

Post-genocidal Balkans Peace: Human Justice, Morality, Memory and Oblivion

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Abstract:

This paper critically addresses the identification of transitional, retributive and restorative justice, ICTY, and historiographical memory as the moral foundation of conflict transformation and peace-building normativeness in post-Yugoslav societies. First, the paper argues that Western Balkans' socio-political maturity depends on the moral exactitude of legal justice and ethnopolitical collective identity mechanism within conflicting memory order. Second, it questions the significant objective between memory and oblivion. Memory is a justice contributor but could affect peace, reconciliation, social progression, and development. Given humanity's propensity for violence, then at the very least, forgetfulness and the sacrifices it imposes may be a cause for relief rather than outrage after the most critical aspects of transitional, retributive, and restorative justice are fulfilled. The meaning and significance of self-defense against the committed genocide require solicitude for conscience and moral questioning. Third, national/ethnoreligious collective denial inducted by the politically encouraged culture of fear and ethno-religious antagonism is critical for a liberal peace stalemate and social (in)justice. Thus, a decades-long political matrix regarding the "ethnonational interest" and ethnic patriotic collectivism departed as exceptional nationalism. Finally, these circumstances make human (universal) justice principles an open question. **Keywords:** Balkans, ICTY, former Yugoslavia, Transitional, Retributive and Restorative justice, Genocide, Memory, Ethnopolitics, Peace, Morality

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Introduction

The fact is that sociology and interdisciplinary scholarship does not seriously consider genocide as the most alarming social phenomenon. The concept of racial ideology and hierarchy is an equal risk to all people, interpersonal relationships, and human peace. The Balkan genocide was not a historical accident - it happened before by the same matrix. Both the Holocaust and the genocides in the Balkans are entirely determined products of a specific group of social, political, and psychological factors that contributed to one temporary suspension of regular civilizational influences on human actions. Slobodan Milošević's regime is often used to describe and mark Serbia's path to neo-fascism. However, this discourse must not be about Milošević as an individual. Instead, it manifests a complex structure, institutions, and people. Hitler's Germany resulted from a broader consensus of politicians, capitalists, religious institutions, academia, intellectuals, ideologized masses, and anti-Semitic ideology. According to experts and researchers, genocides are always planned and systematically carried out; behind them are institutions, which then develop a denial strategy and do not happen by themselves.

Franz Neumann has been obsessively returning to one question: how was it possible for Germany to experience an epochal social and moral collapse?¹ Like his colleagues from the Frankfurt School, Neumann resorted to psychoanalysis in search of an acceptable explanation for pushing reason out of the centre of political life. He will also take the concept of fear from psychoanalysis to elaborate on it in an essay on fear and politics. Neumann's model is interesting for the Balkans because of the aspect of "common crime". Identifying the "people" with the leader is also built through a sense of guilt. It, of course, is not exclusively about guilt in the criminal law sense. First, it refers to the collective responsibility that the subjects avoid by identifying with the leader. A leader who wants to bind his subjects to himself must report a crime in which they will all be involved. One fictional example will conveniently serve - the character of Stavrogin from the Fjodor Dostoevsky's *The Demons* (1872).² Second, this crime puts an eternal stamp on the alliance between the leader and the people. It seems that this alliance cannot be dissolved. If possible, the crime should be renewed from time to time to strengthen the alliance further. A politics that does not see the act of a

¹ Franz Neumann, "Anxiety and Politics," *Journal for a Global Sustainable Information Society* 15, no. 2 (2012).

² Fjodor Dostoevsky, *The Demons* (New York: Everyman's Library, 2000).

“crime” as a life-threatening, civilizational, and human act indirectly recognizes it as a fundamental self-understanding. Something completely natural. Is it a kind of inertial constant of historical practice, which is neither human nor civilizational? Besides, the orchestrated, systematic, ideological, and media transformation of the Bosnian genocide into a “great crime” or “absolute denial” raises numerous psychological, moral, ethical, and political inquisitions. As the years passed, the authorities in the Republic of Srpska (RS)³ entity changed their attitude from a categorical claim to the existence of first a great crime and then genocide, from a challenge to a complete denial.⁴

Unlike Jon Elster, who rejects the universal normative aspects of transition and transitional justice, Ruthie Teitel (2002) insists on understanding transition as a universal normative transition from a less democratic and liberal regime to a more democratic and liberal regime. Transition involves the whole society, an endeavour of its own political, social and cultural reconstruction.⁵ The need for such a significant change stems from the insight that the previous government destroyed the social capacities for concluding decent social arrangements. This insight is based on the identification of the crimes of the previous regime.

Balkan historical and current ethnoreligious and national paradigm construct differences and maintain a redundant culture of fear and hostility. Thus, the constant fabrication of dangers (a stimulant) that threaten the alleged survival of an ethnic group creates a psychosis of fear and uncertainty, defensive internal cohesiveness, making it impossible to discern the dangers to the existence of people coming from that group. Moreover, it is rapidly transferred from one religious group (nation) to another in which the same processes occur, creating a chain of imaginary interethnic threats.⁶ The agents of historical revisionism have organized and strengthened institutionally. Vjekoslav Perica (2016), a Croat

³ Republika Srpska is one of the two entities of Bosnia and Herzegovina, the other being the Federation of Bosnia and Herzegovina (FBiH) (having 10 Cantons). Additionally, there is one District, Brčko Distrikt (BDBiH).

⁴ Benjamin Butković, “Genocid u Srebrenici se nije dogodio, on je planiran [The genocide in Srebrenica did not happen, it is planned],” *Al Jazeera*, 2020.

<https://balkans.aljazeera.net/opinions/2020/7/12/genocid-u-srebrenici-se-nije-dogodio-je-planiran>.

⁵ Ruti Teitel, “Transitional Justice in a New Era,” *Fordham International Law Journal* 26, no. 4 (2002).

⁶ Faruk Hadžić, “Ethnoreligious Political Dispute, Conflict Management, Leadership, and Civic Inclusion: The Balkans and Globally,” *İstanbul Aydın Üniversitesi Sosyal Bilimler Dergisi* 13, no. 3 (2021): 630.

historian, stated: “In sports arenas, kill, and slaughter are shouted, fascists march through the streets, mutual lawsuits are filed for genocide, military parades are held, provocative commemorations are organized in support of nationalism, genocide denied, and mythomania within the transitional crime, corruption, and interethnic hatred”.⁷ Throughout the world, attempts to revise World War II results from falsifying historical facts are punishable. However, in post- Yugoslav countries, Hitler’s genocidal collaborators *Četnici*⁸ and *Ustaše*⁹, political-military-paramilitary formations (ICTY convicts) commonly receive honor medals. Schools and streets are named after them. Ceremonies regularly led by religious officials accompany the rallies’ celebration and commemoration of the events. Moreover, the historical revisionism and the memory of the “evil” developed into a behavioral practice.¹⁰ “*Nož, žica, Srebrenica*” [Knife, wire, Srebrenica] is a Serbian chauvinist slogan glorifying the genocide in Srebrenica. It can be heard at football matches, among members of far-right groups, and at rallies in support of ICTY convict Bosnian Serb general Ratko Mladic. Although the slogan appeared on banners at matches, public rallies, and events in Republika Srpska (one of the two B&H Entities) and Serbia, the political authorities have not found it. As a result, Predrag Lucić (2008) argued that it seldom goes along with the message, “There will be a replay!” threatening an impending massacre.¹¹

Maurice Halbwachs’ primary thesis is that human memory can only function within a collective context. Furthermore, Halbwachs asserted that collective memory is always selective; various people have different collective memories, giving rise to different behaviour modes. For example, Halbwachs showed how pilgrims to the Holy Land over the centuries evoked very different images of the events of Jesus’ life; how wealthy old families in France have a memory of the past that diverges sharply from that of the nouveaux riches; and how working-class construction of reality differ from those of their middle-class

⁷ Vjekoslav Perica, “Hrvatska Je Danas najjača scena etničkog i klerikalnog nacionalizma na Balkanu [Today, Croatia is the most vital scene of ethnic and clerical nationalism in the Balkans],” *Radio Gornji Grad*, 2016.

<https://radiogornjigrad.wordpress.com/2016/02/19/dr-vjekoslav-perica-hrvatska-je-danas-najjaca-scena-etnickog-i-klerikalnog-nacionalizma-na-balkanu/>.

⁸ Serbian ultra-nationalist movement led by Draža Mihajlović.

⁹ Croatian fascist and ultra-nationalist organization.

¹⁰ Faruk Hadžić, “The Politicization of Religion and the Sacralized Balkan Nations Regarding Bosnia and Herzegovina,” *Occasional Papers on Religion in Eastern Europe* 40, no. 7 (2020): 106-131.

¹¹ Predrag Lucić, “Govor,” *Peščanik*, 2008. <https://pescanik.net/govor/>.

counterparts.¹² Cultural memory is the constructed understanding of the past, which/that passed from one generation to the next through text, oral traditions, monuments, rites, and other symbols. The cultural memory is based on fateful events of the past, on fixed points, which Jan Assman and John Czaplicka called “figures of memory” whose memory is maintained through cultural formation (texts, rites, monuments) and institutional communication (recitation, practice, observance).¹³ However, in the Balkan context, Ivan Čolović has shown many examples from the older and newer Serbian culture. Thus, that identities must be presented as eternal and unchangeable. Therefore, situated in a timeless point outside history, above and thus superior to history. Dubravka Stojanović writes on the example of Serbian collective self-perception on the enormous revisionist potential of such. Is it a matter of bare defence of the privileges of the elite? Stojanović calls it a “thwarted modernization”. In the example of Croatia, Žarko Puhovski and Dubravka Ugrešić addressed structural similarities regarding the production of reality between socialist and nationalist ideological apparatuses. The violence of the projected collective memory over the personal memories of individuals and the change of cultural habits and everyday life routines under the pressure of the newly constructed nationalist reality, Dejan Ilić (2018) stated.¹⁴

Much of the debate on cultural memory has been shaped by the view, commonly held if not universal, that remembering, and commemorating is usually virtue and that forgetting is necessarily a failing. Nevertheless, Paul Connerton argued that this assumption is not self-evidently valid and suggests at least seven types: repressive erasure; prescriptive forgetting; forgetting that is constitutive in forming a new identity; structural amnesia; forgetting as annulment; forgetting as planned obsolescence; forgetting as humiliated silence.¹⁵ Given that the Balkan Wars were essentially (ethnic) religious, with a comparison of the Crusades, it is a textbook example of the use of collective political memory to encourage greater solidarity. Almost nothing in contemporary Arab studies on the Crusades supports the collective memory of the Arab world of surviving pain is somewhere in between. Myth satisfies the need, and myth is a traditionally powerful weapon in Serbian

¹² Maurice Halbwachs, *On Collective Memory* (Chicago: University of Chicago Press, 2020).

¹³ Jan Assmann & John Czaplicka, “Collective Memory and Cultural Identity,” *New German Critique*, no. 65 (1995): 125-133.

¹⁴ Dejan Ilić, “Rat umjesto tranzicije [The War Instead of Transition],” *Peščanik*, 2018. <https://pescanik.net/rat-umesto-tranzicije/>.

¹⁵ Paul Connerton, “Seven Types of Forgetting,” *Memory Studies* 1, no. 1 (2008): 59-71.

sociopolitics, and it is decisively presented in Bosnia and Herzegovina (B&H), where Bosniaks are called Turks. The genocidal conquest of the numerous town (e.g., Srebrenica) was explicitly narrated and advocated (e.g., Ratko Mladić) as revenge on the Balije¹⁶ and Turks. Political myths have a vital role in creating the political basis for designing the basics of the emergence and establishment of a political community. It is because founding myths become such an unavoidable segment of the consciousness of the Constitution of national political order regardless of its size and character. Myths bridge the collective and individual gap between the individual, the ethnic group, and the political community.¹⁷ Thus, it was created convincingly to seduce and inspire targets, turning memory and wound into a weapon. Moreover, the revisionism of official history, ethnoreligious school curricula reform, cultural and media production, the national literary canon have mostly been completed.

Ethnic, national, and confessional affiliation in the former Yugoslavia adds to political radicalization. As a form of political power, politicized religions are, psychologically speaking, unconscious non-faith. Due to new national-state theoretical inadequacy (i.e., nationalism as an ideology), religion is used as an instrument of socialization and legitimization of new national-political state subjects. When nation and religion become “controversial” identification and mark others as potentially dangerous, through a policy that allegedly aims to “affirm” and “protect” its people and their faith, then in local historical and current circumstances, it essentially implies antagonism in the most dramatic conflicts.¹⁸ The global return of religion to the public sphere and its influence grew the most since the French Revolution as a progressive force supporting democracy and human rights by the end of the twentieth century. Nevertheless, in some parts of the world, at the same time, as Samuel Huntington’s *Clash of Civilizations* (1996), shows religions will take advantage of this growing influence for anti-secularism, conflict politics, sectarian and religious-nationalist extremism.¹⁹ Unfortunately, this is precisely the “Huntington” role played by the main religions of the Western Balkans in the 1980s and 1990s. Before the war, the Serbian Church was the leading force of nationalist mobilization and a factor of

¹⁶ It is a derogatory meaning to denote Bosnian Muslims.

¹⁷ Ljubiša Despotović et al, “Politički mitovi, nacionalizam, antinacionalizam i demokratija na prostoru bivše Jugoslavije, [Political Myths, Nationalism, Anti-Nationalism and Democracy in the Former Yugoslavia]”, *Nauka, bezbednost, policija* 15, no. 3 (2010): 1-15.

¹⁸ Hadžić, “The Politicization of Religion”.

¹⁹ Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster, 2020).

interethnic conflict. In 1984, it challenged the Catholic Church “for a duel” near the Jasenovac concentration camp. Provocative commemorations were held over pits and execution sites, commemorating only Serb victims, and classifying the dead by ethnic-confessional identity. Vjekoslav Perica stated that Croatian nationalism started the rehabilitation of Alojzije Stepinac (Archbishop of Zagreb), convicted of helping the *Ustaša* regime in the WWII fascist Independent State of Croatia- NDH.²⁰

Furthermore, suppose we maintain that transitional, retributive, and restorative justice is the most significant. In that case, it is hard to state what is more critical for sustainable peace (bearing in mind Balkan violent history and behaviour practices), reconciliation, and development, memory, or oblivion reliably?

Method

The general scientific method of analysis, synthesis, and induction was used in the study. The aim is to form reasoning used in pursuit of understanding and knowledge, establishing a relationship between observations and theories. The study included an in-depth theoretical literature review and examination of a range of other sources such as primary documents relating to “social relations” (media accounts and academic reports). Furthermore, the paper presents the insight of the impacts and consequences of phenomena in the Balkans for the frameworks most exposed to these issues and disparities.

Discursive and Augmentative Perspective of the Phenomena

The aim was to fulfil the homogenized model of “one ethnicity-nation, one state, one religion, unique language” at the beginning of the 90s in the former Yugoslav countries, noticed in the wars. Croatia’s accountability for the planned military ethnic relocation, “cleansing” of the Serb “civilian” population in the rebel areas of the country where officially, in 1991, beginning of the Serbian invasion in Croatia, 582, 000²¹ Croatian Serbs-Orthodox lived for centuries, is simplified. Therefore, it does not give an accurate and complete understanding and conclusions.

²⁰ Vjekoslav Perica, “Pomirenje i posljedni dani [Reconciliation and the Last Days],” *Peščanik*, 2019. <https://pescanik.net/pomirenje-i-posljedni-dani/>.

²¹ Serb population in Croatia, <https://s29.postimg.org/3sjgmh447/Karolj1.pngth>.

The critical human security is obstructed by the processes of parallel memory politics, historical revisionism, and genocide worship-devotions, particularly B&H genocide, ethnic cleansing, and culture-cede. Thus, internationally convicted by the ICTY. As András Riedlmayer's (2002) research for the International Hague Tribunal (ICTY) demonstrates: What happened in B&H is not just genocide, the wilful destruction of the essential foundations of one particular community or group of people within a society [...] It is also socio-cede, the murdering of a progressive, complex, and enlightened society in order that a regressive, simple, and bigoted society could replace it.²² The systematic destruction of cultural monuments has been proposed as indirect evidence of the Serbs' and Croats desire to destroy Bosniaks (Bosnian Muslims, most numerous Constituent peoples in B&H) as an ethnic group – hundreds of heritage Mosques, UNESCO protected, and over 500 years old was destroyed in B&H. During the aggression on B&H, 614 mosques, 218 masjids²³, 69 *mektebs*²⁴, 4 *khanqah*²⁵, 37 *turbe*²⁶, and 405 other waqf buildings were destroyed. In addition, the Republika Srpska Army (VRS), aided by Serbia, demolished 534 mosques and Croatian Defense Council (HVO) extremists another 80. Thus, more than 80 percent of the 1,144 mosques in B&H before the aggression were destroyed or damaged.²⁷

For almost four years, the acts of incomprehensible and repulsive cruelty were carried out on a colossal magnitude. Among the atrocities there were the rapes of an estimated 30,000 to 50,000 Bosniak girls and women, according to numerous international reports (e.g., Adriana Kolokavska, Rape of Muslim women in wartime Bosnia, 1997). However, several factors make it impossible to establish the accurate data (non-reporting, culture of silence, and shame). Adriana Kovalovska writes:

²² András J. Riedlmayer, "Expert report titled 'Destruction of Cultural Heritage in Bosnia and Herzegovina,'" 2002.

²³ A masjid is an Islamic place of worship that does not have a minaret.

²⁴ It is a type of elementary school in the Muslim world. Though the *mekteb* was primarily used for teaching children in reading, writing, grammar, and Islamic studies, such as memorizing and reciting the Qur'an, other practical and theoretical subjects were also often taught.

²⁵ It is a building designed specifically for gatherings of a Sufi brotherhood or *tariqa* and is a place for spiritual retreat and character reformation.

²⁶ *It is* tomb or mausoleum used in the Ottoman Empire, often relatively small, of Ottoman royalty and Ottoman nobles and notables. The word is related to the Arabic *تربة* *turbah* (meaning "soil/ground/earth"), which can also mean a mausoleum, but more often a funerary complex, or a plot in a cemetery.

²⁷ Kemal Zorlak, "Dan džamija: Od rata do sada u BiH obnovljeno 1.175 džamija i mesdzida," 2018. <https://www.aa.com.tr/ba/balkan/dan-d%C5%BEamija-od-rata-do-sada-u-bih-obnovljeno-1175-d%C5%BEamija-i-mesd%C5%BEida/1137409>.

“Sofija, a thirty-year-old Muslim woman, was raped some 900 times by Serbian soldiers during the six months she was detained in a prison camp. After her release, Sofija hid from her family in humiliation while expecting an unwanted Serbian baby”.²⁸ Therefore, the ICTY pronounced final verdicts for the most severe violations of international humanitarian law, the crime of genocide, and a joint criminal enterprise.

“Forgive, do not forget” - is a global and regional/local mantra within a criterion of a war crime. Milan Kundera’s (1979) most quoted sentence is: “The struggle of man against power is the struggle of memory against forgetting”. Thus, a man’s struggle against power is a struggle of memory against oblivion. Moreover, the essential is precisely a reference to Nietzsche, that is, the concept of “active forgetting”. In common considerations of the role of memory and forgetfulness, the memory stands out as a characteristic that separates man from animal. However, in one of Nietzsche’s famous meditations, it is precisely “active forgetting” that can set a man free, which makes him different from cattle. To be clear, the call for “active forgetting” here does not mean pleading to push the past under the rug, to destroy memories, to program all oblivion.

On the contrary, in “active forgetting”, there is a moderation. Just as Richard Kearney (2002) says - how much to remember publicly and how much to forget publicly, it is one thing to commemorate the suffering, to mourn the victims; something entirely different for celebrating an event that afflicted hundreds and thousands of people, their fellow citizens.²⁹ Moreover, a collective rational textbook should become necessary for Belgrade, Zagreb, and Sarajevo’s joint historical, moral, and legal paradigm. However, what is perhaps more important than the standard (official) experience of history is the existence of public empathy, i.e., refraining from public celebrations of events inseparable from mass crimes, crimes whose victims have their loved ones, and for which such celebrations are a symbolic repetition of crimes.

For those who are more prone to scepticism, the growing importance of remembrance and the condemnation of oblivion, which we are witnessing in modern times, can only be a clear example of hyperthymia. Memory, however, is crucial for the existence of a group

²⁸ Adriana Kovalovska, “Rape of Muslim Women in Wartime Bosnia,” *ILSA Journal of International & Comparative Law* 3, no. 3 (1997): 931-945.

²⁹ Richard Kearney, *On Stories* (London: Routledge, 2002).

and for all the moral and ethical questions to which it offers an answer, carries risks that are sometimes existential. During wars or social and political crises, the danger lies not in what the American historian Yosef Hayim Yerushalmi called the “terror of oblivion”, but in the terror of too good and too clear a memory.³⁰ Yet, alternative, transitional, retributive, and restorative justice are critical.

Open political and security issues in Southeast Europe, such as Kosovo’s status and the survival of B&H (the most complex Balkan multicultural paradigm), are still dependent on ethnonationalism policies. Voters in the region continue to elect people convicted or indicted for war crimes, showing that nationalism is still heavily influential in the political environment. Instead of appeasing the spirits of their history, creating the conditions for people to relieve their guilt, political elites adhere to the constant tension of imposed false collective responsibility (e.g., “If we were not them, they would have us; what happened to you here, it happened to us there”). Moreover, the ideological ethnonationalism has metastasized into a social organization’s daily political discourse that produces uncritical subjects in all three constitutive ethnic governments.³¹

The trials and verdicts of the ICTY have failed to change the dominant ethnonational discourses, often reinforcing attitudes of denial and self-victimization. The President of the Democratic Party of Serbia (DSS), Miloš Jovanović, stated that the Hague Tribunal is not a tribunal on the occasion of the verdict against Ratko Mladic. However, a means to seal and legitimize the Western version of events towards Yugoslavia, i.e., Serbia. “It has nothing to do with the court and justice, but the only goal was for the Western policy towards Serbia to be justified and for Serbs to be marked as criminals by definition. It is a shame for Serbian “people” to allow ourselves to send a complete military and political leadership to something other than a tribunal. It has nothing to do with court and justice”. Jovanović said. The Coalition National Democratic Alternative (NADA), which, in addition to the DSS, consists of POKS (Movement for the Renewal of the Kingdom of Serbia) and “19 Citizens’ Associations”, said the Hague tribunal has long since lost its legitimacy, freeing the most prominent terrorists and war criminals in the Balkans from Croats and

³⁰ David Rieff, “Kad istorija više šteti nego koristi [When History does More Harm than Good],” *Nomad*, 2021. <https://nomad.ba/rieff-kad-istorija-vise-steti-nego-koristi>.

³¹ Faruk Hadžić, “Agnosticism and Atheism as Amoralism and Anti-Ideological Sociopolitical Paradigm in the Balkans, Specifically in Bosnia and Herzegovina,” *Occasional Papers on Religion in Eastern Europe* 41, no. 2, (2021): 68-85.

Bosnian Muslims. "The Hague tribunal was not created to distribute justice, but it was a political court aimed at condemning Serbs and trying to blame our people for war conflicts", NADA said in a statement. The coalition adds that the crime in Srebrenica, which indisputably happened, cannot be characterized as genocide. POKS President Zika Gojković says that the Hague Tribunal has not had any credibility for a long time because the court released murderers and war criminals, such as Kosovo Ramush Haradinaj, Bosniak Naser Oric, and Croatian Ante Gotovina. "For us, it was not a court of justice, but of injustice", Gojković stated.³²

The politics of memory in the Western Balkans stems from a fundamentally similar approach to history and the teaching of history from the era of Titoism. Tito managed to rise above mass crimes and hatred and created a life framework that has provided peace and prosperity. However, in the socialist Yugoslavia, there was historical silence to answer the most problematic historical questions: the textbooks did not cover interethnic conflicts during WW2. Therefore, it is essential to point out the vulnerability of historical gaps and silences that can create space for spreading hostile social notions.

There is a paradox embedded in racist theory, especially the Nazi theory. The machismo feeling of mobilizing modern feelings of fear is noticeable. Ideologists emphasized the fear of social turmoil, characterized modernity with economic and moral values, and used Jewish Semitic origin to label them as dangerous to "modernity" and responsible for engaging human values. On the other hand, racism is an effective practical political instrument, inconceivable without modernity, science, technology, bureaucratic states, and ethnonational identity politics. As such, the Nazism is purely a product of modernity, making racism a destructive weapon. In a contemporary rational society, Holocaust is not an unknown phenomenon compared to the Balkans. The effect of the universal (human) narrative of the Holocaust - which has become part of the international-legal and international-political institutional structure - on the countries of Eastern Europe is even more significant and more direct. In these countries, nationalist elites appropriate the Holocaust and human rights narrative to "nationalize" it and present their people as the greatest victims, as "other Jews". Lea

³² "DSS i NADA: Haški tribunal nije ni stvoren da deli pravdu [DSS and NADA: The Hague tribunal was not even created to distribute justice]," *Tanjug*, 2021. <http://tanjug.rs/full-view.aspx?izb=659809>.

David (2020) sees similar processes -competition in sacrifice- after the war in the former Yugoslavia, especially in the case of the Srebrenica narrative, which is based on the idea of genocide, comparable to the Holocaust.³³ Crimes in the Balkans were broadcast live, becoming an indisputable fact of the modern global political, cultural and philosophical imaginary.

Elizabeth Neuffer (2002) states that justice is not just a court judgment. It is also a personal journey. When people say they want justice after the war, they want to find the strength to calm their past spirits, dispel their guilt, and discover the truths they want to know.³⁴ Such desires reflect a deep inner human need for some reckoning. Unfortunately, the Balkans court verdicts for war crimes have experienced political instrumentalization, resulting in self-victimizing constructions as an ethnonationalism political force. In this way, justice was perverted, on the one hand, into the domain of subjective feeling and, on the other hand, into the realm of ethnopolitical mobilizations. In identifying “us” and “them” or “our” or “their” war “victims”, a particular past is often reached for, revisionist intervening in history with the need to erase (deny) certain parts. Instead of a sincere and systematic condemnation of the joint criminal enterprise in its entirety, in the optics of such perverted justice, this venture is sincerely and systematically tried to be normalized. President of the Helsinki Committee for Human Rights Sonja Biserko argued that countries in the region nationalized the history of Yugoslavia by skipping some common determinants. One cannot write the history of only a particular ethnic group that touches others without showing what happened in their relations. All these national histories mostly rely on the glorious past. The very fact of skipping the entire 20th century indicates that periods are skipped, which are very relevant for perceiving the present. Young people mostly grow up on the model that is offered to them. Education is part of the revisionist policy. School textbooks are fatal on all sides; public and media spaces do not allow different narratives and interpretations. Without a value framework, young people face insurmountable obstacles. All this creates confusion and frustration or the absence of any interest in the environment and the recent past. The way the past is talked about, the instrumentalization of

³³ Lea David, *The Past Cannot Heal Us: The Dangers of Mandating Memory in the Name of Human Rights* (Cambridge: Cambridge University Press, 2020).

³⁴ Elizabeth Neuffer, *The Key to My Neighbor's House: Seeking Justice in Bosnia and Rwanda* (London: Picador, 2002).

the victims, the manipulation of the facts all this distances the young generations from such topics.³⁵

Without a more conventional expression, we would problematize this process of perverting justice the words spoken by general Ratko Mladić, at the beginning of the war while commanding the shelling of civilians in one Sarajevo neighbourhood: “Mind-hole their Muslim minds! Do not let them sleep”. This phrase is an imperative of domestic ethnopolitics in general and the concept of “fake justice” on which it wants to build its political community. Acting to produce the “impossibility” of B&H is unsustainable suffering for all people they live in, obstructing institutions’ functioning, which should then be invoked as irrefutable proof of its impossibility uniformly produce apathy. B&H has the world’s most complex political and public administration system with the constitution based on ethnoreligious principles and marginalized “others”.

Furthermore, from a non-Bosniak perspective, we have a memory paradigm relating to “Kazani”.³⁶ Thus, various cases call for a different perspective on memory cultures of the post-Yugoslav space. Nevertheless, unfortunately, its characteristic is generally taken to conceal and deny one’s crime, questioned and criticized, along with a strong tendency toward self-victimization.

The conciliatory attitude based on some perverse notion of reciprocity in a crime cannot be empirically accurate. It is unimaginably immoral in its intention to accept the results of crime as such, as something truthfully uncomfortable but “natural”, even as the product of some normal reciprocal reaction. This attitude also reveals that the one who utters it is aware of individual participation in it was either active, as the perpetrator of the crime (murder; a neighbour’s property robbery), or passively (an observer who knows that what is happening -i.e., a neighbour disappears overnight). The truth and justice are privatized; and they become only subjective truths, including “equally valuable”.

³⁵ Maja Abadžija, “Sonja Biserko: Širi se strah od razgovora o Jugoslaviji [Sonja Biserko: Fear of Talks about Yugoslavia is spreading],” *Oslobodenje*, 2017. <https://www.oslobodenje.ba/dosjei/intervjui/sonja-biserko-siri-se-strah-od-razgovora-o-jugoslaviji>.

³⁶ The pit near Sarajevo, B&H, where mostly Serb civilians were killed, whose bodies were then thrown into the pit. Musan Topalović Caco, a war commander who was later killed by the Bosnian-Bosniak army, committed these crimes.

People are left with this burden by sharing it with other equally marginalized individuals. There is a risk that old wounds will reopen, and ethnic conflicts will break out.

There is a significant and fundamental difference between guilt and responsibility. Guilt is linked to the criminal act and to the punishment that follows as a sanction. If we reduce post-Yugoslav history to the issue of individual guilt, which the ICTY and national courts determine, the point will be missed. The question arises in the moral sense: is it allowed to completely separate the criminals convicted by the Tribunal from the people whose name they committed crimes? In this way, we assume that peoples are a homogeneous community. Hereabouts, the nation is equally an individual. Thirty years after the wars, war criminals are treated as heroes in the family histories of a large part of the population. In that case, consideration whether identification with the project for which these people were convicted as war criminals. The critical power structures do not have a political will for reconciliation against the "de-historicization of crimes" within parallel memory politics.

On the contrary, it could suppress personal memories and unilaterally interpret traumatic and tragic events - less valid for political purposes. For example, earlier narratives about WWII included testimonies of passivity, i.e., a lack of resistance to the nazism, even in mass deportations. The new narrative has no place for such elements of memory. On the other hand, Serbs appropriate the memory of Jasenovac, a concentration and extermination camp established in fascist Croatia by the Independent State of Croatia- in the occupied Yugoslavia during WWII. The majority of victims were ethnic Serbs, Jews, Roma, and political dissidents. Thus, it is transforming it into one of the critical foundations of their identity.

Opposed by an articulated call to memory (media, political), unwanted past parts are often skilfully silenced, while their articulation remains broken and scattered in various parts of society. The transition from individual memory to collective memory must rest on a clear awareness of events. It is not satisfactory to list the victims without any ethnic or other preferences; an image of the events themselves must be created that will be unquestionable and function throughout the region. Simultaneously, memory politics manipulation and revisionism justification complete political manoeuvrings. Is there the opportunity for this "marginalized" and "subjectivized" approach to evolve along with a new type of solidarity among the victims themselves to reach the level of

public discourse? Ethnonational political actors and victimologists vigilantly defend it.

Franjo Tuđman's³⁷ hegemonic project, a self-proclaimed unrecognized entity on the B&H's territory, was carried out by aggression and sanctioned at the ICTY as a Joint Criminal Enterprise.³⁸ Croatia's political leaders publicly praise convicted war criminals. Within conservative Serbia, there is an authentic culture of denial based on the literary conception of history. The literary conception of history is attempting to reshape reality with mythological constructions. Research of political myths in the former Yugoslavia, especially those concerning Serbian political mythologization, pointed out the dimension of political myths.³⁹ Its (manipulative) essence wants more to distort than hide crucial facts from political reality, especially political history. Vjekoslav Perica (2019), a Croat historian, maintains that Balkan nationalists cannot know the truth but only emotionally sense the myth. Nor can they be pacifists; they only know about the truce; their ideology is a "constant struggle" and the idea of sacrifice as an investment for an unattainable future.⁴⁰ According to the world's major religions, they worship ethnic groups and nation-states, resulting from other peoples' negative perceptions and wars.

During the ICTY establishment, the international community opted for retributive justice as a type of transitional justice while partially ignoring the importance of restorative justice, which has the task of making reconciliation goals of the ICTY reality. With all its types and mechanisms, transitional justice is entirely in building peace and, ultimately, reconciliation, crucial for progress and prosperity. ICTY has failed to date change the discourses of self-victimization in individual national groups; on the contrary, it often even reinforced perspectives and lessons of denial and self-victimization. The Hague Tribunal did not fulfil its function -it did not contribute to reconciliation; it only deepened tensions and the gap between nations. The court established the facts and, it collected massive documentation, which is very important for the reconciliation process. It turned out to be a complex, painful and challenging process, and the outcome depends on specific circumstances and post-conflict transition, political choices of the main actors and

³⁷ The first president of independent Croatia.

³⁸ Case no. IT-04-74-T, ICTY, Second amended indictment: Prosecutor of the ICTY Tribunal, 2017.

³⁹ Despotović et al, "Politički mitovi," 1-15.

⁴⁰ Perica, "Pomirenje," <https://pecanik.net/pomirenje-i-posljednji-dani/>.

political will, or the ability to move along the path of moral and political renewal society.⁴¹ The situation at the first glance confirms the 2017 statement: “We in B&H will live for a long time three truths and the ‘black and white’ division of the world according to which they are” ours “good and moral, and they” there “evil and immoral”.⁴² Reconciliation as a process must come from within the societies, not imposed by the international court decisions from outside.

The crime alone is not the only reason for collective devotion; often, interests are behind the crime. For example, Dejan Ilić (2016) argues that Srđa Popović’s thesis that the Serbian leadership in the second half of the 1980s, the only salvation from falling from power was accepting a nationalist self-victimizing ethnonational identity. Moreover, destroying the existing order of the federal state is accurate and straightforward.⁴³ Thus, in addition to covering up crimes, the same interest remains active later and strengthens newly established identity ties.

In addition to reconciliation, the ICTY has comforted the public to write a region’s history. As previously claimed by the ICTY – Milošević’s Serbia will continue to be marked in the capital of international justice as a faithful helper of Serb forces in B&H. Thus, with the influence of Leaders of Republika Srpska (RS), especially the military, was not a direct participant in war crimes. ICTY acquitted Serbia from all responsibility for the genocide in Srebrenica and from direct control over explicit forces that committed crimes during the war in B&H. Besides, will Croatia, whose army, who fought on the B&H territory, according to the Blaškić and Kordić verdicts, be re-identified as an aggressor within Herceg-Bosna (an unrecognized Croat proto-state entity in B&H during the war, whose six leaders were convicted for war crimes in 2017) when the Court does not aspire to attribute such a role to the Yugoslav people’s army? By removing responsibility from states without which war would not be possible, ICTY judges do not only serve justice and truth, but they will also persist against confronting the past and subjugating the state apparatus of war actors and their publics. In the end, after decades of

⁴¹ Abadžija, “Sonja Biserko,” <https://www.oslobodjenje.ba/dosjei/intervjui/sonja-biserko-siri-se-strah-od-razgovora-o-jugoslaviji>.

⁴² Dženana Halimović, “Zarije Seizović: Tri istine u BiH [Zarije Seizović: Three truths in BiH],” *Slobodna Europa*, 2017. <https://www.slobodnaevropa.org/a/bosna-i-hercegovina-pravosudje-zarije-seizovic/28789541.html>.

⁴³ Dejan Ilić, “Beskompromisni patriotizam Srđe Popovića [Srdja Popovic’s Uncompromising Patriotism],” 2016. <https://pescanik.net/beskompromisni-patriotizam-srde-popovica>.

working on documenting crimes, it would be grotesque for the ICTY to take us back to the beginning and to formalize the thesis about the Balkan peoples, centuries bloodied and ready for mutual conflicts, Florence Hartman (2012) argued.⁴⁴ Moreover, deviant justice does not satisfy “a deep inner human retribution need” in the constant production of inner human anxiety.

Within the conflicting memory maxima and denial, the Srebrenica case is a compelling example. For *Deutsche Welle* (2019), Miloš Milovanović, now a member of the Srebrenica Municipal Assembly, says: “Some Western media presented the crimes committed against the Serbs only as fights for food. In that initial year of the war, we controlled about five per cent of the territory of the Srebrenica municipality, but almost the entire Serbian population was expelled or fled. They tell us: Serbs were preparing for war; they are the aggressors. So how come we are victims too? Alternatively, maybe we killed ourselves”.⁴⁵ Naser Orić, B&H Army Commander, was found before the ICTY and numerous B&H Courts, acquitted of charges. Furthermore, from the Bosniak perspective, the Srebrenica genocide is converting into “symbolism”, a “theme”, within discursive populist “national value” protection framework politics during the local polls. However, the town of Srebrenica is subjective and reduced to the burial of individual bones within the traditional “July” funerals, as fewer complete “bodies” are exhumed. The vital national protection in B&H is similar to a non-aggression pact, like a social contract based on Hobbes’ model: no one renounces their right to self-preservation; but they renounce the right to interfere in and restrict others from self-preservation. However, unlike Hobbes’ theory, the place of the one who has the right to decide on behalf of all is vacant. Thus, in order to protect their national interest, each group is a hostage to the others. As a national collective’s notion of its position, vulnerability closely corresponds to the antagonism that should be understood in society as an inevitable fact, but in political terms, it means the destruction of the political. It implies the totalization of exclusivity, which abolishes politics as the art of balancing between inclusion and exclusion, opening and closing, which is only one of the views of the notion of justice. The war of the 1990s was territorialized but delocalized; today, we have a similar pattern.⁴⁶

⁴⁴ Florence Hartmann, “Negiranje duple agresije [Denial of Double Crime],” *Peščanik*, 2012. <https://pescanik.net/negiranje-duple-agresije-u-bih>.

⁴⁵ Dževad Sabljaković, “Sudenje Mladiću za dvostruki genocid [Trial of Mladic for Double Genocide],” *Deutsche Welle*, 2012. <https://www.dw.com/hr/su%C4%91enje-mladi%C4%87u-za-dvostruki-genocid/a-16083064>.

⁴⁶ Hadžić, “Agnosticism and Atheism.”

The humanly defeated regional ethnopolitics is still present without catharsis, "reforms" on the peace horizon. Nationalism is still the ideological and practical constant of these policies and their leaders in the triangle of relations between Serbia, Croatia, B&H. Solid ethnonationalism directs interstate and presently antagonizes internal, social, and human relations. Finally, even outside the B&H triangle, equally devastating, it is visible today in Montenegro. After the elections, under the direct direction of the ideologue of the "Charter of Serbian Cultural Space", the logic of clerical-ethnic exclusivity occurred. From sophisticated, lithium-church into a politically tangible and open phase of negation and destabilization of Montenegro. By "Serbian cultural space", the trace of that Charter is meant, "the space where the Serbian people lived or still live".

The Moral Law and Scientific Rationality

Awareness of a lethal event's proximity triggers community trust and search for safe scientific knowledge and assessments. Discarding dominant ethnopolitical narratives is essential for all collectivities, peace-building, state-building, and transitional justice. For decades, former Yugoslav societies lived in apathy and hopelessness of unstable peace. Moreover, the immoral, kleptocratic (numerous regional and international reports) regional ethnopolitics instrumentalize intimidation, passivation, and pacification of existing dissatisfied ethnic subjects. There are no genocidal nations, nor did they ever exist. Nevertheless, there have been genocidal groups and policies. The immoral and political denial of crime's legal basis and factuality is ethnopolitical grounded. Instead of remorse and repentance, we have the calculated self-understanding of genocide as entirely rational and unquestionable.

In Albert Camus' *The Just Assassins*,⁴⁷ the Duke's wife seeks his repentance and offers salvation in an extended dialogue with the assassin: "You are young, you cannot be mean", she tells him. "Will you pray with me and repent", she asks? Kaljaev does not accept. "Let me prepare for death. I have to die. If I did not die, I would be a killer," he says. Kaljaev wants to die. He will not kill anyone again. The road to killing for him is over. So, it is in a world of Camus' moral principles and human dignity. Nevertheless, the world's existence and the Balkan world are not such, and notions are entirely distinct. Ethno-religious nationalism and

⁴⁷ Albert Camus, *The Just Assassins* (Paris: Gallimard, 1949).

its bloodstained policies devastated historical heritage cities: Croatian Vukovar and Dubrovnik, many Bosnian cities, and performed massacres and genocides in Markale⁴⁸, Tuzla (Kapija)⁴⁹, Prijedor, Višegrad, Foča, Srebrenica, Ahmići⁵⁰, and numerous others. Thus, Eichmann-type concentration camps and over six hundred mass graves would today deny everything it boasted about in the war. The most significant successes and victories. Moreover, they, even more, blame this inhumanity on their victims. Ordinary people would never do that. Alternatively, if they “failed”, they would look for ways to confess their sins and give their word to their conscience, like the morally shaken Otto Salaven: Georges Diamel, a prose writer of French modernism, in the cycle of the novel, writes the story of a man “who does not give up moral life, and who does not agree to degenerate”. He is a minor clerk with modest education but a strong aspiration towards personal, moral upliftment. That Otto Slaven, as Diamel’s hero is called, suddenly and quite unexpectedly, during a movie show, falls into the trap of a dreamy moral challenge. Furthermore, he does not do well. In the panic of a crowded dark cinema hall, caused by the shout of “Fire” Slaven, fleeing to safety, pushes and pushes, tramples the people around him just like everyone else. However, it turns out that the alert was false and that no one was in any danger. Nevertheless, that harmless, episodic event completely shattered Slaven. He did not pass the test of humanity. He realizes that he has done nothing wrong to anyone. He did no injustice to anyone, but he lost respect for himself. He acted selfishly. He lost his human dignity. He was below his morale that he had built so carefully. Moreover, now he is ashamed. He is ashamed of himself.⁵¹

⁴⁸ The Markale massacres were two separate bombardments, with at least one of them confirmed to have been carried out by the Army of Republika Srpska, targeting civilians during the siege of Sarajevo in the Bosnian War. They occurred at the Markale (marketplace) located in the historic core of Sarajevo, the capital of B&H. The first occurred on 5 February 1994; 68 people were killed, and 144 more were wounded by a 120-millimeter (4.7 in) mortar. The second occurred on 28 August 1995 when five mortar shells launched by the Army of Republika Srpska killed 43 people and wounded 75 others. The last attack was the apparent reason for NATO air strikes against Bosnian Serb forces that would eventually lead to the Dayton Peace Accords and the War in B&H

⁴⁹ It was a Massacre of primarily children and youth, in Tuzla, a city in B&H; on 25 May 1995, the Army of Republika Srpska (VRS) launched an artillery attack against Tuzla, which left 71 dead 240 wounded.

⁵⁰ The Ahmići massacre was the murder of approximately 120 Bosniak civilians in village Ahmići, central Bosnia, by members of the Croatian Defence Council in April 1993, during the Croat-Bosniak War.

⁵¹ Esad Bajtal, “Cinizam politikantskog licemjerja [Cynicism of Political Hypocrisy],” *Tačno.net*, 2021.

<https://www.tacno.net/novosti/esad-batal-cinizam-politikantskog-licemjerja/>.

What would a revolutionary theory look like that would lead to a culture of peace and justice, or how would its discursive practice be expressed? We can start from its historical-genealogical (developmental) aspect and overview some theories, knowledge, and practices that we can classify as revolutionary. Within the process of education and enlightenment, Socrates combined moral law and knowledge, saying that he who knows will never do evil (evil arises from ignorance), and that was the basis of his dialectic and ethics.

Conclusion

All the genocide experiences are essential information about the societies. It is necessary to take this probability earnestly and build a theoretical model from the part of the civilization process where violence manifests itself as modernity breakdown, not its product. It is laborious to resolve the apparent futility of the historical evil, and the necessity to persevere victims' voices is significant. The war, crime, and genocide became the centre of identity as the final legitimizing basis of the new states. Historical examinations become a justice mission, not so enormously regarding achieving indisputable truths but regarding narrating the truth. The public recognition of civilian victims cannot proceed without initiating the geopolitical state's engagement and support of the institutions. In genocidal war crimes cases, access to justice for prospective peace is crucial to ensure that victims from all ethnoreligious communities are not marginalized. Otherwise, it directs societies in a state of conflict that prolongs suffering by other means. Stability is a matter of ethnopolitical and moral responsibility belonging to the metaphysical sphere. Scientific rationality can provide a solid path against the dominant ethnopolitical ideologies. Denial and recognition resemble contradictory alternatives in this context, to which critical memory can add a more sustainable approach. Therefore, self-criticism, and confrontation with the past, must encompass all nations. There is no absolute solution to what is more damaging- memory or oblivion. Memory is a justice contributor; but it could affect peace, reconciliation, social progression, and development. Given humanity's propensity for violence, then at the very least, forgetfulness and the sacrifices it imposes may be a cause for relief rather than outrage after the most critical aspects of transitional, retributive, and restorative justice are fulfilled.

The meaning and significance of self-defense against the committed genocide require solicitude for conscience and moral

questioning. The national/ethnoreligious collective denial inducted by the politically encouraged culture of fear and ethnoreligious antagonism is critical for a liberal peace stalemate and social (in)justice. Thus, a decades-long political matrix regarding the “ethnonational interest” and ethnic patriotic collectivism departed as exceptional nationalism. Finally, these circumstances make human (universal) justice principles an open question.

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