the end of such procedures depending on criminal imagination that has unexpectedly had the opportunity to come in full swing. However, from this example it is also hard to turn away from the technical purpose of applied procedures. Obviously, this purpose is dual. The first one would be to “remove” the citizen of Vukovar, so that every trace of him is lost. The second one would be to stigmatise the citizen of Vukovar if he were to survive, so that he would not dare but to be a servant. A school definition of stigmatisation teaches us that it is a procedure of reduction of the social participant to the **position of the non/person**. Thus, by this procedure the participant is **annulled** in the social environment and is transformed into a disposable nonliving object. If we were to apply this on the example of Vukovar, it would become obvious that by murdering and stigmatising citizens of Vukovar in concentration

camps, they are being “annulled” as real participants in the town. Town social space is being **evacuated** and becomes independent of the former group of inhabitants. The fact that some people have survived concentration camps is not desirable from the occupational perspective. But stigmatisation of survivors is a guarantee to the occupational authorities that the town, **despite surviving citizens of Vukovar**, would continue to be void, because they were reduced to non/persons in concentration camps, and therefore, can not reappear in the role of town leaders or its autonomous users. In other words, stigmatisation is a guarantee that the town will continue to be vacant, regardless of the fact that some citizens of Vukovar have physically survived concentration camps.

Co-relation between the outlined purpose and purpose of procedures mentioned in the first example is more than apparent. It is also dictated by the obsession with an open territory and an empty town. It is not weakened by the fact that concentration camps, as a rule, are places where violence is a systematically given form of behaviour. However, in conventional aggression, the gathering of combatant-capable population of the “other side” is not submitted to the aggressor’s orgies in concentration camps but to a tendency to remove them from the combat plan and put under control for the possible exchange for captured members of aggressor’s own formations. The way that the concentration camps staff were treating imprisoned citizens of Vukovar shows that they were not counting on that possibility, except on special occasions. Most procedures were conducted in order to physically and socially erase imprisoned citizens of Vukovar and to establish the **new emptiness** of the town.

**Example No. 3.** It is known that during the occupation of the town, Serbian soldiers were knocking mortar off all walls in the town cathedral of St. Phillip and Jacob. That is how they have destroyed all artistic and symbolic creations written in their surface (paintings, plastering, relieves, sculptures). What they left behind them were walls barred to the brick. This image almost imposes the thought of the previously outlined examples. It is filled with emptiness, which, in the social experience, is identified with the effect of the radical violence – with death. Accordingly, a new analogy is easily established. “Erasure” of citizens of Vukovar during the occupation of town and in numerous concentration camps is a procedure **structurally co-related** with the “erasure” of sacred signs on walls of the central church in Vukovar. By “erasing” citizens of Vukovar, a new reality of the **empty town** is set. By “eras-

ing” sacral signs and symbols a new reality of the **empty temple** is set. Determination with which the occupation authorities are creating such double emptiness shows that their goal is not limited only on supervision of social indicators of presence of the stigmatised group. On the contrary, it is spread on the imaginary area where identity indicators are being created. The town is being evacuated. But the sky above it is also being evacuated. Afterwards, we remind you, similar obsession with clearing the sky were shown by some Taliban groups in the Near East, which were destroying statues of the Price Buddha cut into the church/mountain. However, such kind of religious passion was not characteristic for conquerors of Vukovar. It is more likely that they were forced into creating the new emptiness of the Vukovar sky by the idea that killing, evacuation of the town is not complete if its temples are also not killed, evacuated. Therefore, the object of stigmatisation is unexpectedly spread to the limit that relentlessly brings the manifested obsession closer to – tragicomedy. In a long list of similar examples in history it is difficult to find co-related examples for that very reason. “Expected” victims of wiping out are, mostly, limited to the more obtrusive indicators of political system.

**Example No. 4.** It is known that on one of the main town plots, awkwardly called “free area” by town planners, occupier’s authorities of Vukovar have built a “cemetery of šajkačas” (*šajkača* – Serbian traditional hat). A visitor might easily conclude that the collected memorial items stand for the courage of Vukovar defenders. However, the defenders of Vukovar are buried elsewhere, where they are actually expected: in a separate part of the town cemetery. Several **aggressor** soldiers are buried in the “free area” in the town centre. An intended reversal in meaning, caused by such transposition, is more than surreal. This turning point allows for aggressor soldiers to be found among memorial figures of defenders of Vukovar.

It is obvious that this act of the town authorities is not a direct sign of the above mentioned obsession with the evacuated town and empty skies. On the contrary, it is meant to impress a powerful mark on the town reality. However, lack of relations between the obsession with emptiness and the denotative gesture is only apparent. The mentioned turning point, provoked by the gesture, in other words, presentation of the aggressor soldiers as town defenders is possible to be created only in a place where a new **cynic** emptiness is being established as a normal situation, by actively erasing the real town and its transcendental horizon. To conclude, it is the intention of such re-

versal to send the message that the good obtained by criminal behaviour is the same as the one that is not obtained by criminal behaviour. It would also be correct to conclude that in other war examples, aggressors have built cemeteries to their fallen soldiers. But the mentioned one differs from others with two characteristics: the cemetery is **not** in the cemetery; and the buried people are presented as defenders instead as aggressors. In general, such denotative reversals are not found elsewhere. Fallen soldiers **are** done honours that are appropriate for the world of the dead, but without intention to incite special denotative reversals. The noticed intention is directly raising the question – what kind of aggressor is directing its own aggression as the – **martyr defence**?

### The counter-society and its supporters

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In most discussions, answers to questions, anticipated in the preceding paragraph, are using a basis determined by two core determinants. The first one is raging ethnocentrism, with abundant use of rich heritage of theoretic moroseness against social differences, classified with the adjective: ethnic. It would not be unjustified to say that it was exactly the pressure of that moroseness that had made theoretic development of one simple insight difficult for a long time: area of ethnic differences indeed belongs to the conventional social reality. Second determinant of the mentioned basis is cultural dullness, to be exact, the “Balkan mentality”. Although this determinant has various meanings, it seemed appropriate for users of different and imaginative stereotypes on “Balkan tribes”, which were used to compensate for the lack of competent insights or verified knowledge. Different international officers, involved in mediation between participants in war, were clearly following the same path. They saw the outlined basis as particularly practical, because it was facilitating the transmission of **unique image** to, as often said, “all parts of the conflict”. But, the main flaw of the mentioned basis and the practice of labelling derived from it, is that it is not in best accordance with facts. Already the bare denotative consequence of the use of the phrase: *Serbian aggression on Croatia*, teaches us that we should be careful with images of symmetry, as those implied by the phrase “all parts of the conflict”. The reason is very simple: aggression is **not** a symmetric social situation.

It is our evaluation that previously mentioned examples of behaviour of the aggressor authorities and army in Vukovar, and later on, naturally, in other parts of Croatia

exposed to violent attacks, are more correctly described by the term: **counter-society**. As obvious, it is directly interested in the new **physical, social and symbolic** emptiness in Croatian society. Why?

In short, counter-society is a formation that is created when an ethnic or any other community, otherwise conventional in the horizontal structure of the social reality, is “transferred” to the role of the social participant, which is determining the **vertical** structure of society. In other words, the counter-society is created when one horizontal group, or one part of it, is socially constituted as (privileged) elite or, at least, an “upper” social class. However, the very “transfer” from the horizontal role to the role of the vertical social participant is still not exhausting inner contents of the range of changes, which are, predictably, created in the process. We believe that five of such changes are more important than others.

**(I) Identification.** The counter-society is self-determined and self-described as the **combat predecessor** or a **cape form** of another society, outside the borders of a real native society, in which the ethnic group constitutes its everyday life. While describing political behaviour of Serbian leaders in Croatia during the late eighties and nineties of the 20<sup>th</sup> century, one Croatian representative has humorously noticed that they are opening an umbrella as soon as it starts raining in Belgrade; “opening of an umbrella”, of course, does not depend on the fact is there or is there not rain in Croatia, where their everyday life is. Considering that they represent the cape form, or to be exact, the cape part of another, outer society, their behaviour is derived from rhythms of that other society’s reality. That is why, reversibly, their practice in their everyday life, limited by **private** frames, often seems surreal. On the other hand, when it is bordered by **public** frames, it seems disintegrative, because a **combat representation** of the outer society’s reality often flows through it. Combat representation implies a **violent shattering** of the native society’s reality. We evaluate this fact as useful in a more exact measuring of obsession with emptiness, noted in aggression on Vukovar in 1991. Spreading of emptiness is anticipated in the mentioned perspective as “field levelling” in order to establish new borders of society, combat predecessor of which the counter-society is using.

**(II) Added majority.** With this term we are referring to pattern, which is used by the statistical minority in order to change the scarcity of one group into the **numerical superiority** in relation to other social communities. For example, share of population, self-described with the



ethnic name: Serbs, is a traditional minority in Croatia. However, if Serbian ethnic group in Croatia were to be identified with the combat predecessor of Serbian community “wherever it may be”, mathematic basis is completely changed. Added majority allows the minority group to represent itself to others (other social participants involved in vertical social structure) as the monopolistic controller and renter of – **majority rights**. It would be useful to be here reminded that they tried to use the profit from the added majority in initial phases of practical preparation of Serbian military aggression on Croatia and Bosnia and Herzegovina during the eighties of the 20<sup>th</sup> century. We remind you that in those times, under the label of “liberal” reform of the then second Yugoslav republic, the electoral model: one man – one voice was to be accepted, without taking federal republics into consideration as natural political frames of the electoral procedure. It is predictable that with such model Serbs would confirm statistical superiority in the second Yugoslav republic. And they would “transfer” the confirmed superiority in every single federal republic, **regardless** of their majority of minority share. It is obvious that resistance to such model, derived from the counter-society archaeology, was in the late eighties stigmatised with the label – nationalism.

### **(III) Legitimation of fighter for the “new border”.**

Legitimation ensures two significant advantages to the counter-society. The first one is manifested in the fact that the counter-society is gaining a valuable object of exchange with the society, combat predecessor of which it is being constituted with. Under the patronage of this advantage, local, minority tactlessness, or better said, radical conflictness in relations with the everyday society is loosing offensiveness, or evades the danger of being labelled with unpleasant titles as: extremism, adventurism and similar. On the contrary, in the role of fighter for the “new border” of society, combat predecessor of which it is being constituted with, the counter-society (according to the political short circuit model) becomes the **strategic partner** of that society. By such action, its vertical transfer in the social structure of both societies – the one of the everyday life and the one to which it represents a cape formation – is a long-term guarantee. We remind you that in Croatian war circumstances, in the year 1991, horizon of the “new border” suggested that west borders of the Republic of Serbia were on the line Virovitica-Karlobag.

Second advantage ensured by the mentioned legitimation is manifested in the possibility of concretising the inner mobilisation, within the frames of the very ethnic

community, by goals and by congruent means. Borders of reception of particular concrete goals and tasks, and of desirable behaviour, are determining the degree of coalescence of the ethnic community with the new structure of the counter-society . Therefore, it would simply be **incorrect** to say that Serbian participation in aggression on Croatia in the year 1991 was restricted to a small group of cynical seducers from the political elite. Croatian Serbs were participating in that aggression **on a massive scale, mobilised in the counter-society** . However, it is **not correct** that the range of mobilisation included the entire ethnic group. Already a glance on the list of Croatian defenders of the Serbian ethnic origin shows that the ethnic group and the counter-society are **not corresponding**. Borders of the counter-society should not be searched for on borders that are marking ranges of mobilisation based on, as already said, the practical concretisation of goals and means derived from the legitimization of fighters for the “new border”.

**(IV) Preservers of the utopia.** The very fact that the counter-society is constituted by transferring the horizontal group to the vertical atlas of the social structure implies that such successful increase must be adequately explained. If the transfer is not explained, there is a danger of sinking into the group of bare examples of accumulation of social power for the power itself, that is, of the example of ethnic, or any other kind of terror. Avoidance of such danger strengthens the formation of a generalised image of counter-society as the combat predecessor, but not any more of one particular society, but of one **civilisational system**. If we take a closer look on the range of means, usually used by, for example, Esulian counter-society or Hungarian counter-society in Croatia in the 19<sup>th</sup> century, we will become aware of the joint reaching for the role of **civilisation defenders** from participants of their Croatian everyday society. Serbian counter-society in Croatia in the second half of the 20<sup>th</sup> century, due to a series of special circumstances, can not repeat the same role. **But it can repeat the model.** Because of that, it is constituted in the role of the exclusive preserver of the revolutionary pureness of socialism. Considering that keeping of such role conventionally implies available weapons, (because, we remind you, the socialist utopia is by definition armed) a large number of armed preservers of the socialist orthodoxy was gradually accumulated in Croatia within the borders of the Serbian counter-society in Croatia. Considering that such orthodoxy was rapidly losing utopian characteristics in the eighties, and was also fossilising the

totalitarian control over the “rest” of society, the counter-society was becoming more clearly determined by such role. Therefore, as figures of Serbian aggression on Croatia and Bosnia and Herzegovina were becoming more clear and simple in the late eighties, totalitarian practice and authorities were “naturally” uniting with other anticipated roles, among which the most important was the role of the fighter for the “new border”. On such background it is possible to explain why social borders of mobilisation of the Serbian counter-society have included several, although only a few, ethnic Croats and a large number of many times declared “democratic Yugoslavs”. Shaded by obligatory practices of the counter-society members, such attributes were left on margins during the war years. Criminal statistics of the international judicature have once more drawn attention to them after the termination of aggression.

**(V) Masters of stigma.** As it is obvious from the example of Vukovar, stigmatisation is not restricted to redistribution of social titles for the purpose of possible renting of special communicational advantages. Its **technical** nature implies that denotative contents of particular figures of stigma are formed as a **material** consequence. In other words, stigmatisation, apart from being a symbolic procedure, is also a technical procedure, which is used for “arranging” the practical way of treating social participants affected by stigmatisation. Monitored Serbian concentration camps for citizens of Vukovar are only practical forms of accomplishing certain intentions of the previously conducted stigmatisation. Therefore, stigmatisation **can not be structurally separated** from mass murders and crimes.

Considering that functioning of the counter-society is determined by previously outlined attributes, it **can not** survive without the help of the organised stigma. That is why it is continuously producing it, **relatively independently** from practical circumstances, which are determining the stigma figures that will technically be realised in relations with other social participants of the everyday society. In other words, history of stigmatisation does not necessarily correspond with the history of its technical effects. For example, one of the main stigmatisation figures of the Serbian counter-society in Croatia was not created in the period of the Serbian aggression (1991–1997), but an entire century before. (Certain stigmatisation creations of the Esulian society are a similar case; they were being used almost an entire century before the Esulian counter-society, structurally oriented by the same obsession with emptiness as the Serbian counter-society in 1991, tried to establish a

new situation on the coastal Croatian area during the Second World War). We remind you that the emptiness is the unambiguous absence of, in this case, non-Serbian social groups and cultural complexes in the “new border” area. That is why it can not be “realised” without the crime. However, no social participant can ask for the right to crime without consequences, and neither can, obviously, the counter-society. That is why the future victim is characterised, by the stigmatisation technique, with attributes that are separating crimes committed against that victim from criminal denominators. So, the perpetrator would not be a criminal but a participant that has a **moral right** to commit the crime, due to the problematic quality of the victim.

It would be reasonable to ask the following question: How is it that the other two, previously mentioned, members of the aggressor triangle trusted the counter-society participants? According to the facts, they were not participating in the social construction of Croatian war reality in the year 1991 by using the counter-society models. Adequate answer to this question is a subject of a separate analysis. But it is obvious that two facts are significant in their relation towards the counter-society. The first one shows that the counter-society is the **first planned user** of the conquered/cleaned area. Therefore, the counter-society “knows best” which level of emptiness on the conquered territory would be acceptable and bearable to it. That is why indeed there can not be a war without it. The other fact is manifested in the fact that the counter-society’s authority is self-restoring by concrete conquering “merits”, which are not present in other parts of the society, predecessor of which the counter-society claims to be. In other words, its conquering authority is more convincing than the war authority of other involved participants. Therefore, judgements, standards and techniques of the counter-society participants are protected by this authority. It would be correct to say that the counter-society is directly defining **empiric contents** of aggression. This fact does not allow other participants of the aggressor triangle to be superiorly separated from the counter-society, as the problematic participant with disarranged standards of social relations. True, they are not accepting it in the role of a confidant on key locations from which the aggression is conducted. For example, decision of Serbian counter-societies in Croatia and in Bosnia and Herzegovina on uniting with Serbia was not accepted by the then Serbian authorities because of strategic risks. But, on the other hand, new social reality, created by counter-societies and their aggression, is believed to be the **natural** “zero” situation.

After the year 1995 and successful liberating actions of Croatian Army and Police, political and military executive organs of the Serbian counter-society in Croatia have disappeared. That is why the discussion on prospects of the Serbian counter-society seems rather inappropriate. It could even be attributed an indirect intention of characterising the very affiliation to the ethnic group as problematic. However, previous sections have already shown that the counter-society and the ethnic group **can not** be equalised. Discussion on the prospects of the Serbian counter-society in Croatia naturally belongs to the wider analytical area, where main objects of analysis are practices and their components, which are used to change the conventional world of natural differences into a group of armed participants engaged in a fight for the control over the top of the social power pyramid. If we are to follow that path, discussion on prospects must be conditioned by the competent and fundamental researches. Of course, there are no such. That is why we will only describe several facts. Naturally, that can not substitute competent insights. But it can facilitate tracing of special researches.

(I) Unsystematic data show that, after the termination of aggression, Serbian counter-society did not completely disappear. Certain fragments have fossilised on different local levels, equalising with other participants in the local autonomy net. Testimonies of members of different associations of non-Serbian returnees to territories from which they have been expelled during aggression deserve special attention in that view. Data showing that one part of stigmatisation archaeology of the Serbian counter-society has gained a new immunity by transferring into the circle of family socialisation and has thus reproduced as conventional contents of family histories should also not be neglected. Accordingly, Croatian consensus on mass crime committed in Vukovar in 1991 stands at a greater risk of being annulled.

(II) It is known that the Serbian Republic, as a part of the Dayton Bosnia and Herzegovina has survived the war period of Serbian aggression. This formation was created by the same model of the counter-society actions, on which the role of the Serbian counter-society as aggressor in Croatia was created. Survival of this republic implies, as several authors have already pointed out, that the **war crime is – profitable**. Crimes committed in order to prepare the establishment of the formation are awarded by the international acceptance of this formation as a state,

or at least as an embryo of a state. Indirectly, actions of every counter-society have the same chances of such award. Presented evaluation could be argued with the fact that war heroes of this formation are at the very top of wanted war criminals. But, even under the presumption that they will be deservedly punished, although there are reasons to doubt it, the very formation is accepted in international relations as a new “zero situation”, exactly accordingly to aspirations of the counter-society participants. In Croatia, owing to its capability of defence, they did not succeed. In Bosnia and Herzegovina, owing to **active international protection** of this formation during war operations in 1995, they succeeded. Therefore, prospects of counter-society are not so poor.

(III) Politicians, officers, diplomats and intelligence agents of several European countries that have actively supported Serbian aggression on Croatia and Bosnia and Herzegovina are naturally not convicted by international courts, and furthermore, all such attempts are shattered. However, there have been some examples of criminal prosecution of certain Dutch, French and British officers, because of their responsibility for certain crimes during aggression, especially during aggression on Bosnia and Herzegovina. But, no political, military or economic mentors of such practice in countries that during the nineties have not even hide that victory of Serbian aggressors is in their interest (like France, Great Britain and Russia) were not persecuted for their active support and involvement in Serbian crimes. Therefore, a participant that can definitely count on the fact that it will not be punished is present in the aggression triangle, mentioned at the beginning of the text. Its presence, reversibly, is multiplying diverse impulses to the counter-society participants for their further aggressor behaviour. Teaching is the same as the teaching implied by survival of the Serbian Republic as a country: crime is profitable, especially if protected by European mentors.

(IV) Creation of perverse political formations, like the West Balkans and similar in political workshops of powerful European Union members, shows that actions of such workshops are directly determined by the **outdated** vision on modernisation of South-Eastern Europe.

First source of obsolescence is the equalisation of the counter-society practice with formation processes of national states in the South-Eastern Europe. Accordingly, the area is governed by the malign, “endemic” nationalism, and should indeed be long-term kept in the **civilisational purgatory** and **under protectorate**. But if we take a closer

look at basic facts, it will become obvious that counter-society actions are only a structural component of the Serbian aggression. In other examples, more or less conventional models of forming or completing national states are at work, those typical in **Central Europe**. (We remind you that Ivo Pilar, at the beginning of the 20<sup>th</sup> century, has drawn attention to the fact that the political syntax of the South-Eastern Europe is the same as the political syntax of the Central Europe.)

Second source of obsolescence is the European equalisation of quality of the old and new European outskirts. Accordingly, Croatia should, for example, stay a double outskirts, just as it was in the 19<sup>th</sup> and the 20<sup>th</sup> century. It is completely forgotten that the **anti-colonial imperative was incorporated** in the structural turning point on the European east and south margins at the end of the 20<sup>th</sup> century. Return to the **civil world**, made possible by that turn, is also analysing possibilities of European centres in that area to repeat an old game of *centre-margin*. It is especially obvious on the Croatian example. Although, naturally, it is not possible to neglect the Croatian obsolescence inherited from the totalitarian period as the source of diverse and not at all harmless obstacles on the “European” journey of Croatian society, it is not hard to prove that the European producer of obstacles, which is hiding in the outdated understanding of its, formerly double, outskirts, has at least the same strength. When such obsolescence is fixed as the model of crystallisation of the new zero situation, it would be completely predictable that one of its shameless consequences would be the annulment of differences between the victim and the criminal; but also between freedom and slavery; colonisation and development “from below”. That is why just the reading of messages from Vukovar surpasses outlines of the bare restoration of memory of ancestor figures, which is the typical ritual of social integration. Reading teaches us that *Vukovar '91* stands in the centre of a process of revitalisation that **can be completed in no other way** but by initiating a rightful peace and establishing national and individual rights to development as natural.

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Miroslav  
TUĐMAN

NETWORK  
KNOWLEDGE:  
IN BETWEEN  
THE COLLECTIVE  
OBLIVION AND  
HISTORICAL  
MEMORY

The task of information  
science in collecting and  
processing data and  
evidence of concentration  
camps and human rights  
in Europe at the beginning  
of the 21<sup>th</sup> century



## Introduction: historical events and denial of historical facts

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For an expert dealing with the theory of information science, a scientific approach to the subject of concentration camps and human rights in Europe on the eve of the 21<sup>st</sup> century is possible only after several requirements are met. These are: an organized body of knowledge on a subject (data, facts and evidences), available sources of data, credibility of data and accessible information on a subject.

Even a random selection of “facts” is sufficient to indicate and prove that attitudes and data on concentration camps are contradictory and information on them is not only inconsistent and incompatible but aggressively refuting.

Let us illustrate the inconsistency and contradiction with several examples. Examples are necessary in order to illustrate the need, not only for the data collection, but also for developing the data corpus network and organizing knowledge of conflicts, wars and concentration camps during the aggression on Croatia and Bosnia and Herzegovina.<sup>1</sup>

### **Denial of the existence of concentration camps. •**

S. Milošević: “Are you aware of the fact that there were no concentration camps in Yugoslavia, that is, in Serbia, not only for Croats, but for no one. Neither for Croats, nor for Muslims – not for anyone”. (S. Milošević, *Vjesnik*,<sup>2</sup> October 3<sup>rd</sup>, 2002, p. 10).

- “... when this propaganda about the existence of concentration camps in Serbia started, many foreign delegations, which were there on different occasions, came to me and asked me about concentration camps. To all of them, I have answered: ‘If you please, I have a helicopter on call, place your finger anywhere on the map of Serbia, there is nothing there’. And after two or three such answers, one of those delegations, the German one, asked to do it. They pointed at the mine in Aleksinac, they went there, and found...” (S. Milošević, *Vjesnik*,<sup>3</sup> October 3<sup>rd</sup>, 2002, p. 10).

**Attitude towards the aggression against Croatia. •**

“It is not true that anyone from Serbia was taking away citizens from Vukovar to Serbia. It is not correct that any kind of Serbian policy has influenced the flaring up of conflicts in the Vukovar region... In any case, I can assert with all due responsibility that no Serbian government had any participation whatsoever in all this, nor did the Serbian government provoke any kind of ethnic conflicts in Vukovar...” (S. Milošević, *Vjesnik*, October 3<sup>rd</sup>, 2002, p. 10).

- In 1994, former British Prime Minister Edward Heath said that as long as it was not happening in his country, he or his government did not care if people want to kill each other. “British Prime Minister said what many other western politicians believe, as they have confirmed to me in private conversations”. (Richard Goldstone, the first Public Prosecutor at the International War Crimes Tribunal for the former Yugoslavia, *Večernji list*, Saturday, October 19<sup>th</sup>, 2002, p. 29.).

- Did you, as the leading prosecutor, recognise and accept the fact that Serbia carried out aggression on Croatia and Bosnia and Herzegovina and that Croats were defending their country?

“I knew little of the course of aggression and it was not my responsibility to define those terms or to study the strategy of war... It was not my duty to judge political ideas and reasons that have led to the war”. (Richard Goldstone, *Večernji list*, Saturday, October 19<sup>th</sup>, 2002, p. 29.).

**About indictments for crimes committed during the aggression on Croatia and Bosnia and Herzegovina.**

- “... if I had enough data and evidence, I would have issued more indictments, including the ones against those who have committed crimes in Croatia. However, I had none and I could have not created them or invented them. At those times there were no real evidence for Milošević’s involvement in crimes, as incredible as it sounds today”. (Richard Goldstone, *Večernji list*, Saturday, October 19<sup>th</sup>, 2002, p. 29.).

- “... I am ashamed, I am telling you sincerely, when I see that Mladić and Karadžić are still walking free... Today, I can assert that in my time there was no political will to arrest them, and stories about the UNPROFOR being unable to do so, or unable to find them, are ridiculous”. (Richard Goldstone, *Večernji list*, Saturday, October 19<sup>th</sup>, 2002, p. 29.).

**About the sentences passed in national courts for war crimes in Croatia. •**

“During ten years of the prose-

cution statistics (1991–2001) for war crimes in Croatia, 1634 persons were prosecuted in national courts, 726 were sentenced, and 77 were released from any criminal charges”. (Report on work of the Public Prosecution, *Vjesnik*, October 9<sup>th</sup>, 2002, p. 5.).

**About persons sentenced after military-police actions *Bljesak (Flash)* and *Oluja (Storm)*** • “It is not entirely correct that there was no judicial reaction on events which followed after military-police actions *Bljesak (Flash)* and *Oluja (Storm)*. After the mentioned actions of the Croatian Army, 1492 persons were sentenced for murders, thefts and robberies committed after the mentioned actions of the Croatian Army”. (Report on work of the Public Prosecution, *Vjesnik*, October 9<sup>th</sup>, 2002, p. 7.).

• “State Attorney’s Office data on processing war crimes would be far more satisfying if there were no destruction of processes during the previous years. For example, in 2001 not even one criminal charge was brought for war crimes committed in actions of the Croatian Army in 1995.<sup>4</sup> (Report on work of the Public Prosecution, *Vjesnik*, October 9<sup>th</sup>, 2002, p. 7.).

**About charges brought by prisoners in concentration camps or the defective work of Public Prosecution in the Republic of Croatia.** • “Recent example of charges brought by several thousands of concentration camp detainees from Croatia against guards, watchmen and soldiers in command of those camping grounds<sup>5</sup> in Serbian prisons speak of the defective work of Public Prosecution in the republic of Croatia. ‘How to act on those charges when there are so many claims, and names of those who have committed crimes are inaccessible to Croatian courts and are mainly known by nick-names remembered by the imprisoned Croats’<sup>6</sup>”. (Report on work of the Public Prosecution, *Vjesnik*, October 9<sup>th</sup>, 2002, p. 5.).

**About the unlawfulness of the war crimes prosecutions** • “For many years perpetrators of war crimes were unlawfully prosecuted ... unlawfulness is obvious<sup>7</sup> from the superficial and poorly done police inquests, and a large number of defendants – most of them possibly not accessible to the Croatian administration of justice”.<sup>8</sup> (Report on work of the Public Prosecution, *Vjesnik*, October 9<sup>th</sup>, 2002, p. 7.).

**About the policy of forgetting about the war crimes.** In the period 1991–2002, 726 persons were sentenced for war crimes committed in the aggression on the Republic of Croatia (presumably most of them are Serbs). For crimes committed after military-police actions in 1995, twice as many persons were sentenced – 1492 (pre-

sumably most of them are Croats). All those persons were sentenced before the year 2000. In the annual report of the State Attorney's Office for 2001, it is stated that the destruction of processes had occurred because there were no criminal charges raised against any Croats in 2001, and that "perpetrators of war crimes were unlawfully prosecuted for many years".<sup>9</sup> That is why the Chief Public Attorney Mladen Bajić has issued the instruction to re-examine all subjects of war crimes committed during the aggression on Croatia, especially those with a large number of defendants, not to move for trials in absence, to withdraw warrants and to cease temporary arrests of defendants.

In other words, by following this train of thought, there would be no more trials for crimes committed during the aggression on Croatia, because, at the minimum, perpetrators would not be accessible, and besides, "such processes are a waste of time, court space and judicial money" (id., p. 5). Events and crimes committed in the aggression on Croatia are falling into oblivion. Deputy Public Prosecutors hold the same attitude towards the charges brought by several thousands concentration camp prisoners from Croatia, regarding protection of their civil rights. According to them, it would represent a "contribution to the defective work of Public Prosecution" (*Vjesnik*, October 9<sup>th</sup>, 2002, p. 5).

**About collecting data and organising evidence.** It can be read from the State Attorney's instruction and report that in the next period the State Attorney's Office will primarily be occupied in crimes committed in defence from the aggression. Even today there are twice as many such verdicts than verdicts regarding crimes committed in the aggression. What will be the legal image of the Homeland War several years from now?

The answer to this question can be found in the legal, political, international, historical, sociological, psychological and many other dimensions. For us, previous statements are only a motive for discussions on the role and responsibility of information science in collecting data and evidence of events and facts concerning the aggression, crimes, concentration camps and violation of human rights. Our starting point is the assumption that the factography and basic information on those (historical) events should be objective, available and capable of verification, even as subjects under various discussions. However, we are not interested in the very procedure of collecting data, but on determinants of the contemporary knowledge, interconnection of evidence and quality of information, in order to start collecting data and organizing evi-

dence – all that in such manner that they remain objective and correct, liable to verification and available to all parties, even to those in conflict.

Miroslav Tuđman  
**Network Knowledge:  
In Between the Collective  
Oblivion and Historical  
Memory**

### Collective memory and (historical) events

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Data on concentration camps under the Serbian control and on violation of human rights in those camps during the aggression on the Republic of Croatia were published by the United Nations Commission in 1995. According to the final report of the Commission, in the period 1991–1995, approximately 480 concentration camps under the Serbian control were founded, in which military and civil persons were interned. From the total of 480 concentration camps, information on around 300 of them came from neutral sources, while around 180 concentration camps were reported by the non-neutral sources, thus being marked as “uncorroborated”<sup>10</sup> by the Commission (J. Jurčević, 2000, p. 31).

More than 10,000 Croatian citizens have passed through different forms of imprisonment and transfers; 8,000 Croatian citizens were interned in concentration camps.<sup>11</sup> Prisoners were subjected to the worst kind of physical and mental tortures, many prisoners of both sexes were raped; according to the report of the *Croatian Government Commission for prisoners of war and missing persons*, 300 persons have lost their life in concentration camps, but according to records of the *Croatian Association of Former Prisoners in Serbian Concentration Camps*, a much larger number of prisoners have died in those camps (see to D. Rehak, 2000, pp. 3–4).

Since the beginning of the aggression on Croatia, a number of missing persons amounted to several thousands. After eleven years, the destiny of around 1400 people is still unknown. Most of them were imprisoned or interned in concentration camps. Consequently, the number of those who were killed in concentration camps will probably be considerably larger after the destiny of missing persons is ascertained.

From all above mentioned it can be concluded that data on concentration camps and violation of human rights are, on one hand, completely negated (S. Milošević) in scientific, expert, especially political and historical circles or are being suppressed and forgotten<sup>12</sup> about; and on the other hand, they are treated as the symbol (although incomplete or even imprecise) of values upon which the Croatian freedom, independence and sovereignty were attained.

Therefore, that same data corpus – on concentration camps and violation of human rights – belongs to different patterns of opinion and memory; not only that those data take different positions in separate patterns of memory, but also that the logic of the same patterns confirms, nullifies or transforms the factography.

Informational activity can not choose the user community it will serve to because members of particular communities will select those data sources that are confirming their beliefs.<sup>13</sup> However, information science can set epistemological standards regarding collecting, processing and distributing data. But, before considering this new *episteme*, let us review basic characteristics of collective memory paradigms, that is, of dominant paradigms concerning historical events in the former Yugoslavia, because they are responsible for (non) acceptance of facts on concentration camps and human rights violations during the aggression on Croatia and Bosnia and Herzegovina.

### Basic characteristics of dominant collective memory patterns

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Contemporaries and participants in political and historical events involved in the disintegration of the former Yugoslavia and wars waged on those territories do not have the same collective memory and do not share the same knowledge of the mentioned events. The most distinct patterns of memory and opinion are supported by confronted participants in those conflicts because each of them is protecting their own interests: the aggressor, the victim and the international community. Thus we are differing three, i.e., four patterns of collective memory, which can provisionally be named:

- a) “oblivion production”
- b) “identity production”
- c) “determined chaos production”
- d) “consent production”

**Oblivion production.** The above quoted Slobodan Milošević’s statement that there were no concentration camps in Serbia, or Serbian concentration camps in the Republic of Croatia and in Bosnia and Herzegovina, is not just an occasional denial in court, but a consequence of a long-term political practice of political and historical submission. There are different forms of expansions through history: conquests, colonisation, protectorates etc. All those forms of submission were leaving certain nets on the occupied territory: nets of people, cultural and even political institutions. From all those forms of submission



a certain kind of multiculturalism is obvious, even if only the negative one;<sup>14</sup> therefore, at least a minimum readiness for the existence of subjugated society nets and readiness for the material and cultural (co)existence with subjugated societies and cultures, exists.

Vukovar is an example of another kind of aggression and unwillingness for multiculturalism in any form. The purpose of conquering Vukovar was to institute Vukovar as the *Serbian* town.<sup>15</sup> The purpose of conquering Vukovar was: to stand against the present society and to substitute it for the *counter-society*;<sup>16</sup> for the Serbian society, annulling all evidence of the cultural, political and historical existence of the old, previous society. Furthermore, the purpose of Serbian aggression on Croatia was to create space for the counter-society: by erasing the collective memory and evidence of the previous Croatian society.<sup>17</sup> This can be concluded from the data on ethnic cleansing<sup>18</sup> of occupied territories both in Croatia and in Bosnia and Herzegovina, as well as from data on culturocide – data confirming that only in 1991, 600 objects (cultural monuments) were destroyed in the aggression on Croatia (126 of them being of the national or the world importance), 46 museums and galleries, 9 archive buildings and 22 libraries were put out of function. As many as 332 historic settlements were bombed and destroyed.<sup>19</sup>

The counter-society is trying to explain its expansion with such statements as if there was never anything else in the territories of their expansion. Therefore, the task of the policy when serving to the counter-society is to produce the collective oblivion (to wipe out all traces, evidence and monuments of other social groups, nations and cultures). An image of the existence and permanent presence of the counter-society on conquered territories is created simultaneously with the collective oblivion and deletion of material evidence of “the others”.

Counter-society can not admit its role in the annulment of (historical) evidence of the others and that is why they are justifying their aggression with the defence of their own national corpus. Counter-society is insisting only on the recollection of its own existence on territories on which it exists or is intending to expand on; the recollection taking the central place and role in realising the counter-society goals.

Oblivion production is a form of the counter-society memory: oblivion regarding the existence of other societies, and oblivion regarding the erasure of evidence of their existence. Everything opposed to such memory pattern is disputed: with the method of denial, marginalization, adoption (by falsification) or dispute.

In Serbian interpretation, Vukovar was the place of defence from the enemy, from the “ustasha”, place of victory. However, even after their “victory” in 1991, they were not naming their heroes or victims. Why? Due to the “oblivion production”; victory is inscribed in the history, but without winners, because their task was to erase all evidence of the existence of others. It is hard to celebrate the victory over the enemy, who does not exist any more and who never should have existed. Furthermore, defeat is also incorporated in the oblivion production form. Defeat is not admitted, even by refusing to learn the history of Vukovar<sup>20</sup> after 1990. That is why the historical memory pattern, created upon the “oblivion production”, is equally incorporating consequences of the victory and consequences of the war in the (un)awareness field. (Oblivion production is not only characteristic of those who have lost their expansionistic wars. *Oblivion production* is characteristic of all those historical and political systems based on values, or formerly based on now rejected values – rejected by the same societies that have exercised such policies or by the international society.)

**Identity production.** For the aggressor, Vukovar is the place of resurrection of the Serbian town and of freedom, at the expense of erasing and forgetting about the others. For defenders of Vukovar and the entire Croatian nation, Vukovar is the place and symbol of freedom and independence of the Croatian nation. However, memory patterns for one and the same historic event are completely different. In the hierarchy of significance in the creation of the contemporary Croatian history, function of the memory of the sacrifice of Vukovar – sacrifice of the town and sacrifice of defenders, stands at the highest place. That is exactly why the national identity is created upon the function of memory of the sacrifice and tragedy of Vukovar; national identity as the ideal of freedom of the entire nation and ideal of sovereignty as the right to decide on one’s own destiny.

Production of (national) identity upon the collective memory of the defence of Vukovar is being disputed with the thesis on the obsolescence of the idea of national liberty, that is, relativized by referring to the limited sovereignty in the globalised world. Some significant facts, essential for understanding of the (national) identity “production” are here being neglected. The Homeland War, including the defence of Vukovar, is a defensive war led by volunteers, therefore, individuals willingly defending their personal and national liberty. This statement is supported by suffering of civilians in Serbian concentration camps

and their humiliation and extermination not as members of political and military formations, but as persons, individuals who dared to stand up in defence of the idea of their own country and independence.<sup>21</sup>

Sacrificing one's own life was never a demand in the name of the "higher interests", rather a valuable attitude which every volunteer was ready to defend in the interest of their personal and national liberty. That is why the high price of freedom is implicitly postulating the *principle of the sanctity of life*. Life as the greatest value is the measure of the realised freedom. Sanctity of life is the universal value, which requires freedom as the social space in which it can be realised. Loss of the personal and national freedom would be the proof of the futility of losing one's life. That is why respect for one's own freedom and freedom of the other represents the social space of the sanctity of life.

Universality of sanctity is originating from Catholicism, but not as the religiously founded sanctity, but as the sanctity of life being the universal principle for the rational regulation of life. Personal and national liberty as the rationally organised space of the all-including life (co-existence and balanced relation between the man, society and nature) was defended and established in Vukovar and in Serbian concentration camps. Such metaphysical determinant of the "identity production" is a historical fact resulting from the memory of one's own history, but also of the personal sacrifice for social freedoms and free international activities.<sup>22</sup>

There is no human society, which exists without the memory. National identity determining form<sup>23</sup> is created upon the collective memory. "Identity production" is the form founded in the memory – memory of one's own sacred places, but not excluding the memory of "dark sides" of one's own history. "Dark sides" of history are denied by this form only if national identity is jeopardized, or, more precise, when the very form of the "identity production" is being annulled in the name of some other form.

**Determined chaos production.** Oblivion production and identity production are two often opposed patterns of collective memory. However, in the contemporary world there is also the third party in the conflict: the international community. It often does not take sides of one of the conflicted parties, because it also represents the conglomerate of different interests. That is why it uses its own collective memory form, determined by the central agent and external factors of the international community.<sup>24</sup>

What is the determined chaos in international relations? It is a disorder, "borders of which are being deter-

mined ... after borders are being set, disorder that is being created stays within those borders, becoming *controlled*, that is, *manageable*" (D. Domazet, 2002, pp. 282–283). Determined chaos is a space of international games, space controlled in advance, in order to keep the disorder within the set borders. Control over such disorder can not be realised without the memory control. Central carrier (general staff) of the international community, with the consent of external factors, is determining dimensions of chaos, as well as criteria for *Memory control and management*. The result of managing the memory in the determined disorder is *selective memory and establishment of the double standard logic*. Why? Because the form of determined chaos production can be applied only on the limited disorder space. By controlling the memory, external factors, that is, "crisis managers" and "chaos producers" are protected from the expansion of chaos and responsibility for disorder production.

Today, most of American intellectuals will admit: "In the beginning of the nineties, USA gave its consent to Milošević to use, if necessary, weapons, in order to protect Yugoslavia".<sup>25</sup> However, selective memory, or, more precisely, managing of the memory, makes it impossible to call the international community to account for issuing the resolution on the embargo imposed on the import of weapons in the former Yugoslavia.<sup>26</sup> This resolution was not only the political message to Milošević, but also the effective mean for depriving the victim of its right to defence.<sup>27</sup>

Selective memory has established the criteria for the selective justice. Namely, United Nations Security Council has adopted the instruction for The Hague War Crimes Tribunal operating, according to which everyone is equally guilty, and differences in their guilt will be distinguished by the number of indictments and severity of sentences.<sup>28</sup> Evaluations like: "I consider The Hague Tribunal to be a political court and it is good that it would be terminated after the 2008, because it was established only to ease the conscience of the international community, which did nothing to stop the bloodshed in the former Yugoslavia",<sup>29</sup> are for daily use and will not be included in the "determined chaos production" form. According to the criteria of memory control, established by the "determined chaos production", there is simply no space for the quoted attitudes and they remain unremembered.

The fact that the controlled and selective memory is resulting in different criteria for those inside of the bordered chaos, and those outside the borders of the conflict,

is far more important. Thus, the fundamental idea of liberty and sanctity of sacrifice, i.e. life, becomes something completely unimportant and invaluable for the determined chaos managers. Selective memory does not allow the comparison and co-existence of those values and values of the chaos managers.<sup>30</sup> That is why it is possible that victims of the defensive war can be on trial for crimes committed in defence, unlike the oppressors for their crimes. Historical facts are thus completely overturned and virtual truths are constructed. It can be realised in processes, in which memory is being controlled and managed.

**Consent production.** *Consent production* is the collective memory form, which imposes, or to be precise, indoctrinates, the governing form of opinion. According to Noam Chomsky, “consent production” is the new mastery of democracy. In developed democratic countries, nations can most efficiently be controlled by controlling their thoughts. Thoughts can lead towards actions and that is why they should be kept at bay. Chomsky considers the media, together with the educational system, universities and colleges, to have the crucial role in the indoctrination system. Indoctrination system is the one that teaches us how to act, what to think and represent (N. Chomsky, 2002).

From the informational activities point of view, media is the *memory figure*. Media as the memory figure have the task of establishing and maintaining the governing doctrine in a particular social community. When democracy is reduced to banalisation of liberty, it becomes the art of “consent production”.<sup>31</sup> Central mechanisms of the consent production are propaganda and the public relations industry (N. Chomsky, 2002, pp. 16-17).

To the form, purpose of which is to produce consent, replication of memory becomes the task: message from the source must be transferred and accepted (without evaluation) at the destination. All propaganda and public relations industry techniques are directed to elimination of obstacles in reception of the sent message: a) message must be accepted as the instruction and form of behaviour; b) message must not be exposed to evaluation, or, more accurately, principles and values according to which the message was created must not be questionable, nor can the evaluation of the sender be questioned; c) message should be accepted as the receiver’s own opinion, in order to be memorised without re-evaluation.

## Historical events and evidence

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Knowledge of events and historical evidence is not possible without memory. Memory is the most important element by which we are forming our knowledge of present and past times, in which things were changing. Memory is the time sequence experience; memory represents consciousness of changes in times, and of the fact that every change implies the continuity of something.<sup>32</sup>

We have pointed out that there are different patterns of memory, created by different knowledge. But, what are we remembering? What is retained as the evidence of events?

Events are happening in time, and with time they become historical events, that is, they are falling into history. Evidence of (historical) events are being lost through time. What is left to us as the evidence of past events?

Theoreticians of the historical knowledge, i.e. of the knowledge of history, consider that only four categories of things from the past can be reflected on, which are ensuring material evidence of past events. Material evidence of the past can thus be divided into four following categories: natural, intentional, communicational and processional.<sup>33</sup>

- a) *Natural evidence* need not be especially explained. It concerns all natural heritage and changes in nature created by natural processes.
- b) *Changes of natural objects* are material evidence created by changes in nature and natural products made by human work. Humans have adjusted them to their needs and purposes and they have thus become artifacts: cultivated fields, cleared woods, bridges over rivers, houses, bottles of wine, tools and weapons, etc.; artifacts, continuity of which is the witness of times they are originating from, can be regarded as *intentional material evidence*.<sup>34</sup>
- c) *Communicational objects* are a special kind of artifacts, that is, artificial creations, which are forming our almost entire knowledge of the past. Communicational objects are all those, purpose of which is to transfer some kind of messages, emotional or rational (from poems, paintings, sculptures, coinage and medals to texts). It is obvious that value of these communicational objects is different for the evaluation of (historical) events, because some of them were intended for the direct communication in times of their origin, while others were formed for the future.<sup>35</sup>

d) *Processional evidence* are disclosing the continuity of what comes from the past to the present, and is not hidden as much in the very object, as in the process, the procedure. Namely, if we wish to understand the process, we must go to the past, in order to understand its origin and function. Social processes are often the consequence of the heritage of the past: titles, nominations, protocol, education, role of the Greek and Latin language in education etc.

Previous four categories of objects may continue to exist and move away from the past, and can thus be used in formation of evidence of the past events. But what can not survive and continue to exist as evidence of past times and events?

First of all, people – men and women. They may be witnesses of particular events as long as the generation of participants in those events lives.

Secondly, events can not survive. Life is a continuous series of events, which can be divided into smaller parts of one process, but are still definite. Occurrences, incidents, events can be parts of some social, political, historical processes (like trends, movements or even current situations), but are still definite in time.

Furthermore, natural occurrences can not live for a long time either. Nor can most of the artifacts; and it is even more crushing that non-material facts, like terms, beliefs, customs, mentality, religions, even languages – are losing their traces in the past.<sup>36</sup>

## Structure of evidence

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Let us remind you again of the motif of our treatise: how to organise memory, i.e. evidence of social and historical events, to be more precise, of concentration camps and violation of human rights. Experiences of the science of history are warning us that: a) occurrences, events, behaviour and actions can not outlive their participants, and are falling in the past; b) neither can participants in the events outlive their time.

We have pointed out that the existing patterns of memory (oblivion production, identity production, determined chaos production and consent production) are basically not functioning on the collected evidence of participants in human rights violations and in events in concentration camps. Actions of participants in those events, their motives, intentions and goals may remain only a personal experience and memory of our generation, if evidence for future times are not ensured. And fu-



ture may be changed if we let these events fall into oblivion.

Memory is based in evidence. Evidence is what remains and survives in time, and evidence can outlive participants in events, as well as events. But, what is evidence and how is it structured?

Meaning of the word *evidence* is the following: “information or explanation, purpose of which is to establish the truth regarding certain fact; totality of reasons, which facilitate the establishment of truthfulness of certain statement, and existence or inexistence of certain act or action” (V. Anić, 1998, p. 176).

*To prove* means to “establish the truth on the basis of facts; to deduce the evidence from facts and relations between them” (V. Anić, 1998, p. 176).

Semantic description of the word evidence already points to factors, which are determining the evidence:

- “*information or explanation*” – can be anything by its nature,
- “*fact*” indicates the existence of certain act or action,
- *judgment*, which confirms the “truthfulness of certain statement”,
- *process*, which forms the evidence by relating information, facts and judgments on certain act or action.

Semantic logic of interpreting components of the evidence is also followed by historians (M. Stanford, 1995, pp. 61–75). Evidence are “information or explanations”; they are expressed in forms of sentences, which are proving the truthfulness of facts. By its form, evidence is a deposition, which attempts to establish certain fact.<sup>37</sup>

Evidence is a deposition of facts; it must be “clear” and “obvious” which is the fact in question, regardless of what does that fact prove. That is why facts must first be established, in order to deduct right conclusions. If facts are not correctly and clearly established, every conclusion based on unclear or imprecise facts may be incorrect.

Use of evidence presupposes the correct understanding of processes, of actions as processes, which are to be confirmed by deducing evidence. Actions are evaluated by correct interpretation and relation of facts, and by correct interpretation of changes, i.e. of the time sequence of events.

After the facts are evaluated and processes understood, the user (historian, scientist, judge, etc.) must make the decision on the adequacy of evidence. User must answer the question of sufficiency of that fact – what is it adequate for, what can be proven by it. Evidence can not be



sufficient or adequate only “for us”, for a certain social group, nor is it sufficient for itself and by itself.<sup>38</sup>

Evidence must meet the standards of collecting, criteria of deposition and evaluation of the knowledge corpus it wishes to incorporate in, and of that user community, to which the fact on certain events and actions must be proved. That is why the process of proving is constantly open and remains a permanent task.<sup>39</sup>

### Networked knowledge and evidence

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Purpose of evidence is to establish the facts and truthfulness of facts regarding certain events and actions. Evidence becomes a part of a certain knowledge corpus. Knowledge can be personal or public, oral or written, etc. *Availability* of knowledge or the possibility of its dispersion depends on the way in which knowledge is *presented* and organised. Therefore, availability and dispersion of evidence depend on the organisation and system of knowledge. Presumption that the cognitive function, that is, the truthfulness of facts and strength of arguments is crucial for accessibility of evidence, is incorrect. Availability and disposability of a certain kind of evidence may be crucial factors in relation to some other kind of evidence, which can be based upon better arguments and more precise facts, but if they are not available and disposable, they remain unknown.

Personal knowledge and experiences may provide for convincing evidence, due to their possibility to form the basic knowledge of particular events or actions. The problem regarding personal knowledge is that it is limited, both in time and space, by the life of an individual and the social group it originates from and is exchanged in.

Personal knowledge is not permanent. Personal knowledge is being *expressed*. It is therefore, the result of the cognitive function. Personal knowledge is also being *presented*, exchanged with the others (and created in communication with others). It is therefore the result of the communicational function. Durability of such knowledge is dependable on the personal memory of subject of cognition, and is being *proved* by the deposition of the (cognitive) subject: deposition and presentation of their presence during events and actions.

**About the perpetuity of knowledge.** Condition under which the deposition and presentation of the witness (cognitive subject) may become the evidence is to ensure the form of perpetuity of the deposition and presentation. What ensures the perpetual form of the deposition and

presentation is the record of the “information”, record of the “explanation” on some permanent media.

Message recorded on some media is denominated as document in the informational and documentational activities. Document ensures the form of perpetuity to depositions and presentations of facts, events and actions, and such form makes depositions (presentations, messages, explanations) the evidence.

We have explained the functions that are influencing the structure of knowledge elsewhere (M. Tudman, 1990). We have started from the thesis that knowledge can be expressed by speech (or text) in form of sentences. However, knowledge is formed by three functions: cognitive, communicational and memory function. If one and the same corpus of sentences were observed from different points of view, it would thus be studied as depositions, presentations or evidence. It depends on whether the interest lies in the cognition, communication or the dimension of time (i.e. memory).

The fact that the certain message is written in the document and exists in the *perpetual* form has a series of consequences for the structure and organisation of knowledge. Let us mention just several of them. Knowledge recorded in the document is permanent and becomes independent on its author, the emitter of the message. Document becomes the “communicational object”, which endures in time, and remains for the future. Document is also socially movable and its presentation becomes available in the space to different social groups. *Availability* of the document impacts the structure of the public knowledge, because presentation of knowledge is distributed and exchanged among a larger number of users.

*Replicability* of the deposition facilitates its (re)integration in the new cognitive unities.<sup>40</sup>

For the issue of our interest, i.e. organisation of memory and evidence of concentration camps and human rights, three criteria are significant:

- a) **perpetuity of documents** – which ensures permanent keeping of evidence of events and actions.
- b) **availability of documents** – which ensures their distribution and exchange among a larger number of users.
- c) **replicability of documents** – which ensures their repeated use, by the same or new users.

Permanency, availability and replicability are the crucial characteristics for formation of the collective memory. Collective memory is the creative and dynamic process, determinants of which are these exact characteristics of communicational objects.

**About the availability of knowledge.** Availability of documents is conditioned by the form of the media and technology by which they are prepared and processed. There is a usual division in two basic groups of the media: analogue and digital media, and congruently analogue and digital documents. We will here be in favour of the following division:<sup>41</sup>

- a) the one-way passive media, or the *W-media*
- b) two-way *interactive media* or the *WW-media*
- c) networked interactive media or the *WWW-media*

Today, the Internet is the example of the *WWW* – networked interactive media. By many things it is a multi-way corpus of the networked knowledge. **Life cycle** of the information on the Internet is determined by the following phases: **creation, storage, retrieval, updating**.<sup>42</sup> This makes the presentation, organisation, distribution and usage of this type of knowledge completely different than in the passive media (the *W-media*) or the interactive media (*WW-media*). In the passive media, the author himself is responsible for the presentation, interpretation and evaluation of knowledge. In the *WW* interactive media, author is still responsible for the presentation, but mediators<sup>43</sup> and users are participating in the interpretation and evaluation. In the *WW-media*, informational, that is, *INDOC* systems<sup>44</sup> are the mediators between the author (emitter) of the information and the user. These are two-way interactive systems, but in such manner that authors of the information and users are interacting with the system, but are not directly communicating with the returned relation.

In *WWW-media*, character of the authorship and source of information is changed. **Author's reference**<sup>45</sup> is objectively determined by the author, corporative author and sponsor of the *WEB* page, and indirectly also by the Internet service provider. **Information source** is no longer just a person, institution or a document, but the Internet, provider, the *WEB* page.

In *WWW-media*, a series of new mediators is participating in the creation of knowledge. This expands the number of participants, who are determining the authorship and the information source. Their constant presence in communication and interaction with users have changed the very nature of communication. New information source is the one, which is actively present on the Internet, because it generates and updates its information. Sponsors and authors of the *WEB* page are interested in presentation of the information, on the behalf of the author, as well as on the behalf of the information source.

**Knowledge corpus** in WWW systems is open, by the number of participants in its creation, as well as by the range and quality of the presented contents. Knowledge corpus in a WWW-media is constantly renewed and is maintained and updated not just by “senders”, but also by users or mediators of the WWW-media.

## Instead of the conclusion

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*W-media*, the passive analogue media, are usually divided into primary and secondary documents. Primary documents are those, which contain the original subject matter. Primary documents include evidence of events and facts, and testimonies of their truthfulness. Source, author and sender of the information are usually one person. Terminology of the informational science is imprecise when it wishes to describe the original document, original material – just because it is not always possible to separate the source, author and sender of the information. However, original documents are a reliable form of memory and can ensure the retrospective insight into the past, and the protection of the past in present times.

If, however, we wish to present values, cognitions and evidence from the past as a part of the national and cultural identity in all three-time dimensions – past, presence and future – then we have to turn to prospective memory patterns. *Retrospective memory patterns* are those, which aim to protect the existing tradition and keep documents from the past and about the past. *Prospective memory patterns* project the past and presence into the future. For that we need a completely different type of documents and their organisation. We require the networked knowledge, which is constantly renewed by itself.<sup>46</sup>

That is why the WWW-media are not a choice – they are a necessity. WWW-media are organising knowledge in different bases and according to different rules. For example – information source is divided into a series of new participants:<sup>47</sup> information source, author of the information, sender of the information, sponsor, service provider etc. However, the user also becomes the author, because roles of users and authors in the networked media have become exchangeable. That is why the networked knowledge has no fixed author, clear borders, beginning or the end.

The WWW-media arises as the logical selection of the prospective memory of the Croatian cultural and national identity. Evidence of victims of the Homeland War, concentration camps and human rights violation can become

permanent values of all generations, only if they will be permanently memorized and available on the WWW-media.

History can no longer be written and documented, neither can knowledge of that history be organised in the traditional way. The end of writing history in the traditional way appears, because the WWW-media gives a chance to every individual, group or institution to prove their contribution to the historic events, and their interpretation of the same.

It is a duty of the information science, or more precisely, of the qualified scientific and expert institutions (like the *Information Sciences Department at the Faculty of Philosophy in Zagreb*) to create a project of the *Multimedia Memorial Centre of the Homeland War*, a long-term national project, which would present all material destructions and human sufferings in the Homeland War, but also all political, diplomatic and military actions and operations – responsibility of all participants for what has happened and did not happen, in order to make that Centre in the form of the networked knowledge and prospective memory, a permanent source of protection and promotion of national values, but also an open offering and presentation of those values, facts and truths to the entire international community, with no limitations.

## FOOTNOTES

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- <sup>1</sup> We are offering several examples in order to point out the need for organisation of evidence and data on the basic facts. Purpose of these examples is not to suggest the multitude of possible attitudes.
- <sup>2</sup> Phonogram, Second day of President Mesić's testifying in The Hague: Confrontation with Milošević.
- <sup>3</sup> Phonogram, Second day of President Mesić's testifying in The Hague: Confrontation with Milošević.
- <sup>4</sup> As pointed out by the Deputy Public Prosecutors Pulišelić and S. Zadnik.
- <sup>5</sup> Vlado Rajić, journalist for the newspaper *Vjesnik* refers to concentration camps, in which people were tortured and killed as – camping grounds!
- <sup>6</sup> Slavko Zadnik, Deputy Public Prosecutor (*Vjesnik*, October 9<sup>th</sup>, 2002, p. 5).
- <sup>7</sup> According to Deputy Public Prosecutors Petar Pulišelić and Slavko Zadnik (*Vjesnik*, October 10<sup>th</sup>, 2002, p. 7).
- <sup>8</sup> It seems that *Vjesnik* does not question the existence of war criminals, but considers their prosecution in such a large number and them being inaccessible, and with such superficial police inquests, to be *unlawful*.
- <sup>9</sup> *Vjesnik*, October 10<sup>th</sup>, 2002, p. 7.

- <sup>10</sup> According to the same source, around 330 concentration camps (200 corroborated and 130 uncorroborated) were located in Bosnia and Herzegovina, approximately 80 (30 + 50) in occupied Croatian territories, and around 70 (40 + 30) in Serbia (60) and Montenegro (10). This report confirms that the Serbian concentration camp system was located in three countries (Serbia/Montenegro, occupied territories in Croatia, and Bosnia and Herzegovina) and that in fact, it represented a unity, considering that the Serbian military aggression was also a unified project (according to J. Jurčević, pp. 31–32). See D. Domazet (2002), D. Marijan (2000) for information about unified plans for aggression on Croatia and Bosnia and Herzegovina, and about the war in Croatia and Bosnia and Herzegovina as the same battlefield.
- <sup>11</sup> Their stay in concentration camps was ranging from several days to two or more years.
- <sup>12</sup> In *Letopis (Year Book)* of the Serbian cultural society “Prosvjeta”, Zagreb, 2002, vol. 7, theses on the Republic of Croatia, reconciliation etc. being fascist and Nazi ideas, on the right to the independent state as the project of ethnic cleansing, on Croatian President Franjo Tuđman, as a criminal, etc., are being revived, but there is no mention of the Serbian aggression, crimes committed etc. Entire political construction and historical reconstruction are created exclusively on the “dark sides” of the Homeland War (see: Boris Rašeta, Boris Budin: “O identitetu mislim sve najgore”, *Letopis*, 2002, vol. 7, pp. 327–350).
- <sup>13</sup> According to Kuhn, scientific facts and theories are not “categorically separable”; scientific communities, that is, scientists, are creating theories based on their beliefs, and congruently, are observing facts in the same light (i.e. beliefs, theories and facts are mutually conditional). That is why knowledge and facts resulting from contradictory paradigms are not co-measurable (see T. Kuhn, 2002; M. Tuđman, 1993).
- <sup>14</sup> For example, the apartheid is a form, in which multiculturalism is denied, but not physically annulled.
- <sup>15</sup> See D. Marijan, “Bitka za Vukovar” (*Scrinia Slavonica* 2 (2002) pp. 367–402). This article also includes information on the national composition of population, from which it is obvious that among 84,189 citizens of Vukovar, 31,445 of them were Serbs.
- <sup>16</sup> We are borrowing this term from I. Rogić (2002, manuscript).
- <sup>17</sup> Yugoslav National Army and paramilitary formations “liberated” Vukovar in November 18<sup>th</sup>, 1991, leaving space for Croats in the same “liberated” Vukovar only in concentration camps, and definitely not in the cultural and political life of the town.
- <sup>18</sup> See A. Rebić (2002, pp. 149–152), including data on 700,000 exiles and refugees from Croatia and Bosnia and Herzegovina already in the summer of 1991. Purpose of the great-Serbian occupation of Croatian territories was to carry out ethnic cleansing, and those territories were indeed ethnically cleansed: 282,000 Croats were exiled. Return of the exiles to their homes is still not completed today.
- <sup>19</sup> According to J. Jurčević, p. 31.
- <sup>20</sup> According to the Erdut Agreement, Serbs in the Croatian region of *Podunavlje* until the year 2002 had the right not to have history of creation of the Croatian state as the subject in their education programmes.

- <sup>21</sup> People were abused in concentration camps because they have voted for the Croatian option and the independent state; this was a much greater “sin” than being the member or belonging to certain political and military formations (see testimonies in D. Rehak, 2000).
- <sup>22</sup> Idea of the national liberty was one of the basic causes for social changes in the 18<sup>th</sup> and 19<sup>th</sup> century. When great nations were able to create their national states and started establishing imperial empires, it was obvious that they were in no position to allow the colonised nations to intercede for national liberty as for the fundamental value. That is why the idea of the national liberty is substituted for the idea of human rights and the even more indefinite idea of democracy. In new circumstances, democracy does not start from the sanctity of life as the universal principle, but is reduced to techniques of banalising life.
- <sup>23</sup> See Ž. Vujić, 2002, manuscript.
- <sup>24</sup> We are using the form of presentation of determined chaos participants, according to D. Domazet (2002), p. 290.
- <sup>25</sup> Robert Greenberg, “Na Balkanu jezik i država idu zajedno”, *Večernji list*, Saturday, November 11<sup>th</sup>, 2002, p. 29.
- <sup>26</sup> Resolution 713 VS UN on the complete embargo on the import of weapons in Yugoslavia, was issued in September 25<sup>th</sup>, 1991. Attack on Vukovar started August 25<sup>th</sup>, 1991. Serbian-Montenegrin aggression on the Dubrovnik area started seven days after the resolution 713 was issued, and 14 days later, on October 7<sup>th</sup>, 1991, airplanes of the Yugoslav National Army bombed the residence of the Croatian President Franjo Tuđman.
- <sup>27</sup> See M. Thatcher: *Statecraft*, 2002, pp. 298–299.
- <sup>28</sup> Z. Tomac, presentation at the round table “National security”, Association for promoting Croatian identity and prosperity, Zagreb, November 5<sup>th</sup>, 2002.
- <sup>29</sup> R. Greenberg, id.
- <sup>30</sup> Idea of liberty is one of the fundamental values of all democratic countries. However, considering that those countries have realised their national liberty during the 18<sup>th</sup> and 19<sup>th</sup> century, and waged colonial wars afterwards, idea of national liberty was pushed aside. Nevertheless, after the Second World War, around 50 new countries were created and 800 millions people were liberated from the great colonial empires (Great Britain, France, Netherlands, Belgium). No one has ever described the process of breakage of multinational countries as the sequence of democratic procedures of globalisation and creation of new countries after the Second World War: from the breakage of the colonial empires to the breakage of the totalitarian communist systems. Process of integration was conducted parallelly with the mentioned one: creation of the European Union is a long lasting process initiated in the fifties of the 20<sup>th</sup> century, preceded by many associations and integrations. However, these processes were conditioned by the selective memory: forgetting about the “dark sides” of history of great European forces, which have created their strength and force on the colonisation and exploitation of the less developed nations. These nations, in the period of their liberation, were not allowed to celebrate their liberty, so that interests of possible losers would not be jeopardized. In order to realise all that, selective memory mechanisms had to be established, as well as functioning of the double-standard logic.



- <sup>31</sup> This is originally Walter Lippman's phrase from the twenties of the 20<sup>th</sup> century (according to N. Chomsky, 2002, p. 18).
- <sup>32</sup> M. Stanford, 1995, p. 49.
- <sup>33</sup> This division is completely adopted from M. Stanford (1995), pp. 46-48.
- <sup>34</sup> Vukovar and its surroundings were the war operations area. Changes in landscape due to war actions can remain the natural evidence of these historic events.
- <sup>35</sup> Problem of communicational objects value requires a separate analysis; we are here interested in the typology of those objects, rather than in the value of some concrete evidence. Naturally, in the case of war and conflicts of the low and medium intensity we should count on the increased range of information, misinformation and erroneous information.
- <sup>36</sup> M. Stanford states that several thousand languages were lost, more than four or five thousands spoken today (pp. 49-50).
- <sup>37</sup> Difference between the deposition as the evidence, and document as the evidence will be reflected on hereafter.
- <sup>38</sup> According to M. Stanford, id., p. 64.
- <sup>39</sup> In this context, etymology of the word *punishment* is also interesting. Word punishment (*kazna*) in the Croatian language has the same etymological origin as the verb *to prove* (*dokazati*): *dokazati, kazati, kazen, kazna* (see: A. Gluhak, 1993).
- <sup>40</sup> About the perpetuity, replicability and availability as determinants of the sign and knowledge, see: M. Tuđman (1983).
- <sup>41</sup> The following division is adopted from M. Tuđman: "Informacijska znanost; znanost o obavijestima, pogrešnim obavijestima i protu-obavijestima", 2002, in print.
- <sup>42</sup> According to V. Floridi (1996).
- <sup>43</sup> By mediators we are referring to the informational systems, data bases and banks, all that information-documentation infrastructure, which participates in the process, from collecting, storing and processing to the use of the information.
- <sup>44</sup> INDOC system is used as the generic name for all kinds of information-documentation-communication systems, which are intermediating in the information processing procedures.
- <sup>45</sup> Usual definitions are: **Author's reference** – reference created by the name of an individual author or name of the corporative author, reference of a certain document in a data bank created by the name of the author. **Information source** – part of the information system, which is credited with the creation of the information. Place in which the user can receive certain information and satisfy his informational requirements. This place can be a person, institution or a document (M. Tuđman, 1990, pp. 164, 184).
- <sup>46</sup> Naturally, it does not renew itself, but there are no more controllers, which can prevent the knowledge from renewing, or obstruct research of the new evidence and their incorporation into the existing knowledge corpus.
- <sup>47</sup> We have previously pointed to that being the reason of possible errors – accidental or intentional, and the fact that the WWW-media are producing a much larger number of erroneous information and anti-information (M. Tuđman, 2002, manuscript).



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VICTIMS



Violent conflict creates all sorts of victims: those killed and tortured, those bereaved and maimed, those assaulted and raped, those injured in battle and by mines, those abducted and detained, the banned and the homeless, those intimidated and humiliated. This paper aims to clarify the factors and processes that lead to their identification and mobilization. Starting with a presentation of the various types of victims, the paper concludes with a discussion of cases where all rival groups have committed atrocities and where it is consequently impossible to draw a sharp line between victims and perpetrators.

## THE MANY FACES OF VICTIMS

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Victims are at the heart of all dimensions of the reconciliation process in societies emerging from years of violent conflict. It is crucially important that policy makers and civil society leaders are aware of the many faces of victimhood. This awareness must guide the search for adequate victim programmes, even if the means are insufficient to deal with all those who suffer – individually and/or collectively, directly or indirectly, today or in the future. There has to be a broad public debate about which individuals and communities should be acknowledged as victims. Such civic debate should ideally add to the development of guiding principles for all healing, truth telling and reparation work.

Victims can be classified on the basis of three broad distinctions. Two of these, individual/collective and direct/indirect, are constitutive parts of the various definitions of victims issued by the UN. A third distinction, between first- and second-generation victims, is based on the dimension of time. It is also important to bear in mind the fate of children and the implications gender has for victimization.

## Individual and Collective Victims

All brutal conflicts inflict severe harm on individual men and women but most, in particular genocide and civil war, also cause collective victims. Collective victims are created when violent actions are directed at a specific population, for example, an ethnic, ideological or religious group. In such cases, individuals are targeted because of their connection to an identifiable collectivity. Overall, the effect is always to victimize the society at large.

## Direct and Indirect Victims

Direct victims are those who have suffered the direct effects of violence. They have been killed, or physically and psychologically abused, detained, discriminated against and so on. Indirect victims are those who are linked to direct victims in such a way that they too suffer because of that link.

According to the *Declaration of the UN Commission on Human Rights*, indirect victims are the family members of a direct victim. Relatives often experience extreme hardship and pain because of the suffering of a family member or by being punished because of their connection to that person – through serious socio-economic deprivation, bereavement, the loss of a breadwinner, missed educational opportunities, family breakdown, police intimidation or humiliation. The *Declaration* also speaks of the people who suffer as a result of intervening to assist a victim or to prevent further violations.

Some observers work with an even wider definition of indirect victim that includes neighbours, friends and bystanders of direct victims – all who may have been traumatized because of what they witnessed. Others even query the usefulness of the distinction between direct and indirect victims in reality: one finding of the *South African Truth and Reconciliation Commission (TRC)* was that it is difficult to distinguish meaningfully between the physical harm and psychological grief experienced by the direct victim and the pain of those to whom this person is or was precious. Including a wider constituency of victims in this way is very significant. It extends the scope of victimhood, and consequently increases the number of people rightly claiming recognition and compensation for their suffering.

## First-Generation and Second-Generation Victims

Most attention goes to what can be called first-generation victims – those who have been victimized during their life-

time. But studies have demonstrated that their children and sometimes even their grandchildren have to bear the consequences of what happened and may feel and behave like victims, displaying deep hurt and bitterness. Trauma can be handed down. The second generation, particularly, tends to absorb and retain pain and grief, consciously or unconsciously. They carry traces of the experience into adulthood, and this is a problematic heritage that can threaten the future of a society.

## Gender

Brutal conflict causes immense suffering to all people, but it also has a different impact on men and women, because victimization is partly gender specific.

Men are more likely than women to be involved in fighting and to be killed or wounded – although there are cases where the participation of women in combat is considerable. Women have joined the ranks of several Latin American guerrilla forces, of the Irish Republican Army (IRA) and of the Liberation Tigers of Tamil Eelam (LTTE), among others. During the Ethiopian civil war of the 1980s, approximately one-third of the rebel Ethiopian People's Liberation Front (EPLF) fighters were women. Women combatants can be doubly victimized – not only by their enemies but also by their male comrades – and in the latter case the victimization takes the form of physical and psychological abuse.

Women suffer the brunt of various forms of sexual assault during times of violence or oppression. Mass rape of women belonging to an enemy group has been practised as a means of assaulting the role and identity of the men in the group as providers and protectors of the family and the group. In other cases, young girls have been forced to marry men either as a strategy of creating alliances or to satisfy the needs of men isolated from the family sphere during war. Women have also been exposed to increasing risk of rape, abuse and stigmatization by members of their own community as a result of their new and more public roles and responsibilities during conflict. And, in response to growing poverty, many more women have taken to prostitution for a living with a high risk of abuse and of becoming infected with HIV/AIDS. A long-term consequence of several of these acts of abuse are children who not only lack a father but who are also illegitimate and a continuous reminder of the violation.

One of the long-term consequences of men's engagement in war as combatants is their difficulty in redefining

a post-conflict social role and a male identity. This may result in divorce, alcoholism, violence and criminality, with additional effects for the family and women.

Sexual assault is not the only form of conflict-related victimization that is gendered. Differences in rights and entitlements have proved to be of great importance in determining how conflicts impact on men's and women's livelihoods. For instance, women are not always registered as individual citizens, nor are they always registered (and recognized) as owners of land, houses, assets and utensils. In a situation of conflict and social upheaval, women may have difficulty protecting their resources and find it almost impossible to make claims for compensation and other kinds of assistance. This adds to their economic and social vulnerability.

Not only do women suffer differently to men, but their response to victimization is often different too. In most cases, women hesitate to testify to sexual abuse as it would be considered shameful and, typically, result in stigmatization and perhaps even severe punishment, although men too, find it difficult to admit to repeated cases of rape, partly because it inverts prevailing notions of gender roles.

With regard to economic victimization, women's weakness is often their lack of knowledge about and experience in dealing with authorities. Their strength, however, is the existence of local self-help groups created in order to help women overcome hardships and create supportive relationships. It can be said that women have succeeded better than men in identifying a commonality and uniting as victims across national, ethnic, class, religious and other boundaries. This is a reminder of the important point that no victim is only a victim, but also an actor with many identities, roles and resources.

Finally, victimization may not cease with the establishment of a peace agreement. Cases from Cambodia and Sierra Leone demonstrate that sexual abuse unfortunately often continues with the appearance of peacekeepers and humanitarian workers. Experience in Rwanda and South Africa illustrates the difficulties – and double victimization – that women may face when they try to make the state recognize and compensate the injustice and sufferings they have undergone during conflict. In some cases, limited representation on political bodies prevents them from giving voice to their grievances; in others it is a woman's affiliation with a particular ethnic or social group or her husband's position and role in the struggle that determines her entitlements.



Children are the most defenceless victims in civil war and other forms of violence and oppression. Two groups are particularly vulnerable – refugee children and child soldiers.

More than half of the world's refugee population is made up of children. They are often separated from their family, suffer socio-economic deprivation, usually have no access to schooling and, more importantly, are seriously traumatized by what they have experienced. Child soldiers have frequently been intimidated or abducted, brutalized and coerced to commit atrocities. A special case is the fate of the Latin American children of murdered members of the opposition, who as orphans were then forced into a kind of adoption by the families of soldiers or police officers. Another group of child victims are the many girls who are either forced into marriage at a young age or removed from their families and homes and sold as prostitutes. And, finally, there are the many invisible and indirect victims – the children who are prevented from receiving an education and employed as child labourers, or who are abused at home by parents and relatives – a symptom that is found in many societies but is reinforced in times of conflict and distress.

In general, widespread and sustained violent conflict can produce a whole generation of variously victimized young people. These young victims of political, ethnic or religious aggression carry the effects of their traumatic experiences throughout their lives. The risk that this unhealed hurt and resentment can become the basis for new violence highlights the need to develop special protection, healing and rehabilitation programmes specifically for children and young people, such as assistance in family tracing (which the *Red Cross* and *Red Crescent Societies* provide for orphans and refugee children) and schooling opportunities. Truth commissions sometimes hold thematic hearings specifically on the suffering of children. *The UN Convention on the Rights of the Child* can assist in setting the basis for action to address the particular problems of these young victims.

## THE IDENTIFICATION OF VICTIMS

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Socially, becoming a victim is a process that involves a number of mechanisms. The simple fact of having been physically, psychologically or economically harmed is a necessary but not sufficient element. Other factors play

important roles. Social norms and customs, developed in politics, law and culture, partly shape the selection of those who will be allocated victim status.

No post-conflict state can involve every single victim in healing activities, truth telling, trials and reparation measures. Material resources and manpower are too scarce. Of necessity, usually only a fraction of those whose fundamental rights have been violated will be accepted as “real” victims, but even so they may fulfil a positive role of representing symbolically the wider constituency of victims in the formal reconciliation process.

### The Definition of a Victim

Society’s influence in this process of defining who exactly qualifies as a victim comes from three sources:

- socio-political factors;
- legal definitions of victims; and
- cultural influences on definitions.

Equally important is the perception of the person who has been victimized. Is he or she aware this victimization? Does he or she aspire to the status of victim or is there a conscious refusal of label?

#### *Socio-Political Factors*

Official agencies define victims. Initiatives in the area of healing, truth-telling, justice and reparation obviously contribute to the definition of who will be included in the category of victims.

This is most clearly visible in the activities of truth commissions. No doubt, such bodies stimulate the recognition of victims. This has clearly been the case with the TRC in South Africa. Hundreds of statement-takers talked to victims; many witnesses were heard during public sessions; its official report publicly acknowledged the distress of tens of thousands of men and women. Yet still its mandate excluded many others whose pain fell outside the terms of reference, and this was also true of all the other truth commissions of the 1980s and 1990s. Such exclusion comes about as the result of political, time and economic restraints.

The political definition of which crimes are to be identified and registered as relevant has major consequences, precisely because any such definition necessarily also excludes some crimes as irrelevant. But, irrespective of the definition, all such crimes are relevant to the victims. One possible effect is gender bias in a commission’s man-

date: definitions of gross human rights violations have often masked or sidelined the types of abuse more frequently suffered by women. (A major step in correcting such prejudice is the recognition of sexual violence, in the statutes of the *International Criminal Tribunal for Yugoslavia (ICTY)* and of the *International Criminal Court (ICC)*, as a crime against humanity and a war crime.)

Time, too, is a significant factor. Truth commissions or commissions of enquiry usually examine events during a specifically defined period of history. Violations that occurred before or after this period will therefore not be addressed, despite the real suffering and victimization they have caused. Economic constraints can also have huge effects on restricting either the definition of victimhood or the capacity to fulfil the resulting mandate.

Reparation programmes have similar effects. These include individuals and communities in the definition of victimhood. But they, too, have to make painful decisions.

In post-conflict states, where economic infrastructure has often been destroyed, resources are scarce. So the reality tends to be that only a section of all the injured parties, perhaps just direct victims, or just those with the most serious physical injuries, will qualify for compensation. Others will be excluded. For example, refugees are a category of victims that can easily be forgotten. Their voices in the debate around defining victimhood are weak; they have often lived outside the country, perhaps for a generation or more. Reparation to them, for example, through restitution of property, is consequently a difficult, contentious and expensive enterprise. Women may be another group who because of their socio-political status or the nature of their victimization risk being excluded from reparation programmes. In many cases their suffering is considered a private issue which should mainly be dealt with at the private level.

The role of NGOs, both local and international, also contributes to the identification and definition of victims.

Their role in these processes often starts before the demise of an inhuman regime or the end of a violent conflict. Civil society groups monitor human rights abuses, gather information on victims and provide assistance to them. In Argentina during the 1970s and early 1980s, NGOs collected information on “the disappeared” while the generals were still in power. In 1983 they gave copies of their files to the state-initiated *National Commission on the Disappearance of Persons*. In Guatemala, the *Human Rights Office of the Archbishop* gathered information on victims well in advance of the activities of the official truth

commission. Most of the information these NGOs collected was of critical importance in the post-conflict situation.

NGOs are also active in the area of healing, rehabilitation and reintegration of victims. All these activities have effects both on how victims come to perceive their own status and on official definitions and policies. While international and local NGOs may help to give silenced and invisible victims a voice, the engagement of NGOs is not always neutral. Sometimes they select victims on a sectarian basis and exploit humanitarian assistance to create or strengthen partisan relationships. Another problem inherent in humanitarian assistance work by NGOs and other agencies is a tendency to overstress the victimhood of individuals and groups, overlooking the fact that they have multiple other identities, experiences, resources, capacities, interests and aspirations, which are equally important in defining and positioning them as individuals and citizens.

### *Legal Definitions*

It took the international community many years to reach an agreed definition of victim.

The *UN Declaration of Justice for Victims of Crime and Abuse of Power* of 1985 was a first step. This general description served as the basis for the *UN Commission on Human Rights' Declaration on the Right to Restitution for Victims of Gross Human Rights Violations* of 1999. The statutes of the *ad hoc* international tribunals in The Hague and Arusha, and of the ICC, also contain formal definitions.

Official definitions of "victim" are:

- According to the *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, General Assembly Resolution 40/34, 29 November 1985: "victim" means, in the case of abuse of power, "persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights".
- In the *United Nations Commission on Human Rights*, "The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms: final report of the Special

Rapporteur, Mr. M. Bassiouni, submitted in accordance with Commission Resolution 1999/33": UN document E/CN.4/2000/62, "A person is a 'victim' where, as a result of acts or omissions that constitute a violation of international human rights or humanitarian law norms, that person, individually or collectively, suffered harm, including physical or mental injury, emotional suffering, economic loss, or impairment of that person's fundamental legal rights. A 'victim' may also be a dependant or a member of the immediate family or household of the direct victim as well as a person who, in intervening to assist a victim or prevent the occurrence of further violations, has suffered physical, mental or economic harm". (*Declaration on the Right to Restitution for Victims of Gross Human Rights Violations*, 1999).

- In the *International Criminal Court*, "For the purposes of the Statute and the Rules of Procedure and Evidence: finalized draft text, adopted by the Preparatory Commission at its 23<sup>rd</sup> meeting, 30 June 2000, document PCNICC/2000/1/add.1): "(a) 'Victims' means natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court; (b) Victims may include organizations or institutions that have sustained direct harm to any of their property which is dedicated to religion, education, art or science or charitable purposes, and to their historic monuments, hospitals and other places and objects for humanitarian purposes".
- In the report of the *Truth and Reconciliation Commission of South Africa*, the *Reparation and Rehabilitation Committee* defines relatives and dependants of a victim as follows: "a) parents (or those who acted/act in place of a parent); b) spouse (according to customary, common, religious or indigenous law); c) children (either in or out of wedlock or adopted); d) someone the victim has/had a customary or legal duty to support".

The criminal legislation of a post-conflict state, combined with international humanitarian and human rights law and the state's customary, indigenous and religious law, constitutes a second element in the identification and recognition of victims. The broader the scope of such legislation, the higher the number of victims who can be included in the legal category of "injured parties".

In transitional societies, it is usually the task of parliament to oversee the process of adapting existing criminal legislation to develop a suitable prosecutorial system to try

the perpetrators of violent acts. Political and time constraints usually result in limits being set on the scope of the new system. Further problems often occur later at the operational level, when a department of justice tries to put the procedural machinery into gear. These are exemplified in Ethiopia's transitional justice system. The courts there can deal with only a fraction of the crimes committed by the Marxist-Leninist Mengistu regime, and are forced to prioritize crimes and prosecute only the most serious, such as genocidal acts. Other major crimes – arbitrary arrests, seizure and theft of property, forced migration of farmers, the use of famine as a weapon of war and so on – remain outside their reach. The consequence is that the suffering of millions of victims will not be acknowledged or taken into account. In addition, as is often the case in such situations, the process focuses only on the actions of the previous regime, while the human rights violations of the armed opposition movements remain outside consideration.

Finally, prosecutors and adjudicating judges in national and international tribunals are also key actors in the definition process: it is they who decide, in a very formal way, who is a perpetrator and who is his or her victim.

### *Cultural Influences*

The debate on the universality of human rights has demonstrated that views on these rights are to some degree culturally rooted, as are opinions as to what constitute gross violations of these norms and, consequently, as to how the notion of "victim" should be constructed. Culture is also significant in delineating the extent of the circles of indirect victims. At a very general level, it is fair to say that societies in Africa and Asia work with broader definitions of the scope of the immediate family and of community ties than do many in Europe.

### *Personal Perception*

Political programmes and legal texts are not the only foundations for defining a victim in the context of state crimes and civil war. The inclusion of people in (or their exclusion from) the broad category of "victim" also depends on the personal perception of the individuals involved and on the prevalent visions within a society or a culture of what is a crime and, thus, of what is acknowledged as producing physical, mental and economic harm.

Individuals differ in the way they perceive what was inflicted on them. Some deliberately refuse to be labelled as victims. They see themselves as soldiers, heroes, freedom fighters or martyrs. Others prefer the label of “survivor” because, in the words of Rama Mani, a scholar who has worked in several African countries: “The term victim defines individuals in terms of their past; makes them appear ill and in need of treatment; impotent and in need of help”.

Awareness of victimization is another important factor. To perceive oneself as a victim requires naming the pain one suffered, blaming the offender and claiming some type of restitution. Obvious though this may sound, people regularly fail to do this. There are many understandable reasons. They may lack access to the public debate. They may lack the social skills necessary to make their voices heard. The effects of their trauma may have removed their belief that anything can be done to help. They may remain passive because of feelings of guilt at having survived or at not having helped others. Women’s experiences of harm differ from those of men. When making a statement, for example, to a truth commission, women sometimes tend to speak about the agonies of their children or their husbands rather than their own anguish. Often, talking publicly about sexual abuse would only bring them more shame and social exclusion.

Victims have the right to remain silent. But, as noted earlier, in some ways those victims who do speak out and engage in the reconciliation process can act as the symbolic representatives of those who remain silent.

## Re-victimization

There are ways in which a person who is already the victim of political, ethnic or religious violence can receive additional hurt after the direct cause of victimization has disappeared.

Sources of re-victimization tend to appear in one or more of the following ways:

- denial of the status of victim;
- unfulfilled expectations in dealing with official agencies;
- unwanted effects of victim-centred initiatives; and
- social stigmatization and exclusion.

The first mechanism was partly discussed in socio-political, cultural and legal definitions of victimhood result in the exclusion of individuals and communities. Inevitably, despite the best attempts, some victims will be denied



acknowledgement. Sometimes denying the status of victim is vicious in nature. It may rest on a conscious attempt to make the suffering appear banal (for example, the harm done to European Gypsies during World War II was publicly denounced as negligible). It may result from stigmatization (for example, in the late 1940s and early 1950s Jewish Holocaust victims were almost blamed for a perceived passivity to their fate – “going like sheep to the slaughter”). Or it may be the effect of denying victims’ suffering by dismissing them *en masse* as terrorists, murderers, criminals and so on.

Victims become engaged in a broad range of relations with a variety of government and non-governmental agents – police, judges, civil servants, medical doctors, journalists and professionals from victim support associations. In these engagements, victims expect an expression of understanding, sympathy and comfort. But in fact the actions and reactions of these people can sometimes merely cause extra grief. The treatment received may be unprofessional, inadequate or humiliating. The information given may be incorrect or insufficient. The formal process may be too impersonal and cold. Such negative experiences leave the victims even more mentally scarred. They increase emotional stress and feelings of incomprehension, hopelessness and isolation. Sometimes the structures of the system establish hierarchies of suffering, causing great offence and renewed hurt to those whose pain is labelled as minor.

A different but equally hurtful effect happens when victims’ agony is used and/or abused for political means. Sometimes a new regime may be tempted to exploit the misery of its victims as a sort of emotional blackmail in order to gain more assistance from the international community. Conscious or unconscious, such manipulation of victims, by politically “hijacking” the victim issue, can bring short-term rewards, but its internal effect in the society – alienating the victims – is seriously counter productive to sustainable reconciliation.

Ironically, re-victimization can even arise in institutions that are developed to serve the interests of victims. Truth commissions, for example, may reopen the wounds of testifying victims because of the confrontation with their aggressors or because of negative exposure by the victimizer. The procedures of retributive justice can have a similar effect. They are perpetrator-oriented and thus tend to exclude the voices of the victims from the whole process, or directly hurt them through a vicious cross-examination procedure that simply serves to make the victim relive the trauma in public.



Regardless of whether a violation has been officially recognized or not, victims will also be at risk of longer-term re-victimization as a result of social stigmatization and exclusion. The human will to forgive is considerable, but there are many cases where individuals, especially women, continue to be punished for having become a victim. Widows may not be allowed to remarry; women who have been raped, forced to sell their sexual services or who have simply taken a job outside their home are treated as prostitutes; their children are ostracized. Such denials of social recognition and reintegration may have serious ramifications for women's economic position and ability to contribute to efforts to counter structural marginalization.

### **"Self-Victimization"**

It happens that perpetrators of violence themselves lay claim to victimhood. They blame the ideological indoctrination they were subjected to or refer to earlier periods in history when it was their group or community who was victimized. They may even blame "the system" for what they did. The effect is to render their actions excusable, and to shift the responsibility to some more anonymous "system", "ideology" or "regime".

Observing the conflict in Northern Ireland, Marie Smyth writes: "The status of victim renders the victim deserving of sympathy, support, outside help. Victims, by definition, are vulnerable, and any violence on their part can be construed as the consequences of their victimization. The acquisition of the status of victim becomes an institutionalized way of escaping guilt, shame, or responsibility".

The argument of victimization through indoctrination is, to a certain degree, acceptable in the case of bystanders and onlookers, who are faced with the charge of being morally, if indirectly, guilty. But it can encourage them to avoid any responsibility for the construction of a just political and economic future for all members of society. Where offenders call on the "we are all victims" argument, the effect may be to seriously obstruct reconciliation programmes. Such blurring of guilt can become an obstacle on the path to coexistence, trust and empathy from the point of view of many victims.

### **VICTIM MOBILIZATION**

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Passive victimhood – the state in which people avoid addressing their pain and trauma through silence, disengage-

ment and resignation – is an enemy to reconciliation. It blocks the return of the very integrity and self-confidence of the victim. It also tempts the victimizers to define and organize reconciliation as painless forgiving and forgetting. Victim empowerment, the way to escape from this submissive position, is a prerequisite of any reconciliation policy.

## Victim Empowerment

Almost all reconciliation programmes, particularly in the area of healing and truth-telling, aim to empower the victims of brutal conflict. They mobilize resources that restore the dignity, the reputation and the life chances of victims.

Victim associations are key actors in this area. They operate in most post-conflict societies and range from small groups, like the Mothers of the Plaza de Mayo in Chile, to large-scale organizations of survivors, like IBUKA in Rwanda. They cover a whole array of activities in the area of empowerment. They act as pressure groups, inform public opinion, offer legal aid.

Victim identification is one of their most important goals. IBUKA (kinyarwanda for “remember”) has published a list of 59,050 genocide victims, all from the prefecture of Kibuye situated in the west of the country, on the border of Lake Kivu. This record contains personal data (name, sex, age and so on), and information on the circumstances of the killing (place, weapon used etc.). In Argentina, Chile and Guatemala, where atrocities have for a long time been denied, the collection of such basic data by victim associations can work to break the conspiracy of silence.

Victim self-help organizations have another, equally crucial role to play. The healing effect of “suffering together” has been described by group therapists. While trauma can silently continue to kill victims from within, talking about it in the company of fellow-sufferers may give them a sense of relief and can start a cathartic process. The exchange of information, the learning process of listening to other people’s problems and questions, the gradual discovering of the power of alliances – all these facilitate the development of social and politico-legal skills. Members of such groups will slowly but surely enable each other to master the techniques of naming the pain they suffered, blaming those who are responsible and claiming recognition and reparation. To resent wrong done is conducive to regaining self-esteem, a crucial step towards re-

building trust in oneself and in others. An additional effect is to counteract the attitudes and types of behaviour that develop in silent isolation.

Self-help groups, like the associations of widows in Rwanda, create for their members a supportive social fabric. Victims who, through their involvement in such networks, make the transition from passive disengagement to active engagement may even grow into the role of moral beacons and play a significant leadership role in reconciliation projects.

One recent development – the rise of what has been called a victim culture – may make it easier for victims to achieve the much-needed empowerment. Public opinion, in part stimulated by and partly followed by policy makers and NGOs, has altered in two ways.

First, there has been a shift from the cult of the hero or victor to the cult of the victim. Suffering instead of heroism now attracts public and political consideration. This cultural reversal is evidenced in what has been called the “rediscovery of historical victims”, such as the forced labourers of the Third Reich, the sex slaves (known as “comfort women”) of the Japanese Army in World War II, the Japanese-Americans who were detained in concentration camps after the Pearl Harbour attack, Native Americans in the USA, Aborigines in Australia, and the millions of men and women abused and killed during the merciless period of European colonialism and slavery. This has led to the demand that political descendants apologize for past acts, and to claims for restitution and reparation, all in the name of reconciliation.

A second shift has diverted attention, in the reaction to crime, away from an exclusive focus on the offender and turned the emphasis towards the victim. In a general way, this trend is detectable in the proliferation of victim support programmes and in the growth of victimology as a scholarly discipline. More specifically in the context of dealing with a violent past, transitional societies now seem to prefer restorative justice and truth-telling above outright retribution, partly because penal action is perpetrator-oriented and largely excludes or ignores victims, while the alternative instruments focus much more on the victim and the effects of the crime.

Victim empowerment is not a blessing in all circumstances. It can become an obstacle to peaceful coexistence and mutual trust. Victim associations may organize opposition to measures that are aimed at reconciling former conflicting parties, such as conditional amnesties or reintegration of offenders. They can become trapped in the past,

searching continually for recognition of their suffering but with no strategy for the future. Rwanda's IBUKA, for example, has been criticized for its opposition to the release of prisoners who were detained without any indictment and for its initial refusal to accept the reconciliation-oriented gacaca tribunals. Victim associations in Northern Ireland have opposed conciliatory measures, such as the inclusion of convicted prisoners in the government's Victim Liaison Unit. Activities and groups that serve to strengthen victim identities and communities can sometimes lock people into the past, or encourage partisan groupings among sufferers. At worst, this can even lead to the use of past suffering as a justification for new retaliatory violence.

### Victim Competition

It is tempting to see all those who have suffered from violent conflict as natural allies, even as members of one harmonious family. History, however, teaches us that victims frequently compete fiercely with each other for recognition, for material resources such as compensation and positive discrimination in the areas of housing and education, and for symbolic goods such as monuments, medals, memorial days and other types of commemoration.

Most common is competition between victims of the same atrocities. There are historical studies of the bitter post-World War II struggles between the various victims of the German invasion in Belgium, France and the Netherlands. Resistance fighters, forced labourers, persecuted patriots, anti-fascists, communists and surviving Jews all tried to represent their own suffering as greater than that of others and to make their experiences dominant in the national war memory. The pattern is repeated again and again in many contexts today. In Burundi, for example, it is usual for Tutsi leaders to boycott the inauguration of any memorial to Hutu victims, and vice versa.

A second kind of competition develops between victims of different aggressions. American historian Peter Novick speaks cynically of "the fight for the gold medal in the Olympics of genocides". Some Jews in particular have emphasized the uniqueness of the Holocaust, even denying other victim groups (e.g., the Armenians in early twentieth-century Turkey) the right to call their suffering "genocide". This reaction is easy to understand. Not only is it the product of massive trauma, but its aim is to monopolize the symbolic capital that such a unique fate brings and to convert it into political and economic op-

portunities that might begin to compensate for the massive injustice.

Luc Huyse  
**Victims**

## VICTIMS AND OFFENDERS: INTERCHANGEABLE ROLES

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There are post-conflict circumstances in which it is almost impossible to draw a clear line between victims and perpetrators.

Authoritarian regimes, particularly if they stay in power for many years, have the effect of blurring the distinction between being victimized and being an accessory: large sections of the population become casualties of the totalitarian use of continuous indoctrination and ideology, but they may also collaborate in state crimes. In the case of a civil war, almost all rival groups have committed flagrant violations of human rights. The cycle of violence in such countries as Burundi, Colombia, Northern Ireland, Rwanda and Sri Lanka continually turns victims into aggressors and vice versa. Most extremely, people are sometimes brutally forced into aggression: Guatemalan peasants were coerced by the army to eliminate “informers” passing information on to the guerrilla movements.

This alternation of roles is an important consideration in preparing and implementing reconciliation programmes. It is clear that no coexistence or mutual trust will develop if the rotating nature of violence is not recognized and admitted. Many will refuse to accept accountability: “Peoples who believe themselves to be victims of aggression have an understandable incapacity to believe that they also committed atrocities. Myths of innocence and victimhood are a powerful obstacle in the way of confronting unwelcome facts”, writes Michael Ignatieff. Mutual aggression also creates a post-conflict situation in which retributive justice is almost impossible to achieve. Penal systems are not devised to deal with such intricacies.

Child soldiers who have participated in extreme cruelty (as in Liberia and Sierra Leone) are a particular case of the strange mix of being perpetrator and victim. They deserve special attention. NGOs, such as the Coalition to Stop the Use of Child Soldiers, are rightly fighting for demobilization and reintegration measures in the Congo, Eritrea, Ethiopia, Sierra Leone, the Philippines and Paraguay.

The ambiguities that follow from these situations have prompted some observers to question the usefulness of the distinction between victim and offender. They prefer the transcending notion of survivor, encompassing all those who need to be reconciled after conflict. This argu-

ment provokes fierce opposition from those who claim that it will hurt certain victims and will be a source of re-victimization. It could also give perpetrators a neat alibi for self-victimization. However, the bridging notion of survivor may be useful in situations where a climate has developed that might enable victims and offenders to develop some co-operative activities towards reconciliation.

## CONCLUDING REMARKS

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The recognition of victims is a crucial issue in the search for reconciliation. The following list of principles to be considered may help domestic and international agencies deal adequately with this matter:

- Be aware of the many consequences of selecting a particular political and legal definition of a victim.
- Respect the victims' very personal perception of what has happened to them. In some cases this means approaching them not as victims but as survivors. At the same time policy makers have to accept that perceptions are flexible and change with time. Trauma is a slow-working virus.
- Recognize that a victim's recovery proceeds through several different stages.
- Provide for collective measures in the areas of health care, education and housing that assist whole communities and thus include the many who fall outside reparation programmes.
- Listen to the needs of victims who stay as refugees in neighbouring countries.

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WHAT ARE  
DETAINEES  
OF SERBIAN  
CONCENTRATION  
CAMPS TESTIFYING  
ON?



## INTRODUCTION

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Since its early beginning, human history has had abundant examples of one group of people attempting to exterminate another group. It is reasonable to expect that the frequency and severity of consequences of mass crimes would lower with the strengthening of the collective memory and progress of a civilization. However, the most terrible massacres occurred in the 20<sup>th</sup> century; moreover, the Holocaust, considered as one the most famous acts of genocide, occurred on “the most civilized” continent – Europe. It is therefore evident that human recollection of the consequences of these crimes as well as global civilizational development have not played a crucial role in their prevention. For that reason, in the 20<sup>th</sup> century, and in particular after the Second World War, a great interest in the real causes of mass crimes became apparent in the fields of social sciences, especially sociology and psychology. Great contribution came from the field of social psychology which tried to offer a better understanding of the causes of genocide and mass killings.

In 2002, a group of authors published a book entitled “Understanding Genocide – The Social Psychology of the Holocaust” and very thoroughly investigated genocide and mass killing using socio-psychological theories and concepts. The book is actually a proceeding consisting of 14 separate chapters in which twenty prominent social psychologists deal with different aspects of genocide and mass killing based on past researches as well as on contemporary information derived from the field of social psychology. With the aim to apply models described in the book on the data presented in this paper; it is necessary to give a brief overview of certain parts of the book which may have relevance for the concluding discussion.

According to Newman and Erber (2002), crisis, fear and threat are most frequently related to genocide. These three factors initiate the seeking of a scapegoat in another population group. Among factors that are likely to mobi-

lize perpetrators toward a genocide or mass violence, certain cultural values are most distinctive. General human tendency toward conformism and submissive behaviour, inactivity of passive bystanders, perpetrators' tendency to cover-up their crimes with lies, proneness toward extremely brutal treatment of victims and attempts to justify the crimes by subsequent analyses, are some of the factors characteristic for the act of genocide.

The authors analyse in detail all these fundamental factors that lead one population group toward genocide or mass killing of another population group. Frey and Rez (2002) state that each out-group may be treated as a scapegoat as long as it is incapable to fight back, though according to previous beliefs some groups are more likely than others to be selected as scapegoats (see Staub and Mandel, 2002). Oyserman and Lauffer (2002) analysed the impact of culture on the probability of gaining a scapegoat status and assumed that this probability becomes greater when the perception of an out-group is obtained from the context of a dominant collectivistic culture or when placed within the framework of a collectivistic culture. For these authors, Nazism is an example of a radical collectivistic movement with Jew minority as a scapegoat of committed genocide.

According to the mentioned authors, from the perpetrators' approach to genocide or mass killing, the scapegoat is not a group that considers itself inferior but also a group that is dangerous and threatening to a perpetrator's goals. Therefore, the out-group is additionally stigmatised, that is, it is likely to identify itself with wild animals, which in great majority of perpetrators diminishes the sense of liability for committed crimes. Furthermore, principal psychological factors that facilitate their violence-prone behaviour are tendencies to conform to the in-group demands, obedience and submissiveness. When several other features are added, such as passive bystanders, non-involved in conflict (see Staub, 2002), lying and self-deception of perpetrators (see Erber, 2002), the social framework for genocide and mass killing is created.

Beside the Holocaust, authors cited several other examples of genocide and mass killing which occurred in the 20<sup>th</sup> century; Armenian genocide in Turkey 1915-1916, "autogenocide" in Cambodia 1975-1979, genocide in Rwanda 1994, and mass killing in Argentina 1976-1979.

In second Yugoslavia, genocide and mass killing which took place during the early nineties are mentioned only in the paper by Glicka (2002) as examples of ideologically rooted violence - but only for Serbian aggression on

Bosnia and Herzegovina, and Kosovo. However, in the early nineties, in addition to Bosnia and Herzegovina and Kosovo, Serbia carried out aggression on Croatia. Genocide and mass killing were a constituent part of the war strategy with the aim to prevent Croatia from democratic separation from second Yugoslavia as well as separation of the great part of its territory which collided with a several-century-old plan of Great Serbia (see Pavličević, 1992).

This paper deals with the aspect of aggression that is most illustrative for the thesis on genocide and/or mass killing as a part of war strategy, and in the concluding part of this paper, we will try to apply a theoretical framework presented by the book to the example from our recent past.

Until recently only the media have been, almost exclusively, dealing with experiences of liberated defenders and civilians from Serbian concentration camps, especially by way of particular testimonies or unsystematic accounts of anecdotal character. And although such testimonies are also significant, systematic researches on population or those conducted on unbiased, enviably large, samples are much more valuable in the scientific sense. Researchers from the *Ivo Pilar Institute*, in cooperation with the Croatian Association of Former Prisoners in Serbian Concentration Camps, have conducted a survey on the sample of almost two thousands liberated defenders and civilians, based on which, with all methodological reservations, treatment in concentration camps may be evaluated, not only on the level of individual cases, but also as a reflection of the general principle.

## Method

This paper presents results of the survey conducted on the sample of 1917 detainees of Serbian concentration camps. Research was designed as populational, because every member of the Croatian Association of Former Prisoners in Serbian Concentration Camps was requested to participate in the survey. Experts of different profiles were consulted about the construction of the survey, but members of the Association Board decided on the final form and contents, their primary goal being to collect as much relevant data as possible. At its first conference, the Board has decided that it is the responsibility of each member of the Association to participate in the survey, and until today records were collected on more than two thousand detained participants of the war and civilians, whereas five hundred of them gave also a more detailed account on their transfers during captivity.

Although the data collected is very valuable for shedding light on the situation in Serbian concentration camps, this research has faced some problems that are, up to a certain measure, limiting its validity and reliability. Before we start analysing the data, let us mention methodological limitations, which prevent us from presenting the results as a completely reliable illustration of what has happened to defenders and civilians during their captivity.

One of the survey shortcomings is definitely that the survey method proves incapable to involve answers that are not anticipated. The project was intended as a close combination of the qualitative and quantitative approach, which would use the unaffected, spontaneous conversation with several former prisoners or their written statements as the framework for the survey construction. However, the data obtained by applying the qualitative methodology have shown that persons liberated from Serbian concentration camps were not inclined to give very detailed and sincere answers, but followed the factography and avoided any unpleasant details. Testimonies on torture, murders and other brutalities are only stated in a small number of accounts, but very rarely told in the first person, like they were referring to somebody else. Such defence mechanism is reasonable and serves to protect personal integrity of an individual, but because of it, our study was deprived of probably very valuable data.

Another question arises regarding the respondents' censorship of their own answers in the survey questionnaire. Although it could be assumed that validity of the questionnaire was thus much less jeopardised than in the free form written statements, the problem of denying and hiding painful experiences definitely must be considered in the interpretation. Such remark is even more significant if we take into consideration that the survey was not anonymous and that members of the Governing Board were present in the room while respondents were filling in the questionnaires, directing them how to answer the questions. Non-guaranteed anonymity could definitely be a reason for increased censorship and withholding from the completely sincere answers, particularly with persons who have lived through especially traumatic experiences.

Another obvious problem of the questionnaire administered to former detainees was its incompleteness and roughness, probably the consequence of the haste it was created in. Let us just mention the example of leaving out the most often used method of physical torture – kicking and beating – from the inventory offered to respondents. Other problems are related to weak metric solutions of

certain questions, which have limited the statistical analysis to exclusively descriptive indicators, without the possibility to thoroughly elaborate on the complete issue.

Regardless of all mentioned limitations, data collected with the questionnaire are exceedingly valuable, because they undoubtedly represent a progress in our understanding when compared to the individual personal accounts of detainees given by the media. The collected data offer a much wider illustration of the time spent in Serbian concentration camps, and detainees' experiences can no longer be considered as an individual case or exceptional circumstance. The greatest advantage of collected data lies in the evaluation of populational parameters, that is, in dispersion of certain experiences among all prisoners. Naturally there is some doubt whether the sample of persons participating in the survey is representative for all prisoners. Although absolutely all members of the Association, without exception, were participating, there is always a reasonable doubt that results would be considerably different if those who never came back from captivity had the opportunity to participate. Therefore, it can be presumed that bias of the data is probably responsible for a trend creating a somewhat better image of life in Serbian concentration camps than it really was.

## ANALYSIS OF RESULTS

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### Socio-demographic characteristics of the sample

According to the majority of socio-demographic characteristics, a sample of liberated detainees does not differ from the average population. The greatest difference lies in gender representation. Men are evidently dominating the sample (over 95%), which is expected, regarding the circumstances. Average age of detainees at the moment of captivity was 38 years, which approximately corresponds to the population average, if under-aged population is exempted. Large majorities of detainees are Croats (94%) and Catholics (94%).

### Imprisonment data

The sample predominantly consisted of defenders (72%), civilian population represented 12% and members of civil protection 15% of the total number of detainees. Majority of respondents was captured by the Yugoslav National Army (79%), and significantly less number by paramilitary formations (14%) and "territorials" (5%).

## Captivity

Detainees were mostly taken to Serbian concentration camps of Sremska Mitrovica (34%) and Stajicevo (28%), while other localities were rarely mentioned. Significant percentage of detainees were held in Begejci (9%) and Manjača (3%), and a small number were taken to Bileća, Glina, Knin, Niš or Stara Gradiška. A great number of respondents named two or more locations, which indicates that they were usually transferred from transitory to destination concentration camps.

Duration of captivity mainly depended on status at the time of capture. Civilians and civil guard members were mostly freed after one to three months, while defenders were held prisoners much longer, some of them for more than two years. On average, captivity lasted for almost four months. Furthermore, testimonies of recently freed persons, stating that today there are still Croatian prisoners in Serbian prisons, should not be neglected. This data, if taken into consideration, would considerably extend presented evaluations.

Accommodation conditions in concentration camps are most often described as “bad”, “indigent” and “inappropriate”. Food and sanitary conditions are rated equally inappropriate. Such answers were given by all liberated prisoners, almost without exception.

## Torture

Testimonies of liberated prisoners indicate that torture was the inevitable part of captivity, and not only a separate case of an individual or a smaller group of people. The most severe forms of torture were applied, including killing of prisoners. Almost one half of respondents (46%) witnessed to killing of other prisoners (Figure 1). Regrettably, this experience can not be limited only to particular camps. On the contrary, if testimonies of prisoners from different concentration camps were compared, in each camp there would be approximately the same percentage of those who have witnessed killing of a prisoner. Unfortunately, this survey does not allow us to differentiate killings that took place immediately after imprisonment from those that have happened after prisoners were taken to concentration camps.

A series of different physical and mental methods of torture were applied in concentration camps, and all prisoners, without exception, were subjected to at least some methods. A list of described physical methods included twelve methods of torture applied in concentration camps



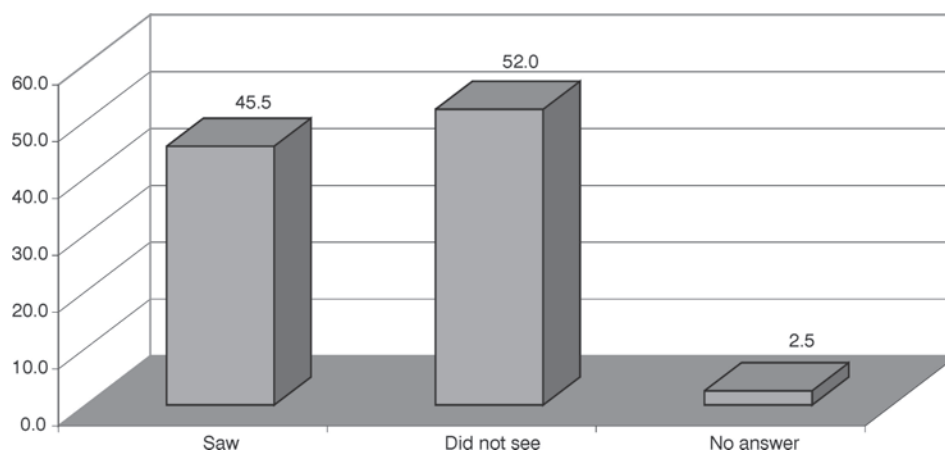
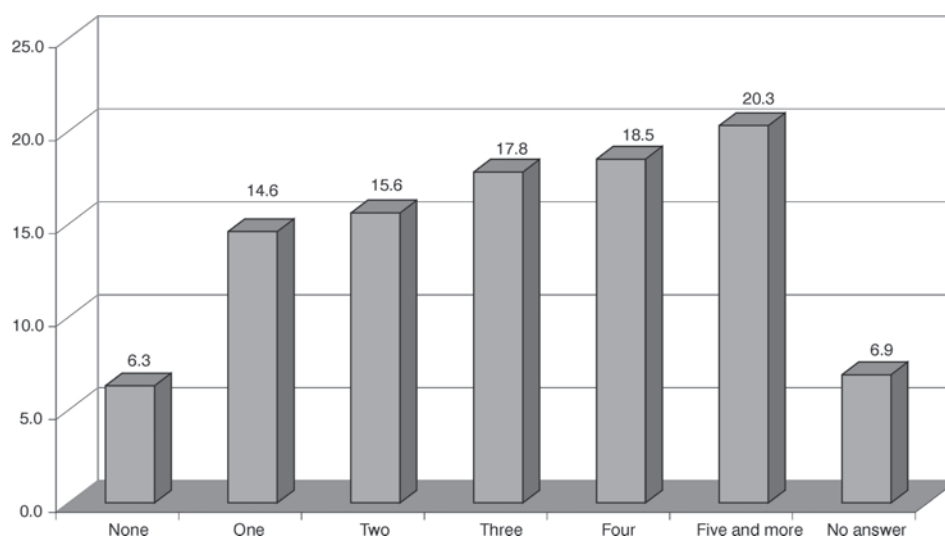


Figure 1.  
Witnessed killing of a prisoner

with different frequency. However, some of them were almost consistently present, resulting in only 6% of liberated prisoners who have stated that they have not experienced any of the listed methods. Those are mostly civilians who were kept in captivity for shorter periods. All other prisoners have experienced at least one or more constant ways of abuse (Figure 2).

Among all methods of torture, those that could be described as deprivation of bare essentials for life, inappropriate accommodation and inappropriate care for prisoners are the most often. Torture with hunger and thirst were definitely the most spread abuse methods. The first one was experienced by 67%, and the latter by 54% of prisoners. Nourishment in concentration camps is obvious from the difference in the average weight before im-

Figure 2.  
Number of applied methods of physical torture



prisonment and after release, which is almost 18 kilograms. Considering the duration of captivity, a person was on average losing five kilograms per month in concentration camps. Such data are clearly pointing to intentional starvation, systematically carried out in all camps. Deprivation of sleep was also frequently applied (52%), and it is common knowledge that it results in complete disorientation and mental weakness of the prisoner, in literature known as the brainwash. Most prisoners were also exposed to cold (49%), and if we were to analyse the periods of their imprisonment, we would probably conclude that those who were not exposed to cold were staying in concentration camps during the warmer part of the year. Isolation was one of the most frequently used as the abuse method (48%). Among highly ranked, frequently mentioned methods, there is also the torture with animals, stated by over 19% percent of all liberated prisoners. Although it is rather imprecisely determined, this method probably equally refers to unhygienic conditions in rooms where animals like rats and insects were present, as to the actual abuse with animals, like setting dogs on prisoners.

Torture, in the limited sense of the word, consists of inflicting physical pain, which is not only the result of staying in inappropriate rooms or being deprived of bare essentials for life. A notionally diverse category of “other physical methods”, selected by 25% of respondents, mostly includes those who were beaten during captivity. Unfortunately, this, the most common method, was certainly used much more often than the numbers are indicating. An oversight occurred during the construction of the survey, and this method was left out by mistake, thus leaving the respondents to mention it only at their own initiative. However, we can still make some conclusions regarding its dispersed use. Less usual methods of torture or exceptionally cruel ones were rarely mentioned. Torture with medications was mentioned by 9% of prisoners, which probably refers to deprivation of medication, and not to giving inappropriate pharmacological preparations. Torture with electricity was experienced by 8% of prisoners, torture by burning by 5%, sexual abuse and torture by hanging by 4%, and around fifty prisoners (2%) were subjected to exceptionally cruel method of torture by castration (Figure 3).

Testimonies on abuse are offering a rather clear picture of that what has happened in Serbian concentration camps. It is completely indisputable that prisoners were placed in completely inappropriate rooms and that they were treated without any concern even for the basic physiological needs. Furthermore, a significant number of pris-

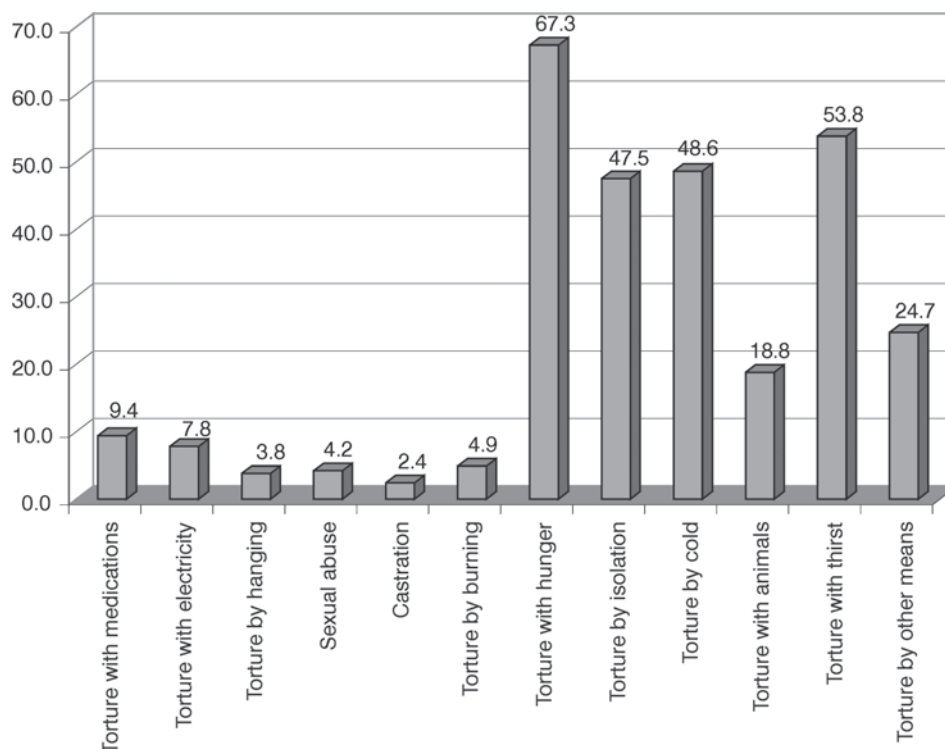


Figure 3.  
Frequency of applying different  
methods of physical torture

oners were exposed to abuse with the intention to hurt them or permanently mutilate them. For that purpose, beating was most commonly used in concentration camps, and other, much crueller and bizarre methods were also used, although rarely. Unwillingness of many prisoners to admit to some especially unpleasant and traumatic personal experiences should be taken into consideration in the analysis, because it could have led to underestimation of particular forms of abuse.

Respondents' answers are furthermore suggesting that mental abuse was even more often applied than the physical one. Only 5% of prisoner reported that they were not exposed to any form of mental torture. The rest of detainees admit that they were subjected to at least one form, though it was more usual that a wide range of mental ill-treatment was applied. A significant number of detainees responded that they were subjected to all mentioned methods of mistreatment. It is not difficult to assume what was the intention of mental torture; these methods were intended to humiliate internees, weaken their morale, affect their self-confidence and self-esteem and instigate the feeling of complete insecurity. These were the methods used in many wars, and corresponding ill-treatment suffered American soldiers imprisoned in

the Corean War when actually, the term “brainwashing” was first coined.

The most frequent methods of mental torture were applied in order to destroy the feeling of relatedness to Croatia and to separate defenders from all values that inspired them to take part in the defence of their country. As many as 82% of liberated detainees state they were told that Croatia does not want them, and 74% were even compelled to sing chetnik’s songs. Fear, insecurity and disorganisation were encouraged by immediate physical threats. About three quarters of detainees (70%) were forced to listen the howls of other prisoners, a large number of them (64%) were exposed to threats of execution by shooting. For many of detainees (47%) these were not only threats – they were exposed to false executions. Other methods of intimidation reported include forced witnessing to killings and tortures of (28%) or witnessing sexual abuses (5%). False exchanges were carried out to weaken the morale of the prisoners (58%) as well as leading the detainees away to unknown directions (45%) which undoubtedly caused them to believe that they would never be saved. Questioning, on several occasions, day and night, experienced about two third of detainees (60%) which, along with sleep deprivation had intention to instigate the feeling of disorientation and physical feebleness so that certain information could be obtained more easily. Additional precondition for this was complete isolation and prevention of any ability to communicate with the rest of prisoners which was confirmed by more than a half of the total number of detainees (51%). Many detainees were confined into solitary cells (36). All these ill-treatments were not randomly applied procedures but a part of the carefully planned and exercised method. The detainees were also forced to appear in media (19%), to write petitions (32%) and certain number of them (32%) had to sign false statements (Figures 4 and 5).

The whole span of used methods enables us to see more clearly what were the intentions and strategies of the torture. Its is obvious that treatment in camps had as its primary goals instrumentalization and disintegration of prisoners in both physical and mental way. Those who survived were exposed to tortures planned to cause fear, humiliation and to disrupt the feeling of own worth as a precondition for modification of the political attitudes and values. After the time spent in concentration camps, the prisoners were “ready” to be further used in order to create false image of a justified war in the eyes of public in the country and abroad.

Figure 4.  
Number of applied methods of mental torture

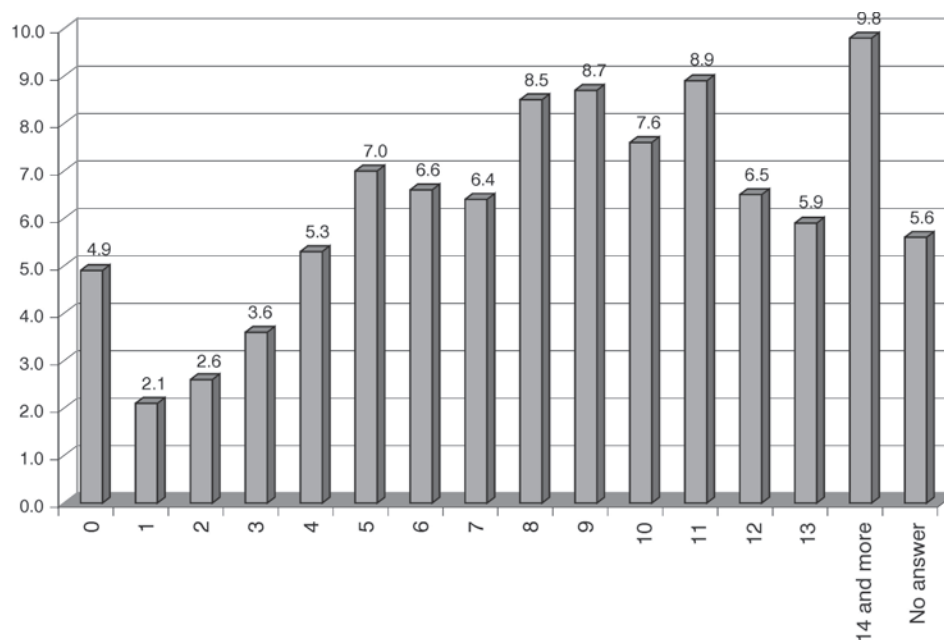
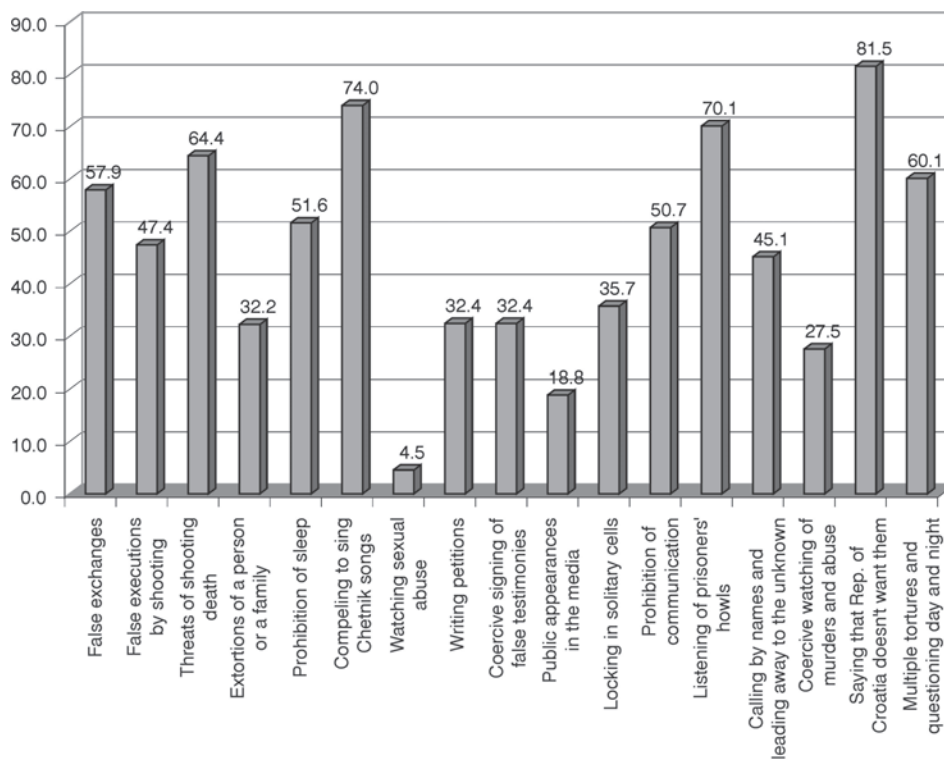


Figure 5.  
Frequency of applying different methods of mental torture



## CONCLUDING DISCUSSION

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D. Rehak, the editor and one of the authors of the book in Croatian entitled “The Roads to Hell, through Serbian concentration camps into 21<sup>st</sup> century” was himself a detainee of a Serbian concentration camp during the Serbian aggression on Croatia in 1991. In the book he listed sixty concentration camps in the territory of the Republic of Serbia and Montenegro where Croats were taken in the early 1990s and were exposed to severe maltreatment. A group of authors (Rogić et al., 1995) have also published a detailed data and described the circumstances of several thousands non-Serbian civilians who were expelled from their homes. Some of their testimonies and personal accounts of their tragic experiences were published in the book “Hundred Testimonies” (Zagreb, 1994) and in a number of other publications. By analysing all available sources on this subject one can get a clear picture of all means of mass killing and expulsions carried out on the whole territory of the Republic of Croatia during 1991 (see Šakić et al., 1992).

These publications are mentioned in support of the data stated in the preceding paragraphs in order to make the application of a theoretical framework, described in the introductory section, more tangible.

Serbian aggression on Croatia occurred during the process of dissipation of communism at the world level, as well as the disintegration of the second Yugoslavia, in which – despite a proclaimed equal status of all five nationalities – Serbs had a dominant political, protective and economic role. In other words, the disintegration of Yugoslavia and resulting crisis were most threatening for Serbia, and the privileges it had over the whole territory of Yugoslavia, and especially in Croatia, Bosnia and Herzegovina and Kosovo for almost fifty years. The threat aroused fear and homogenization of the Serbs faced with the advancing dissipation of communism. The Serbian Academy of Sciences issued the *Memorandum* as a manifesto of its own kind, allegedly with the intention to save the second Yugoslavia – in reality, it was their way to restore to life hundred-year-old aspirations for not-owned territories, in particular Croatian. For the purpose of additional homogenization of the Serbs, religion was abused and through certain circles in the Serbian Orthodox Church, it served to political goals. Consequently, at the beginning of the disintegration of Yugoslavia, the Serbs were completely nationally and ideologically homogenized; they had their “leader” and control over the Yugoslav National Army.

Other nationalities from the second Yugoslavia were absolutely inferior. However, as their scapegoats they selected three national groups – Croats, Bosnians (Muslims) and Albanians from Kosovo – because such a choice favoured their Great-Serbian intentions. When they attacked Croatia, the Croatian population was completely disarmed, and at the international level, an embargo to the weapon import was introduced. The Serbs felt superior and safe from any out-group or scapegoats to fight back. They carried out aggression, first on Croatia; followed Bosnia and Herzegovina, and finally Kosovo. In all three cases they used methods of ethnic cleansing and mass killing. In all three cases, various institutions and members of the international community witnessed the most dramatic moments – but remained passive bystanders (best illustrations are mass executions at Ovčara in Vukovar and Srebrenica in Bosnia and Herzegovina). When all these facts are summed up: conformism and submission of the Serbs to their leader Milošević; apathy of the international community; scapegoats incapable to fight back – one can ask a logical question: Does this mean that all the crucial conditions included in the theoretical framework of genocide and mass killing were met? Serbian deceitful construction also fits into the framework; they explained that Croats were killed for revenge over Jasenovac or in order to save Serbian minority in Croatia (similar to German deception in the Second World War – that they had attacked Czech Republic in order to save Germans from Sudetenland), and Muslims and Albanians were killed for revenge due to the defeat in the Kosovo polje in 1471. With regard to international circles that supported the role of the international community as a passive bystander, the explanation can be found in the analyses of their individual interests to preserve Yugoslavia in spite of the dissipation of communism. Finally, in this context weapon-import embargo can also be discussed; it was more than obvious that all other nationalities except the Serbs are inferior, and that Croats and Slovenes will be the first to try to achieve democratic independence. And that triggered the genocide described in this paper and in numerous other publications – all these data may serve as a good basis for further elaboration of the assumed agreement between the socio-psychological theoretical framework and our actual past.

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# *IV.*

LIVING

WITH

EVIL





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# VUKOVAR IN THE LIGHT OF FORGIVENESS



Time and history are passing much faster than our wounds are healing. Because of that fastness time can never heal all wounds, despite of the popular wisdom that claims exactly the opposite. Time is a universal cure only if we accept wounds to be healed when time runs over everyone who is wounded.

The great evil of war and violence is behind us. Vukovar and all that its name stands for is also behind us. Unfortunately, the time of violence has not passed. Evil that was done still lives. It lives in the hearts of perpetrators and it lives in their victims. As if the evil has created a life of its own, even worse, as if it has multiplied since the primary evil act. It lives in hearts of perpetrators and it is mute, under the veil of denial or justification. It lives in hearts of victims and it wishes to become independent by striking back in equal measure, by revenge. Both ways are fertile grounds for growth and development of evil, awaiting the new opportunity of life, engaging all those it is clinging to.

Evil that has been done does not end with the conclusion of the original evil act. It tries to survive and multiply at any cost. It is prepared to wait, to change disguises and shapes. It is prepared to lay low and to change hiding places. It only cares to survive.

Christianity knows the evil behavior and it knows how to deal with it. It knows how clever it is. However, it also knows the way out of it and is not exhausted by knowing it. It is not enough to know how the evil behaves. It is important to know how to fight it. For the perpetrator the way out is repentance and asking for forgiveness, for the victim it is to forgive.

Repentance and forgiveness are both difficult human acts and rare ones. The outcome is most often that forgiveness comes without the heart and repentance without conversion.

Your neighbor reaches out his hand to his neighbor unwillingly, hiding his hard feelings and saying words that

may be understood as words of forgiveness or an attempt to establish new relations, but somewhere deep inside their hearts, both the former perpetrator and the former victim know that there is no forgiveness, that what has happened is rather a form of forgiveness without the heart, as Jankelevitch<sup>1</sup> calls it, forgiveness that resembles love without honesty. Regardless of many ugly and painful memories, the victim decided to reach out his hand towards his neighbor, the former perpetrator; he has found his reasons for that act, he has reached out a hand that signifies the readiness for the peaceful life, despite the inner repugnance. But, there is no forgiveness, no relation, no heart. And so a minimum of preconditions for life occurs, but co-existence does not. And so the atmosphere is created, in which there is talk of new relations, but they can not be put to life.

The perpetrator mumbles a few words that could be understood as words of repentance, hiding behind the general formulas and superficial justifications, creating the illusion of him being sorry, but knowing in his heart that he would probably act the same way if once again was found in the same or similar situation, and knowing that the only reason for different behavior is that the situation has changed.

Attempts to live side by side, since it is not possible to live one with the other, take place somewhere between the non-forgiveness and the silent non-repentance on one hand, and forgiveness and conversion on another. At first glance, it seems to be the easier way, because it is less demanding, but in the long run it is dangerous and destructive for it represents a fertile ground for nurturing hard feelings of the victim, and malicious joy and readiness for violence of the perpetrator. It is dangerous, because it is almost inevitable that the evil that has not been repented and forgiven for would be formed as the general distrust, which would in time be carried over to the following generations.

In its foundations, Christianity has coded the essential preconditions for the possible liberated life after the committed evil. One of texts that include the description of what is necessary for the new life is the text in the Gospel according to St. Luke,<sup>2</sup> about two disciples who were traveling to Emmaus after Jesus had died on the Cross.

Behind these two disciples there is evil, injustice, putting the teacher to death. Death seems to have the final word. After Jesus' death their life can not continue the way they started it while they were still His followers. He is now gone and now is the time to return home, to where

they started following Him. After the evil has occurred, life can not continue as if nothing has happened. It should be continued, but it can not go in the same direction as before. It will continue by starting over, in another place, under other conditions, often in another language and another country, or will it continue where it was interrupted, if it is still possible.

The conversation between these two disciples points to the way in which the committed evil should be declared. These two were affected indirectly and this is why they are able to talk directly after the violence has occurred. Direct injury by violence takes away words, most often silence is the result of the suffered violence.

To speak of things that have hurt us is the very process of relief. It is most obvious from the opposite case, from the case of impossibility to declare the evil that has been suffered. To suffer evil, which we can not say out loud and which we can not attribute to its author (for example, sexual abuse of children) leads us, against our will and determinate intention not to blame ourselves, into taking over the guilt upon ourselves. However, the suffered evil is not diminished if we exchange its author. In that way it is only multiplying. Therefore it happens that after the victim imputes the guilt upon himself, he begins to do the same to others. He takes revenge without knowing why. Thus the victim becomes the violator, the one that was stolen from becomes the thief.

Those who have suffered the most find it the hardest to speak about what they have suffered. And at the same time, they are in the greatest need of speaking and forgiving. Forgiveness is the victim's way out of clinging to violence.

If we take into consideration that perpetrators hate those they have hurt and if we consider it absurd that the victim himself is searching for the perpetrator in order to forgive him, it will become clear to us that it is possible for the victim to speak of the suffered evil, without saying it to the perpetrator, and that it is possible to part from the attachment to the suffered evil, without waiting for the perpetrator's request for forgiveness. Naturally, by forgiveness we do not only mean the forgiveness of the victim to the perpetrator, but also forgiveness to oneself, parting from the attachment to the suffered evil.<sup>3</sup> It is correct that no one can forgive oneself, just as no one feels obligated to fulfill the promise given to oneself.<sup>4</sup> But by forgiveness we primarily mean to part from, to separate from the suffered evil, freeing the space for forgiving the perpetrator in case he asks for forgiveness and meets other conditions

(repentance, compensation for the damage done, promise of a change).

In Christianity, and Christianity made the biggest step regarding the relation of the victim towards the suffered evil and towards perpetrators – his enemies, forgiveness does not entirely represent the relation with the perpetrator or the re-establishment of the relation between the victim and the perpetrator. In Christianity, forgiveness primarily represents the relation between the victim and God.

It is also obvious from the Gospel of Luke. However, those two disciples are talking to each other, but their conversation flows into the conversation with Christ, whom they do not recognize while they are telling Him about what has happened in Jerusalem.

The fact that those two are talking about the violence that has happened is still not enough. To be true, it is necessary to put the suffered evil to words, to form it into language, but not every conversation is curable. There are conversations, which create the illusion of relief, but which are attaching us even more to the suffered evil, in an invisible manner. Those two are nurturing their own torment to each other. While they are talking, the depressed condition of their souls is not diminishing. On the contrary: such conversation does not cure. It is thus coded in Christianity that the mere speaking of the suffered evil is not enough. To tell one's own torment to someone who carries the same torment and to get the same torment in return does not represent the relief of one's torment, but the duplication of the same. There are strong relations, which are surviving only by mutual nurturing with pessimism. Such relation needs the help from the outside. Conversations, which are not confirming our own pessimistic vision of events are curing us, those are the only ones that can open new horizons to us.

That is why the scene of two disciples meeting their Teacher is highly significant. Those two can not recognize the Resurrected One. Their eyes are too attached to the suffered evil to recognize the liberated life, life without attachment to evil. Until the forgiveness occurs, until the possible horizon of the liberated life after the evil has been suffered opens, our eyes are not able to see and recognize such possibility.

Those two are once again telling the same story. This time not just to each other, but to a stranger, to someone who comes from the outside.

Forgiveness is a word. Forgiveness is primarily related to speech, a word, a story. It does not have to be the entire



psychological process comprising the condition from the injury until the final forgiveness. Forgiveness can be a simple word, which, when said, does what it is saying. It is a word that divides two times. A word that divides the time of evil, in which the victim and the perpetrator exist, time of animosity determined by the perpetrator, in which the victim is passive, from the time, which becomes the new time with the victim's words "I forgive". Forgiveness is a border, interruption of the time of injury and animosity, a novelty, an unexpected word, which creates what it is saying.

The word "forgiveness" is primarily a word which breaks the silence. There is silence between the perpetrator and the victim after the evil has been done. Silence can not be broken by the perpetrator, his speech still represents violence. Even when he is asking for forgiveness, his speech is not freed from violence. In order to avoid additional violence, the perpetrator should listen and search for the situation in which he can speak and for the way he should speak. Only the victim can break the silence. A word that breaks the silence does not erase what has happened, it only lifts the silent cover that lies over the past. The word relieves the burden of silence. And this is why the word of forgiveness is the interruption, a change, a border, a barrier, a time limit.

But, the word is not easy. To form the word of forgiveness is very demanding because the word of forgiveness first requires to form and then to pronounce the suffered evil.

In the conversation between Jesus and the two disciples there are no participants in violence. Jesus does not have the need to discuss the suffered evil with them, nor does he ask them to do the same. Resurrection is happening regardless of those who have participated in violence and the way out of the depression caused by violence is happening regardless of perpetrators. Resurrection and the way out of the depressed condition, as well as the forgiveness, are all happening in the relation with the Father, that is, with the Word.

It is not irrelevant to see how Christianity carries within itself the possibility of getting away from the evil, the possibility of forgiveness through the relation with the Father, meaning in the area of religion, regardless of perpetrators.

The conversation with Jesus opens new horizons to the disciples. From the perspective of the Resurrected One, violence gains another meaning. The Resurrected One places it into another context. He does not diminish it,

erase it, or deny it, but He gives it some new characteristics, He sees it from the perspective of the Resurrection.

At the moment when the eyes of those two disciples are opened, when they recognize the Teacher in the stranger, murdered and Resurrected, not burdened with evil or hard feelings, the change occurs, the change which those two did not count on. This change is so strong that the Resurrected One can disappear from the visible.

And while, just a few moments ago, they thought that the night is the reason for not allowing the stranger to continue on his own way, now the night does not prevent them from returning to Jerusalem. While they were previously running from Jerusalem, leaving the place of violence and injustice behind them, now that same place becomes the place of hope, the indication of the New. And, as the Resurrected One had to die in order to defeat death, those two must also go to the place of violence in order to become witnesses of life.

Forgiveness does not escape the place where violence has happened, and forgiveness does not start new life in another place. Forgiveness opens possibilities to start a new, different life in the place of violence. Forgiveness is not a continuation as if nothing has happened, it does not represent the return to the old ways. Forgiveness is a fresh start.

Besides, those two are now again telling the same story, with all details, without any changes in the events, but it all now seems different. Forgiveness does not forget or finishes the memory. It remembers differently.

Vukovar is a place of committed and suffered evil. Vukovar can also become the place of insincere repentance and apparent forgiveness, Vukovar can also be the place of avoidance, instead of return, ground for hard feelings, instead for forgiveness, a hidden place of malicious joy, instead of conversion. But, Vukovar can just the same become the place, in which the strength of life and forgiveness will become alive, in which the new beginning, a different life will occur.

Vukovar will definitely not become the place of oblivion, but efforts should be made in order to prevent it from becoming the place of hard feelings. The perspective of Resurrection and forgiveness is required, in order to place Vukovar in the horizon of life. Vukovar can succeed in it, as long as there are hearts that will burn with trust in life despite of death, the hearts that will believe in forgiveness, regardless of the lack of repentance and in the new beginning, regardless of evil that survives under the veil of

silence. Time will not heal the wounds, but forgiveness can heal wounded people and wounded times.

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## FOOTNOTES

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<sup>1</sup> Comp. Vladimir Jankelevitch, *Le Pardon*, Aubier 1967, pp. 46–47.

<sup>2</sup> LK 24:13 And, behold, two of them went that same day to a village called Emmaus, which was from Jerusalem about threescore furlongs.  
LK 24:14 And they talked together of all these things which had happened.  
LK 24:15 And it came to pass, that, while they communed together and reasoned, Jesus himself drew near, and went with them.  
LK 24:16 But their eyes were holden that they should not know him.  
LK 24:17 And he said unto them, What manner of communications are these that ye have one to another, as ye walk, and are sad?  
LK 24:18 And the one of them, whose name was Cleopas, answering said unto him, Art thou only a stranger in Jerusalem, and hast not known the things which are come to pass there in these days?  
LK 24:19 And he said unto them, What things? And they said unto him, Concerning Jesus of Nazareth, which was a prophet mighty in deed and word before God and all the people:  
LK 24:20 And how the chief priests and our rulers delivered him to be condemned to death, and have crucified him.  
LK 24:21 But we trusted that it had been he which should have redeemed Israel: and beside all this, to day is the third day since these things were done.  
LK 24:22 Yea, and certain women also of our company made us astonished, which were early at the sepulchre;  
LK 24:23 And when they found not his body, they came, saying, that they had also seen a vision of angels, which said that he was alive.  
LK 24:24 And certain of them which were with us went to the sepulchre, and found it even so as the women had said: but him they saw not.  
LK 24:25 Then he said unto them, O fools, and slow of heart to believe all that the prophets have spoken:  
LK 24:26 Ought not Christ to have suffered these things, and to enter into his glory?  
LK 24:27 And beginning at Moses and all the prophets, he expounded unto them in all the scriptures the things concerning himself.  
LK 24:28 And they drew nigh unto the village, whither they went: and he made as though he would have gone further.  
LK 24:29 But they constrained him, saying, Abide with us: for it is toward evening, and the day is far spent. And he went in to tarry with them.  
LK 24:30 And it came to pass, as he sat at meat with them, he took bread, and blessed it, and broke, and gave to them.  
LK 24:31 And their eyes were opened, and they knew him; and he vanished out of their sight.  
LK 24:32 And they said one to another, Did not our heart burn within us, while he talked with us by the way, and while he opened to us the scriptures?  
LK 24:33 And they rose up the same hour, and returned to Jerusalem, and found the eleven gathered together, and them that were with them,

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LK 24:34 Saying, The Lord is risen indeed, and hath appeared to Simon.

LK 24:35 And they told what things were done in the way, and how he was known of them in breaking of bread.

<sup>3</sup> Comp. Ante Vučković, *Struktura zla i oprost*, in: *Praštanje*, edited by Bože Vuleta, Split-Sinj, 1995, pp. 19–30.

<sup>4</sup> Comp. Hannah Arendt, *Vita activa*, August Cesarec, Zagreb, 1991, p. 191.

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