

# The Collapse of Transitional Justice in Serbia

Bojan PEROVIĆ

e-mail: [perovicbojan1986@gmail.com](mailto:perovicbojan1986@gmail.com), [Bojan.Perovic@uni.studium-hamburg.de](mailto:Bojan.Perovic@uni.studium-hamburg.de)

## Abstract

This paper shows the roots of the unsuccessful transitional justice in Serbia. From Milosevic to Kostunica, Djindjic and Tadic their approach to transitional justice was only to change the stylization of carefully selected political statements. The author gives a critical review of the role of “democratic” leaders during the 2000s and their often forgotten contribution to the “blurring of reality”. Despite the more or less harsh rhetoric transitional justice had the same path and follows the same pattern. Transitional justice processes were monitored by relation analysis of other powerful (non)- state actors such as the Universities, school textbooks in which the young generations are nurtured, catalytic role of the media and intellectual elites, and above all politicized Serbian Academy of Sciences and Arts, led by “father of the nation” - Dobrica Cosic. This paper shows that deeply established nationalism had the major role in the unsuccessful transitional justice in Serbia.

*Keywords: transitional justice, Serbia, elites, war.*

## Introduction

Transitional justice refers to the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses. These measures may include criminal prosecutions, truth commissions and various kinds of institutional reforms. This is not a closed list as different countries have added other measures. Transitional justice is not a ‘special’ kind of justice, but an approach to achieving justice in times of transition from conflict and/or state repression. By trying to achieve accountability and redressing victims, transitional justice provides recognition of the rights of victims, promotes civic trust and strengthens the democratic rule of law (What is Transitional Justice?, 2009).

The overthrow of Slobodan Milosevic is often referred to as a revolutionary event in recent Serbian history that should run numerous transitional justice mechanisms for dealing with the past. After the Milosevic's fall in 2000, Serbia was supposed to start its transitional justice processes. Fifteen years later little has been done to actually improve the cause of justice, but on paper much has been relativized and brought to the level of complete banality. By analyzing the relationship Serbian political and intellectual elites had towards armed conflicts in the 90s, this paper will attempt to determine the causes of such little impact transition processes had in Serbia and whether there even existed political will to face the most serious violations of human rights.

### **Political elites**

The man who dethroned Milosevic was Vojislav Kostunica who became (the last) president of the Federal Republic of Yugoslavia. Back in 2000, Kostunica had reputation and prestige, the public considered him to be a moral and honest man, who will lead Serbia's road to democracy and completely break with Milosevic's legacy. To some extent this meant dealing with the past. As Osiel noted, "fallen dictators will never be as despised as when first dislodged, when the country's woes seem wholly attributable to them. Likewise, democratic successors will never be as popular as when first elected" (Osiel 2005: 1808). And that is exactly the formula that could be applied on Serbia. At that particular moment the majority of population blamed Milosevic for everything for everything that happened during the 90's and Vojislav Kostunica had the first historic opportunity to break with those policies, since he had in his the hands all the levers of power, and perhaps but more importantly, he enjoyed immense popularity among the people.

However, the attitude of Vojislav Kostunica to transitional justice during his presidential and later prime minister's mandate was clear. In the most literal sense it meant not dealing with the past at all while at the same time defending various levers of Milosevic's power. Not only had not the president-elect made a break with the policies of Milosevic, he had embraced this policy in his well-known "legalistic" attire. For better understanding of Kostunica's position on transitional justice it is important to get back to his political involvement in the 90s. The political narrative that Kostunica led in the past was resulted in the political discourse, which he held once he came to power. His view of the war can be continuously monitored since 1993. Kostunica, as well as numerous ultranationalists of this period dealt with drawing the borders of Serbia which included Kostunica's 'sketches': "the

territory of Montenegro, Republic of Srpska and the Republic of Srpska Krajina" (NIN, Novembar 26, 1993).

As much as it seems unlikely, nationalist outbursts of Vojislav Kostunica sometimes were "more progressive" than Milosevic himself. Kostunica described the release of UN peacekeepers on the initiative of the official Belgrade as "short-term profit" (Naša Borba, June 15, 1995), while the UN initiative for sending thousands of peacekeepers in Bosnia he saw as "bias of the UN" (Naša Borba, June 8, 1995).

Finally, the Srebrenica massacre is the greatest testimony of the bizarre policy of Vojislav Kostunica to the war in Bosnia from which he has never distanced himself. He described events that took place in Srebrenica as "a counteroffensive and the defensive action of the Army of the Republic of Srpska..." (Politika, July 13, 1995) and while mass executions of thousands of people were happening in Bosnia in 1995, a democratic president of Yugoslavia marked the situation in Bosnia as "largely unchanged" (Politika, July 20, 1995). back in 1995. During the Dayton peace agreement conference Kostunica gave an interview in which he underlined "media functionalization of allegedly committed crimes (in Srebrenica)" (Politika, Novembar 9, 1995) and after signing the agreement he lamented over the fact that the Serbs have no reason to be satisfied (Politika, November 23, 1995). A year later he expressed his reservations about Srebrenica by saying that there is still a "big maybe" around Srebrenica (Vreme, February 17, 1996).

Playing hot and cold with the leaders (led by Zoran Djindjic) who tried to fight Milosevic's regime during the 90's and by flirting with Seselj's SRS, Kostunica was only doing a favor to Milosevic. All the above-mentioned actions give the answer to the question why Serbia has not made a major step towards dealing with the past and democracy. The anti-European, xenophobic and nationalist politics of Vojislav Kostunica is not a sophisticated, hidden part of his political agenda but rather its essence. Choosing Vojislav Kostunica as rival to Slobodan Milosevic can be seen as logical only if one observes all the relevant political facts and the tragic situation in the country at that time where the only a person like Vojislav Kostunica could overthrow Slobodan Milosevic because all the other opposition leaders have already been targeted as "traitors and foreign mercenaries". The overthrow of Milosevic and so called "the 5 October Overthrow or Bulldozer Revolution" from today's perspective was nothing but Milosevic's stepping out. It was not a break with his criminal legacy.

In 2000 Serbian society voted against Milosevic, against misery and sanctions as well as the wars and criminal policy. However, not only did

Kostunica not want a true distance from Milosevic, rather he warmly toasted that there will be no revanchism to Milosevic's political party. And not only that he immediately abolished virtually all of those who participated in a destructive mode, the president on his side strongly opposed the dismissal of Milosevic's top people in the army and state security agencies stating that they have "his full confidence" (Vlajkovic 2004: 94). Kostunica's approach to transitional justice can be monitored in the coming years, through the prism of cooperation with the International Criminal Tribunal for the former Yugoslavia. Investigations and arrests of some of the figures of Milosevic's regime, including Milosevic himself, for a moment, seemed like a turning point. Evidence such as finding of mass graves may have led to a change in political denial of the crimes. Instead, these cases became just one of many potential turning points in which the initial publicity offered the possibility that will create a path to a new type of public discussion, but in the end media shock turned into relativisation and relativisation was levitating in the space between the silence and denial. A similar pattern occurred after the extradition of Milosevic, Djindjic's assassination and the public broadcasted video of the executions young Srebrenica's boys (Gordy 2013: 13).

A few months later the first democratic government in Serbia was formed, led by Prime Minister Zoran Djindjic. Zoran Djindjic, without any doubt, was a serious politician with clear pro-European values and his brief mandate until his assassination achieved results worthy of respect. In his political philosophy Djindjic had knowledge of the dramatic historical delay Serbia had (Nikolic 2008: 15). Zoran Djindjic was not a saint as many are trying to describe him today. He was energetic, quick, a brave bearer of important decisions for the betterment of his country and someone who, unlike Tadic and Kostunica, did not fight for cheap points towards power in society for European and modern Serbia. However, today, especially in circles of independent intellectuals or so called "Other Serbia" there is a phenomenon of collective amnesia or even hypocrisy on what policy Zoran Djindjic had towards armed conflicts during the 90's and his contribution to transitional justice.

Djindjic has expressed a clear position to waive any continuity with the regime of Slobodan Milosevic and therefore held that there is no need to apologize to anyone. This position did not face any positive reaction of the West, as can be seen in the report Joseph Biden submitted to the Senate and his speech in 2002. In fact, Biden believed, among other things, that in order to obtain US aid, it is necessary for Serbia to meet the requirements which included the suspension of negative influence from Belgrade on the Republic

of Srpska, fulfilling the obligations towards the Hague Tribunal and the duty of Kostunica and Djindjic to publicly express their position on Serbia's behavior during 90s in the form of an apology to Bosnia. Approaching this request, Djindjic said he thought that neither he nor his government have anything to do with war crimes, while the situation with the governments of Croatia and Bosnia is different because these are the Government of continuity, as opposed to his government, which has made a discontinuity and is the only government in the region without representatives of the former regime, and therefore he believed that Biden's request was without basis. At the same time he stated that he believed that the colleagues from the Senate and Congress are realistic politicians and that with them will be possible to reach an agreement because the Serbian Government values friendship and cooperation with the United States as one of the strategic priorities and that in this respect he hopes to eliminate future obstacles. In a statement to the media but also to newspapers Djindjic reiterated: "I want the criminal responsibility of those who made these crimes, Albanians, Muslims, Croats as well as establishing personal responsibility for crimes committed by representatives of the Serbian people. The story of some apologies is somewhat reminiscent of collective responsibility, when someone on behalf of someone apologizes, I won't be satisfied with the apologies because if the crimes are committed they should be punished in a way that was intended" (Politika, May 11, 2002).

Human Rights Watch in 2001 sent letters to Colin Powell and to Kostunica and Djindjic in 2002 that they had to cooperate with the Hague Tribunal, to submit documentation, to arrest and transfer persons indicted by and to distance themselves from Milosevic's legacy.

On the other hand, Djindjic was aware that The Hague Tribunal cooperation had become a crucial issue for his vision of European Serbia and that cooperation with the tribunal is necessary, but his statements on this issue were often contradictory. He himself enjoyed little popularity in Serbian society even though he was prime minister. The newspapers demonized him and on the other side there was patriotic and anti-Hague opposition bloc led by President Kostunica. What was certainly clear was that Djindjic treated the ICTY as a legitimate institution of the United Nations recognizing that the cooperation is necessary and as a pragmatic politician he understood that on this issue the international community will be persistent and relentless. His relationship with the Tribunal as well as with the President of the country refracted on the decision to arrest and extradite Slobodan Milosevic. The Serbian society was much more mature compared to the President Kostunica because the arrest of the man who reigned for more than a decade did not

invoke any internal riots among the citizenry. Milosevic's successors failed to define a clear strategy against the repressive past (Besirevic 2014: 959). Unlike other Serbian political leaders Zoran Djindjic knew how to recognize the political moments and place of Serbia in international circles but his influence at the moment he was the prime-minister could not go further than arresting Milosevic (Perovic 2006: 49).

Transitional justice experts emphasize more than two thirds of the countries that were in transition over the past twenty years have established or are considering establishing some of the mechanisms for transitional justice, most commonly in the form of domestic trials (Sikkink, Walling 2007) or truth commissions. Priscilla Hayner in her researches found that literally any country that has in the recent past emerged from the autocratic regime or civil war, expressed the interest in the establishment of such a mechanism (Hayner 2001). As Wilson and Hamber stated, if such or other transitional justice mechanisms really seek the truth this lead to social catharsis, (Wilson, Hamber, 2002) while Mendez concluded the longer-term reconstruction of the violent past can help strengthen democratic consolidation and could lead society to the rule of law (Mendez 1997).

In 2000, the Federal Foreign Minister, Goran Svilanovic, initiated the idea of establishing a Truth Commission, whose members would be local intellectuals who enjoy the trust of citizens and who would have the mandate to collect evidence of crimes and to present publicly what was actually done in the name of "Serbian national interests", as well as crimes committed against the citizens of this country over the last decade. However, in 2001, the news suddenly appeared that the president of Yugoslavia, Vojislav Kostunica intended to form such a commission, and that he had already held a meeting with its potential members. This decision was confirmed by the President's decision (in the Official Journal of the FRY from March 30) concerning the establishment of a Truth and Reconciliation Commission. Appointed member of the Commission were: Radovan Bigovic (Dean of the Faculty of Theology of the Serbian Orthodox Church), Mirjana Vasovic (Research Associate, Institute of Social Sciences), Tibor Varadi (professor at the Central European University in Budapest), Svetlana Velmar Jankovic (writer from Belgrade), Mihajlo Vojvodic (Professor and former Dean of the Faculty of Philosophy, University of Belgrade), Đorđije Vukovic (assistant, Faculty of Philology, University of Belgrade), Sava Vukovic (Bishop of Sumadija Serbian Orthodox Church), Vojin Dimitrijevic (Director of the Belgrade Centre for Human rights, a former professor of the Faculty of Law, University of Belgrade), Ljubodrag Dimic (Professor of Philosophy, University of

Belgrade), Slavoljub Djukic (freelance journalist, a former editor of the weekly NIN), Aleksandar Lojpur (lawyer from Belgrade), Bosko Mijatovic (researcher at the Institute of Economic Sciences ), Radmila Nakarada (Research Associate, Institute for European Studies), Predrag Palavestra (member of the Serbian Academy of Sciences and Arts), Latinka Perovic (historian from Belgrade), Zoran Stankovic (forensic expert), Svetozar Stojanović (scientific adviser at the Institute of Social Sciences, former advisor to the President of the Federal Republic of Yugoslavia Dobrica Cosic), Darko Tanaskovic (professor of the Faculty of Philology, former Yugoslav Ambassador to Turkey) and Sulejman Hrnjica (Professor at University of Belgrade) The three appointed members, Latinka Perovic, Vojin Dimitrijevic and Tibor Varadi immediately resigned. Other members of the newly formed Commission have met once in 2001 at an international conference “In search of Truth and Responsibility - towards a Democratic Future”. Some conference participants strongly protested against the way Commission was established, its composition and program of work. There were also those who felt that the establishment of the Commission is just a tool to postpone and complicate cooperation with the ICTY, which position was proven true over the years. In 2001, The Commission did not yet have an office or even a phone, or even a budget. This pale attempt of manipulation by Vojislav Kostunica, a sharp opponent of cooperation with the ICTY, managed briefly to deceive those who thought that the establishment of the Commission had any real foothold. In fact when the Constitutional Charter of Serbia and Montenegro came into force on 4 February 2003 this commission *de facto* no longer existed.

President Kostunica continued with the same anti-Hague-policy when became prime minister with the support of Milosevic's Socialist Party (SPS) which officially returned to the political scene in Serbia. In 2004 when former president became prime minister, the public scene witnessed a return of some prominent officials and symbols of Milosevic's regime, former ministers, extreme nationalists and warmongers. Such phenomena was enabled by the primitivisation of print media, sensationalist and tabloid writing, with a strong anti-European and anti-modern contents and special attention has given to the charade performed during the Milosevic's. Live broadcast of the trial on national televisions in which Slobodan Milosevic in court blamed the West for the conflict, describing himself and all Serbs as victims, stressing that the dissolution of Yugoslavia was "neo-colonial" designs of the West to create a Greater Albania on the ruins of the former Yugoslavia gave a justification to nationalist forces to delegitimize the court in every possible way. (Ford 2012:

414) Then on 27 June 2004, Boris Tadic was elected as the new Serbian President.<sup>1</sup>

The key mistake of the ICTY is his vision that should have a role other than the judicial one. The role of each court was and is to deliver judgment and not to engage in the political effects that such judgments might have in the former Yugoslavia countries. However, when establishing ICTY in Resolution 827, the Security Council stressed its conviction that the establishment of “an international court will enable and contribute to the restoration and maintenance of peace.” This kind of role of the court is not lonely since its establishment, from the wide academic professionals to human rights activists. One of the first advocates of the thesis that the ICTY will incorporate appropriate value systems and change the consciousness of citizens is a professor and first legal advisor to the Prosecutor at the ICTY, Professor Payam Akhavan.<sup>2</sup> McMahon and Forsythe explain this intellection of the court as “legal romanticism” calming that this concept of the court’s as having a wider political impact on security, reconciliation and peace (McMahon, Forsythe 2008: 416).

The main objective is opposite, and it should have been seen in the importance of fast and effective justice because justice is the most important for the victims and survivors of human rights abuses. Delay of the implementation of justice has multiple consequences- it can lead to degradation of evidences, victims and witnesses may die or become inaccessible and even more often, the delays lead that memory fades and becomes unsafe (some judges of the ICTY in particular have found that the passage of time affects the testimony of witnesses). Delay also affects the rights of the accused for the fair and efficient trial. Finally, delay carries the risk that the international community will lose interest and will focus on other crises (after the establishment of the ICTR and ICTY attention of the world became focused on the events of 9/11 and the War on Terrorism, as well as on the crisis in Darfur, Congo and elsewhere) (Whiting 2009: 331).

The duo Kostunica-Tadic, due to their lukewarm approach, enabled the strengthening of the existing structure, and even to the emergence of new

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<sup>1</sup> It is often ignored that Boris Tadis was not a “new face” on the Serbian political stage. In fact, Tadic was the FRY Minister of telecommunication and more importantly the Minister of defense of Serbia and Montenegro.

<sup>2</sup> See more: Akhavan, P., 2001. Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities. *American Journal of International Law* Vol. 95 Issue 1.



groups of extreme right-wing organizations. It is noted that the patriotic media block which worked in the “defense of the truth of the recent past” has been strengthened. In 2005, under strong international pressure and the freezing of US aid, the Serbian government again began to cooperate with the Tribunal in the form of voluntary surrender of accused persons. Namely, in 2005, none of the accused has been officially arrested. These voluntary surrenders provoked a lot of controversy and doubt. A number of extremist organizations denied recent crimes or openly supported them, advocating a policy of hatred towards everything that was not “Serbian” (Dimitrijevic 2006: 6).

The trend of weakening inefficient policy of Kostunica resulted in a decisive victory for the Democratic Party (Boris Tadic) in the parliamentary elections in May 2008, which under the slogan "For a European Serbia" won almost 40% of the vote. Serbian citizens again showed their commitment to European integration. The new government formed a majority coalition which included the victorious Democratic Party which has now fully revived Milosevic's party by their coalition. This government, with little-known Prime Minister Mirko Cvetkovic, based its politics on the famous three pillars of foreign policy and deal with the past was not on the list of priorities of Foreign Minister Jeremic, however, President Boris Tadic enjoyed popularity as a charismatic politician and his rhetoric of advocating full cooperation with the ICTY was acceptable to Europe and to a large extent to the region. Shortly after the formation of this government Radovan Karadzic was arrested, the circumstances that led to his arrest were quickly forgotten. 2010 marked the adoption of the Declaration on Srebrenica, while the year 2011 marked the arrest of Ratko Mladic, who according to Government was hiding in the house of his cousin in the village near Zrenjanin. President Tadic pointed out that it is a "nonsense" since the government had known for years where the accused was hiding (although he confirmed that he was sure that Mr. Mladic initially enjoyed state protection), and that only a combination of circumstances led him being arrested on the day that Catherine Ashton, the High Representative of the European Union for Foreign Affairs and Security Policy, was visiting Belgrade and just a few days before the regular Serge Brammertz meeting with the UN Security Council that it was of paramount importance to whether Serbia will get the candidate status for EU accession (B92, May 26, 2011).

And nothing really happened other than media hysteria with surreal headlines which were aimed to banalize the arrest to the extent that no one will question where he was, where he was hiding and who helped him. Although the elites for a decade created the myth, there was no breakdown of the state and in fact there were no major street protests, manipulation with fear

wasn't fruitful because the citizens of Serbia once again proved that they are more progressive than those who lead them.

### **Transitional Justice According to Father of The Nation**

As Milosavljevic stresses, the activity and involvement of the intellectual elite gave the illusion of objectivity since they spoke- not using political but professional speech - and therefore had greater weight than political propagandist speaking, although the content of their statements boiled down to the same thing. In this regard, the role of the intellectual elite (not only of the Serbian Academy of Sciences and Arts- SANU) loomed large and became determining factor in the dominant narrative towards the wars. The politicization of SANU became publicly famous due to the 1986 appearance of the Memorandum. The academy has not questioned the content of this document, but only commenting how it came out to the public. More importantly through their statements and appearances members referred to the memorandum as a document of the Academy, recalling that SANU is the first that defined the Serbian national program. Though some academics had a critical attitude towards the activities of the Academy and Memorandum politically active members were more visible and noticeable.<sup>3</sup>

Dobrica Cosic, one of the leading Serbian ideologists, had the strongest impact in Serbian society and in particular his interpretation of the history of the twentieth century has immeasurable extent. His literary and political engagement, as self-proclaimed dissident whose work was freely published and behind him was the institution of the importance such as the SANU, has been and remains the dominant narrative that determined the xenophobic policy of the Serb society based on mythical representations. His place in the most prestigious media, along with his fellow and defenders like Tadic, Crncevic, Beckovic among others, made a particular impact on the understanding of the war past. That Cosic's ideology was a winning one among Serbian political and intellectual elites it can undoubtedly be observed during his engagement during 2000's which focuses on serbophobia and denial of crimes.

A decade after the fall of Milosevic, Cosic published book "Pisecevi zapisi 1999-2000: Vreme zmija" (Writers notes 1999-2000: Time of the

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<sup>3</sup> See more: Milosavljevic, O., 1995. Upotreba autoriteta nauke: Javna politička delatnost Srpske akademije nauka i umetnosti (1986-1992), *Republika*.

snakes) in which the academician writes about the genocide against the Serbian people, lamenting over Slobodan Milosevic, whom he accuses of betraying the national interests. On the other hand he also accuses so-called mondialists (group of people who were during the 90s active in an anti-war policy). He is furious because of unpatriotic youth, deserters, antiwar demonstrations, Serbian traitors, but also he writes about Croats, Albanians, Jews ... "I detest this unpatriotic, asocial and amoral Belgrade's youth, I foresee them miserable and arduous tomorrow. They are not my people; I am not their writer ... If after this war military courts don't work for war refugees, Serbian nation will be left without its ethos. If this criminal, plundering and moral scum of the nation is not stigmatized and punished, we will remain a sick society." (page 105) He blames Milosevic for his participation in peace talks: "Milosevic was given the opportunity to be the head of the Serbian delegation, he effectively usurps the right to negotiate and makes fatal decisions: surrender of Sarajevo and Gorazde to Muslims" (Page 8). In destruction of Serbian ethos, Milošević's policy was and still is devastating, more successfully than those of our enemies. By surrendering Sarajevo at Dayton he humiliated the Serbs; by betraying Krajina, he ruined the existence and national dignity of hundreds of thousands of Croatian Serbs; among Serbs Montenegrins he instigated Montenegrin chauvinism and Montenegrin anti-Serbism. "(pages 193-195). That social, political and moral dregs of tribal, barbarian Balkans, allies itself with America and the European Union in the fight against the most democratic, most civilized, most enlightened Balkan nation - Serbian nation" (on Albanians- page 211) Croatian hatred against Serbs has no boundaries. Ustashe talk what hatred dictates them, indifferent to truth and any human scruples. The attacks on me and the Serbian intelligence, on that unfortunate 'SANU Memorandum' undoubtedly demonstrate racist hatred towards the Serbian people... (page 130) Antiserbism has replaced anti-Semitism. Serbs are the Jews of late 20th century. Serbophobias the new global ideology of hatred. We, the Serbs, are the new Semites. In fact, we are a metaphor of a criminal nation. Jews, Turks, Germans, Russians, the English, the French, the Dutch, the Spanish, the Portuguese, have been hated by individual nations, or several nations those subordinated, exploited, defeated in war. We are hated by more than a billion people, all who watch television; We are hated by those who do not know us, and many who do not know in what continent Serbia is. We are a symbol of evil. We are the world's

Satan...We are simply the Earth's Satan. Similar delusion hatred always existed, but never on the scale of the current Serbophobias (page 62-65).<sup>45</sup>

Numerous of prominent figures from political and cultural elites and even the president of Serbia, Boris Tadic defended Dobrica Cosic. Paradoxically, the last Cosic's book came out in 2012 called "Bosnian war"<sup>6</sup> with his interpretation of the war in Bosnia. But these books are not revolutionary where Cosic concerned because he had held the same narrative for decades. However the examples of these citations show how his influence, in the media, elites but also in the school textbooks is still very much alive. What is particularly alarming is that both books were published by the Official Gazette of the Republic of Serbia, which shows that the ideas Cosic propagated certainly have not gone into oblivion.

Intellectual elites, distinguished professors, writers of textbooks, academics and other academics also have had a strong role in the education of Serbian youth. The way that history is taught, especially concerning wars in the 90s is subject to constant changes and revisionism. Stojanovic who performed comparative analysis of history textbooks and concluded that, the education in Serbia and the region has always been an important lever of power. In the midst of the war in Bosnia in 1993-1994, new history textbooks were published to create new, politically useful model of historical memory that makes a framework to justify the wars. This justification has been ongoing even in current textbook. Those textbooks used by 20 generations of young, fabricated national and historical consciousness. Historical facts were adjusted to the needs of the politicians, some facts were changed or deleted while others were reinforced in order to present a new mythical narrative. After the change of government in 2000, history books remained the same. In 2002 they were changed again but their essence remains the same and reflects continuity with Milosevic's system of values (Stojanovic 2013: 248).

Higher education is another problematic issue in the Serbian society. A large number of professors who had enjoyed great moral and scientific integrity, during and after the wars, often used their public appearances for the purpose of defense of the accused before the ICTY. However, more critical and important area for analysis is the content of the official university textbook. Textbooks for law students in the field of international humanitarian

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<sup>4</sup> Cosic, D., 2008. *Piščevi zapisi 1999-2000: Vreme zmija*. Beograd: Službeni glasnik.

<sup>5</sup> Translated by the author of this article.

<sup>6</sup> Cosic, D., 2012. *Bosanski rat*, Beograd: Službeni glasnik.

law and international criminal law offer an outdated and obsolete image of international law. For example, all relevant textbooks, more than 20 years after the establishment of the International Criminal Tribunal for the former Yugoslavia, still question the legal basis for the establishment of ad hoc tribunals. This question certainly deserves some attention but is controversial when the official textbook of international criminal law offers nothing more than questions and disputes about the existence of competence of the Security Council to establish an ad hoc tribunal, criticism of law that ICTY and ICTR apply without going in the already very rich case law of the two courts (Stojanovic 2012: 119). More paradoxical is international humanitarian law textbook, which analyzes the International Criminal Tribunal while tribunals for the former Yugoslavia and Rwanda in the context of international laws of war do not seem to be sufficiently important to find its place in the official teaching textbook for law students.

As argued by Ristic media is involved in the process of the denial and relativization of war crimes by publishing blatant lies about the court proceedings (ICTY) and through the publication of rumors placed by the secret services the media supported war crimes and the revision of the past. The alleged lack of interest in public issues of the past is a manifestation of the unspoken consensus that crimes against others should be simply forgotten. At the same time, cases where Serbs were the victims were broadly publicized. Politicians, artists, journalists and other national workers contributed to research themes on selective choice of topics from the past. Ristic concludes that this represents “the inability or unwillingness of political and intellectual elites to confront the past and to convert it into a serious public subject, as well as the absence of criticism of blind nationalism”. (Ristic 2013: 66)

Belgrade Centre for Human Rights and Strategic Marketing conducted a survey that was analyzed by professors of history at the University of Belgrade (Faculty of Philosophy) and the Institute for Recent History of Serbia. This analysis showed a lack of knowledge of events related to the wars of the 90s in the context of crimes committed against Serbs and vice versa and that is largely a consequence of today's political messages as well as the policy of the last 30 years. The researchers concluded that a huge responsibility lies with the authorities who deliberately produced "confusion" concerning

various issues of history, especially when it comes to World War II and the wars of the 90's.<sup>7</sup>

### **Conclusion**

Various methods can be used to manipulate public opinion. The print and electronic media are most visible, but there are more subtle ones relating to the creation of stereotypes through the education system, school textbooks, publishing or public engagement of intellectual and political elites.

As Mircea Eliade wrote in his book *"Myth and Reality"*, the stereotypes that the elites of the Balkan nations create creating categories us vs. them are almost identical and they form particular types of stereotypes of other nations but also about ourselves. Such stereotypes insist on collectivism, and they are always a negation of critical observation of reality, they insist on a spirit that goes against everything that is modern.

In the Serbian society, there has always been a lack of alternatives, real alternatives which would properly articulate public opinion. The alternative that does not deny, that does not relativize and does not blur reality.

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<sup>7</sup> see more Dimitrijević, V., 2010. et al, *Novosti iz prošlosti - Znanje, neznanje, upotreba i zloupotreba istorije.*, Beograd: Beogradski centar za ljudska prava.

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