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# KAPIJA

A case study of a Bosnian community's initiative for re-building peace

A dissertation presented in partial fulfilment of the requirements  
for the degree of

Doctor of Philosophy  
in  
Social Anthropology

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New Zealand

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## **ABSTRACT**

During 1992-95 the Serbian establishment in Serbia and Bosnia-Herzegovina executed a policy of ethnic-cleansing against the Muslim and Croat population in Bosnia-Herzegovina. On 25 May 1995 the town square in Tuzla was shelled by a Bosnian Serb artillery unit killing seventy-one people and injuring many others. The aim was to divide the Muslim, Croat and Serb community of Tuzla into taking sides in a conflict that saw atrocities committed on a scale not seen in Europe since the Second World War. This study is about peace and conflict and gives some insight into how this community dealt with violence. The decision to bury those killed together in a common burial site irrespective of ethnic background was made in the face of external religious and political opposition. In taking this action, these families reinforced the long-held tradition in Tuzla of being a tolerant multi-ethnic community. Those buried together were buried as friends not divided by religion and nationalism. As such, the burial site is the single most important symbol of peace in this community.

Other key findings from this study show the enormity of personal loss and grief for the families of those killed; the impact of this incident on the whole community; questions about justice; trans-generational trauma; ethnic identity; mixed-marriages; and a changed demographic make-up of the town's population due to an increase of displaced persons.

## ACKNOWLEDGEMENTS

This study could not have been undertaken without the agreement and co-operation of those people I interviewed during my periods of fieldwork in Tuzla during 2004 and 2005. For the families, community and religious leaders, and others who recalled what happened in Kapija Square on 25 May 1995 it was a painful memory. Often the interviews were very emotional and upsetting and I was mindful of this at all times. Therefore I am grateful to these people for giving me their time and stories which I hope in some small way may have served some cathartic value for them. They seemed to be appreciative of me talking to them about what had happened and the value of the research. I was mindful, too, of the stress that this could put on the two interpreters I used, Eldin Omerović and Amira Kovčić, without whom I could not have conducted the interviews. In addition, valuable assistance was provided by Jasmina Redžepagić at Peace Flame House and Maida Berbić from the local radio station, Kameleon Radio. Their local contacts and networks made my task a lot easier. Other valuable information within the national context was provided by Mirsad Tokača, the President of the Research and Documentation Centre, in Sarajevo.

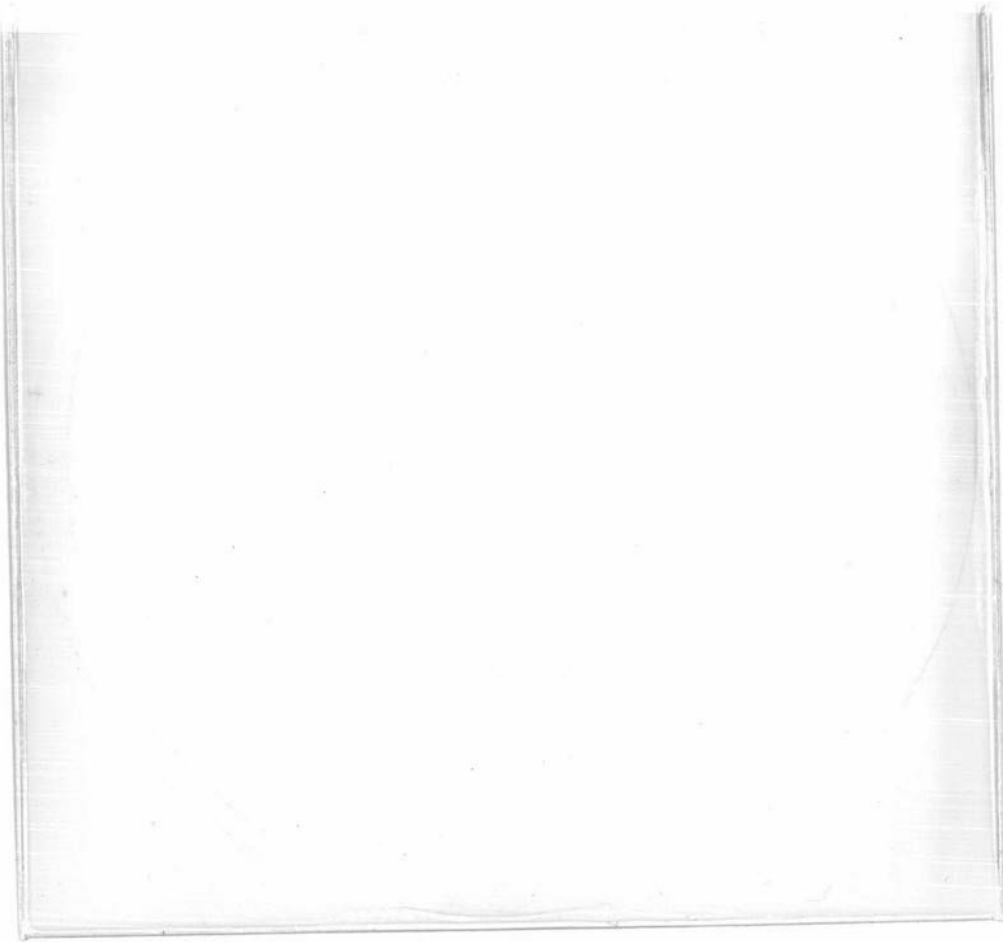
Ethical approval for my research was obtained from Massey University Human Ethics Committee, and the Association of Social Anthropologists of Aotearoa/New Zealand Inc.

I am grateful for the financial contribution provided by the School of People, Environment and Planning and the Doctoral Committee of Massey University that allowed me to complete my fieldwork.

## **KAPIJA**

Composed by Asim Horozić

Dedicated to those killed and injured in  
Kapija Square, Tuzla, Bosnia-Herzegovina  
on 25 May 1995



Sarajevo Philharmonia  
Playing time: 10.24 minutes

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## CHRONOLOGY

### BOSNIA AND SERBIA

6 <sup>th</sup> -7 <sup>th</sup> Centuries	Ancestors of South Slavs enter the Balkans (from Poland and the Ukraine)
869	Death of Saint Cyril, symbol of the Christianizing of the South Slavs:  [a] Dalmatia and Croatia came within the domain of Charlemagne's Roman Catholic Frankish Empire  [b] Serbia and Macedonia came within the Byzantine Empire and Orthodox Christianity
10 <sup>th</sup> Century	<i>De Administrando Imperio</i> first mention of Bosnae, as part of Serbia
1159	Stefan Nemanja founds Serbia as an independent kingdom
Late 12 <sup>th</sup> Century	Independent state of Bosnia
1219	Saint Sava becomes the first Archbishop of the Serbian Orthodox Church
1235-1265	War with Hungary. Bosnia defeated.
1346	Founding of the Patriarchate of Serbian Orthodoxy
1353	Trvtko is crowned King of Bosnia, Serbia and the Western Lands (extended to Serbia and the Dalmatian coast)
1389	Death of Lazar at the battle of Kosovo (Serbia defeated by Turkey)
1453	Ottomans take Constantinople and change its name to Istanbul
1459	Last Serb stronghold at Smederevo falls to the Ottomans (Serbia now part of the Ottoman Empire)
1483	Ottomans take control of all Bosnia and Herzegovina

1531	Gazi Husrev Beg Mosque constructed in Sarajevo, the major mosque in Bosnia
1551	Coloured Mosque of Foca is constructed
1556	Construction of the great Mostar bridge
1557	Construction of the Drina River bridge at Visegrad
1804	Karadjordje's revolt against Ottoman rule
1818	Assassination of Karadjordje by rival Miloš Obrenović, founder of the first modern Serbian dynasty
1829	Treaty of Adrianople: Serbia gains autonomy under Miloš Obrenović
1847	Njegos publishes <i>The Mountain Wreath</i>
1864	Death of Vuk Karadžić, collector of Serb poetry and lore
1878	Treaty of San Stefano: Ottomans cede Bosnia to Austro-Hungarian Empire
1903	Descendants of Karadjordje establish a new dynasty in Serbia
1914	First World War commenced following the assassination of the Grand Duke of Austro-Hungary by a Serb nationalist in Sarajevo. Serbia joined Great Britain, France and Russia against Germany, the Austro-Hungarian Empire of which Bosnia was a part, and Turkey
1917	Union of South Slavs is declared
1918	End of First World War: Germany, Austro-Hungarian Empire and Turkish Ottoman Empire defeated
1918	Kingdom of Serbs, Croats and Slovenes (later to be called Yugoslavia) is established under the authority of King Peter I of Serbia
1939	Yugoslavia reorganized: Bosnia divided between Croatia and Serbia
1939	Second World War commenced: Great Britain, France and Soviet Union (formerly Russia) against Germany, Japan and Italy

1940	Yugoslavia occupied by Germany
1940	Independent Croatian state declared with German 'puppet' government established
1945	End of Second World War: Germany, Japan and Italy defeated
1945	Tito declares a federation of Yugoslavia with 6 republics and 2 autonomous regions within a socialist ideology (Communism)
1981	Marshal Tito dies
1990	Slovenia breaks away from Yugoslavia
1991	Croatia-Serbia war
1992	Secret agreement between Serbia and Croatia to attack Bosnia and divide the country between them within a policy of ethnic-cleansing
1995	Dayton Peace Agreement brokered by the United States ends the war in Bosnia. The country is partitioned into two entities determined by majority ethnic identity (i.e. Federation of Muslims and Croats, and the Republika Srpska)
1999	Death of President Franjo Tudjman of Croatia
2003	Bosnia applies for membership of the European Union
2003	Death of President Alija Izetbegović of Bosnia-Herzegovina
2006	Death of Slobodan Milošević, former President of Serbia from a heart attack while in custody at the International Criminal Tribunal for the former Yugoslavia at The Hague on charges of genocide and crimes against humanity
2006	Referendum in Montenegro votes for independence from union with Serbia
2006	Serbia's application for membership to the European Union is presently suspended

Source: Michael A. Sells (1996), *The Bridge Betrayed (Religion and Genocide in Bosnia)*, University of California Press.

Additional material from 1992-95 onwards: Bernard Jervis.

## ILLUSTRATIONS

KAPIJA SQUARE IMMEDIATELY AFTER 25 MAY 1995. Photo: ZLOČIN published by BiH War Crimes Commission, 1995

KAPIJA SQUARE 2004. Photo: Bernard Jervis

MEMORIAL IN KAPIJA SQUARE.<sup>1</sup> Photo: Bernard Jervis

PLAQUE MARKING WHERE THE SHELL EXPLODED. Photo: Bernard Jervis

BURYING THE DEAD AFTER 25 MAY 1995. Photo: ZLOČIN published by BiH War Crimes Commission, 1995

INDIVIDUAL GRAVE IN ALEJA MLADOSTI CEMETERY. Photo: Bernard Jervis

THE GRAVES. Photo: Bernard Jervis

ALEJA MLADOSTI CEMETERY. Photo: Bernard Jervis

10<sup>TH</sup> ANNIVERSARY COMMEMORATIONS 2005. Photo: Bernard Jervis

REMEMBRANCE WALL FOR ALL 800 PEOPLE KILLED IN TUZLA DURING 1992-95. Photo: Bernard Jervis

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<sup>1</sup> Translation of poem on Memorial:

‘One does not live here only in order to live  
One does not live here only in order to die  
One dies here in order to live.’







OVDJE SE NE ŽIVI SAMO  
DA BI SE ŽIVJELO  
OVDJE SE NE ŽIVI SAMO  
DA BI SE UMRLO  
OVDJE SE I UMIRE  
DA BI SE ŽIVJELO

MAK DIZDAR

NA OVOM MJESTU,  
25. MAJA 1995. GODINE  
SRPSKI FAŠISTIČKI AGRESOR JE  
GRANATOM PREKINIO  
71 MLADI ŽIVOT

PROUČITE FATIHU I  
POMOLITE SE,  
PAMTITE I  
OPOMINJITE

GRABANI  
TUZLE









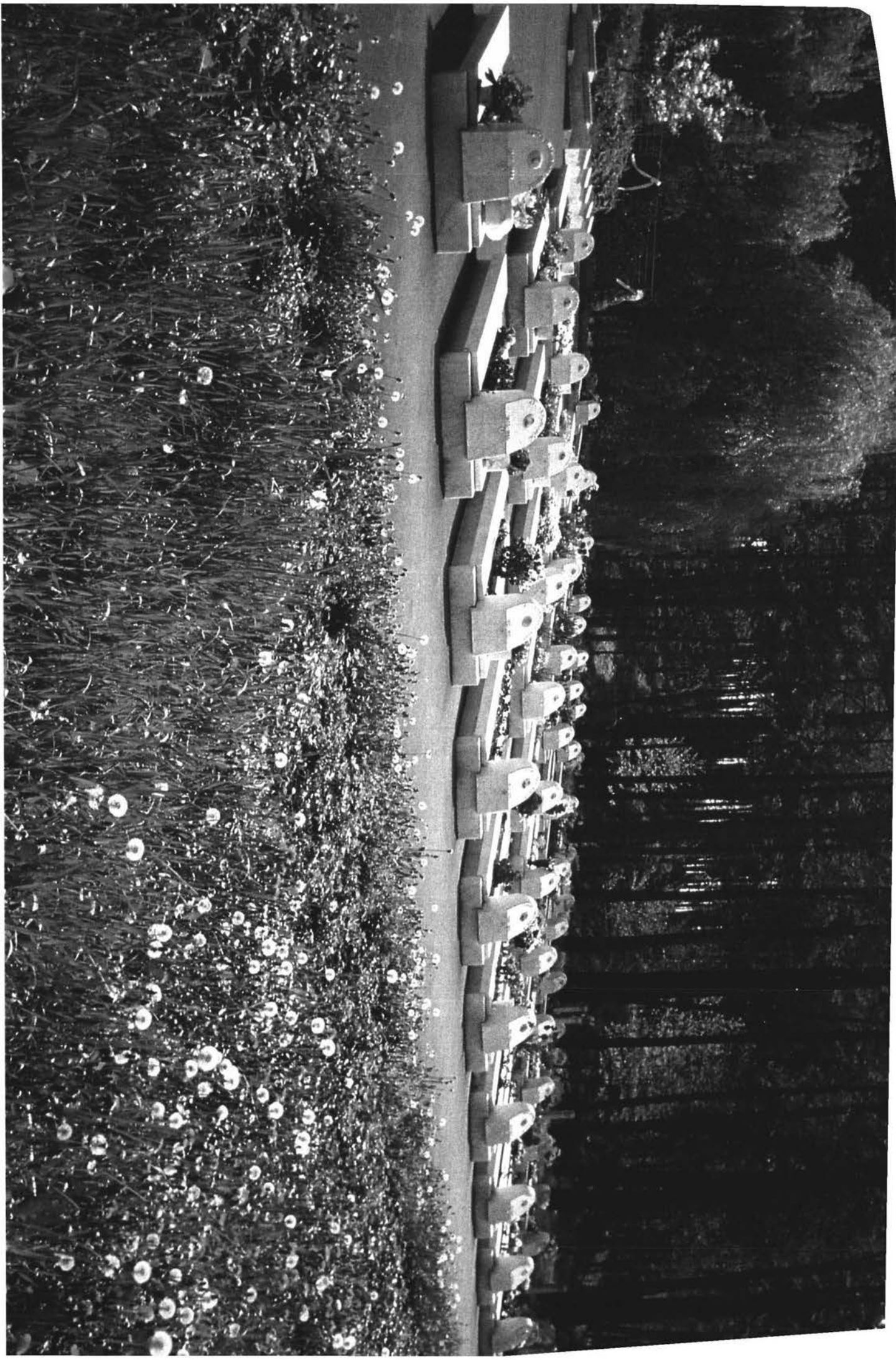
ASMIR BAKALOVIC ASKO



1975 1995











ARNAUTOVIĆ (MUHAMED) ENVER 23.6.1967.-20.7.1994.  
AVDIĆ (RAMIZ) MUHAMED 23.6.1967.-20.7.1994.  
BABIĆ (OSMO) FADIL 2.9.1941.-25.3.1995.  
BAJRIĆ (PAŠA) ATIF 10.6.1957.-2.12.1994.  
BANOVIC (ANTO) MIRKO 21.10.1954.-27.6.1992.  
BAŠIĆ (JUSO) OSMAN 20.6.1967.-15.5.1994.  
BEĆIĆ (MEHMED) DŽEVAD 23.5.1964.-3.2.1993.  
BEGIĆ (ABDULAH) ADEMIR 10.12.1961.-6.4.1994.  
BEKIĆ (BEĆIR) ADMIR 3.8.1968.-13.12.1994.  
BEKIĆ (BEĆIR) SAFET 7.7.1973.-29.1.1993.  
BEKTIĆ (ŠEVAL) NERMIN 9.6.1972.-22.6.1994.  
BEKTIĆ (PERO) LJUBOMIR 20.10.1953.-6.12.1994.  
BOKIĆ (VILJA) DAMIR 1.6.1987.-25.5.1994.

## **CHAPTER ONE**

### **OBJECTIVES, METHODOLOGY, ETHICS, FIELDWORK, AND THE STRUCTURE OF THIS STUDY**

This is a study of re-building peace in the context of inter-ethnic violence. It examines how a multi-ethnic community of Muslims, Serbs and Croats in Tuzla, a town in north-eastern Bosnia, with an estimated population between 150,000 and 165,000, responded to the shelling of its town square by a Bosnian Serb artillery unit which killed seventy-one people on 25 May 1995. Those killed represented the ethnic make-up of a town that held to a long tradition of being a tolerant, multi-ethnic community. The shelling was intended to divide the Muslim, Serb and Croat population into taking sides in the conflict that occurred in the country throughout 1992-95. The average age of those killed was twenty-two. The decision by their families to have them buried together irrespective of ethnic background was taken in the face of external religious and political opposition. That the decision taken by the parents was done in the face of opposition made a deep impression on me. The simple explanation for taking this decision was that their sons and daughters were friends in life and would remain so in death. This made a powerful statement against violence.

This introductory chapter describes the topic, objectives, methods, and ethics of the study which follows. It also describes how I came to choose this topic, provides a description of the fieldwork upon which the study is based and a reflective comment on the experience of conducting this research. It concludes with a brief overview of the structure of the study.

#### **1.1 Research objectives, methodology and ethical issues**

The objectives of my research were to understand the cultural dimensions of peacemaking in a multi-ethnic community disrupted by war; by one, ascertaining the



relationship between the cultural context and the nature of the conflict and the outcome to resolving it; two, applying anthropological inquiry to a specific initiative in Tuzla that was the community's response to violence; and, three, observing the accumulative effect of a policy of ethnic-cleansing on the whole community.

The anthropological paradigm within which the research was undertaken was case study approach. The basic data were collected by a variety of means but participant observation and interviewing were the most important methods, with public records and other accounts provided additional information. It was a qualitative inquiry inasmuch that it reflects in direct quotations the personal perspectives and experiences of those interviewed. This ensured that the participants were positively involved in the research findings. What happened in Kapija Square had affected those interviewed both in emotional and behavioural terms. Each interviewee's situation was unique but the study sought to identify elements of that experience that were common to all of the families. It was hoped that this would reveal the motivation for the families involved in adopting the course of action they did and the decision-making process that occurred in the face of religious and political opposition. At another level I wanted to consider whether their action constituted a conscious or sub-conscious desire to restore their community to its 'ordinary relations'; that was, of peace.

The study was undertaken within the context of others in Tuzla having been affected by what happened on 25 May 1995 and the wider conflict that occurred in Bosnia-Herzegovina during 1992-95, which was the background to the violence. 800 people in total were killed in Tuzla alone. The case study, therefore, included a wider sample of the community in the evaluation. This was consistent with the principle of contextualism (Gould and Kolb 1964:160-161) in that it seeks to explain the social behaviour of those who participated in the study in relation to the structure of the society in which it occurred, and in terms of the value system of the culture.

This study is based on premises that one, the human condition, whether to wage war or to strive to build an enduring peace, was for us to decide (Barash and Webel. 2002: 25);

two, the value for anthropology in fieldwork undertaken in conflict areas was that it provided insights and understanding of how human beings experienced violence (Mahmood 2003:3); and, three, the process of coming to terms with the past, and of being reconciled to its painfulness, was much more complicated than merely distinguishing lies from truth (Stover 1998:7-13). The objective is to find an enduring peace that allows people to overcome the past and see a future in which the same conditions could not exist again. At the same time, the research employed a holistic dimension which was consistent with a case study approach. Seymour-Smith (1986:138) describes anthropology as being generally characterized as a holistic discipline, which emphasises the total social and cultural context in any explanation of the structure and patterning of human groups and their behaviour.

In the preparation of the research a number of ethical issues were identified in relation to the data collected from participant observation, interviews and public records. Most importantly, participants' rights needed to be respected. This included their right to decline participation in the research, only provide information that they wished to give, withdraw from the study at any time, and ask any questions about the study at any time during participation. The purpose and aims of the study were explained to all participants and all interviews were conducted with consent. In addition, they were informed that my findings were being submitted to Massey University for academic use only (see Appendices 1-3). This project was reviewed and approved by Massey University Human Ethics Committee, Palmerston North, Application 04/126 on 24 September 2004, and conducted in accordance with the guidelines presented in the Code of Ethics of the Association of Social Anthropologists of Aotearoa/New Zealand (see Appendix 4).

## **1.2 Choosing the research topic**

I worked in Bosnia for 12 months during 1998-99 and saw at first-hand the devastation caused by the war of 1992-95, in which it was estimated that over one million people were either killed, disappeared without trace, raped, expelled from their homes or fled the country, for reason of ethnic identity, in a country with a population of around four and a

half million. Homes were destroyed and looted creating displacement, poverty and social disruption. Overall, its people were traumatised by the war, needed assistance and had to find ways to survive. The Dayton Peace Agreement, signed on 21 November 1995, brought an end to the fighting. The political outcome was the division of Bosnia-Herzegovina into two separate entities based along ethnic lines: [i] the Federation of Bosnia-Herzegovina composed of Muslims and Croats and [ii] the Republika Srpska composed of Serbs, with an international security force [SFOR] put in place to oversee the peace. A smaller and less observable peace-keeping force remains in place today. Some of those responsible for the atrocities that occurred during 1992-95 have appeared before the International Criminal Court for the former Yugoslavia (ICCY) in The Hague and been sentenced to prison terms. Some are presently being prosecuted. Others are still at large.

On my first visit to Tuzla in 1998 it was the third anniversary of the shelling of Kapija Square in 1995. Those killed were buried on a wooded hillside overlooking the town centre. All that could be seen was a mound of earth above each grave. The early accounts stated that all of those killed were buried together and that they were representative of all ethnic groups in Tuzla. This suggested that Christians and Muslims had been buried together. In February of the following year I made a further visit to the burial ground and saw that work had begun to place headstones over each grave. Although this incident had no direct concern with the work I was undertaking in Sarajevo during 1998-99 it had nonetheless registered in me what seemed a remarkable act of solidarity and hope in the context of what had been a bloody and hateful conflict. I returned to New Zealand and it was not until 2003 that I decided to undertake a doctorate in social anthropology. It was this incident that was the catalyst for my decision. So it was that in 2004 and again in 2005 I returned to Tuzla to undertake fieldwork. By this time the cemetery had been completed as a memorial to those killed.

The first accounts of the shelling of the town square and the burial of those killed came from local and international media coverage at the time. Those reports were presented in a journalistic style to impact on readers and viewers an immediate sense of what had

happened. By the very nature of the incident they could not avoid the emotional impact of presenting details of war and casualties. Some of this early information I found on examination not to be entirely accurate.

### **1.3 Two phases of fieldwork**

Powdermaker (1966:8) described participant observation as a method which has at its heart 'involvement and detachment', being both an art and a science. The anthropologist learns to understand another culture by immersion in it, whilst at the same time remembering that he or she is a social scientist from another culture. Involvement, she believed, was necessary to understand the psychological realities of a culture: that is, its meanings for that culture's members. Detachment, on the other hand, was necessary to construct the abstract reality: that being, the network of social relations in a society that included its rules and how they functioned – not necessarily real to the people studied.

I realised that this could be a sensitive study so I decided to undertake the fieldwork in two phases. The first phase of the fieldwork during April-May 2004 allowed me to gather basic information that could determine the accuracy or otherwise of earlier accounts I had obtained of what had happened. As part of this information-gathering I met with key community and religious leaders to obtain first-hand their accounts. As well, I was able to obtain official records of those killed and injured. The value of this visit was that it allowed me to ascertain whether my study would gain support from the community while at the same time indicating the best possible approach I should take. I needed this initial support from the community for working in the second phase of the fieldwork with the families of those killed.

I held meetings with three key local leaders in 2004. They were Selim Bešliagić, the Mayor of Tuzla during 1992-95, Muhammed *ef.* Lugavić, the Chief Imam, and Mišo Božić, the President of the Serb Civil Council. They agreed that they would facilitate meetings with the families of those killed on my return to Tuzla in 2005. In 2005 I met with these leaders again on several occasions and, in addition, I met with both the priest

of the Orthodox Church and the Catholic priest who was in Tuzla during 1992-95. These people were then, and still are, an intrinsic part of the community. With the exception of the Orthodox priest they all lived through what happened on 25 May 1995 and were involved with the families of those killed in the process of deciding the form of burial. I had assumed that they would personally approach people to come forward for the interviews. In fact, the three religious leaders between them referred only one person. A former mayor, Lynbomir Jurak, similarly expressed his intention to help by approaching people to come forward for an interview, claiming that he knew everyone. Mr Jurak was the person who suggested the idea of a communal burial to Mr Bešliagić. This fact was not made public, for some reason, until 2005. Mr Jurak, too, however, referred no one. All of them, however, did provide very valuable information on the events surrounding what happened in Tuzla during the war as well as details of the shelling of Kapija Square. As well, they provided details of the subsequent burial arrangements, in which they were all involved with the exception of the Orthodox priest. My opening to interviews with families of those killed came through meeting Admir Ikinić, the President of the Families' Association (*families of those killed on 25 May 1995 and people who were injured*) which had been formed in November 2004. But even this contact had limitations. Mr Ikinić was helpful in arranging meetings with some families of those killed but I had to use other informal contacts in addition as the opportunity arose.

The second phase of the fieldwork was undertaken during March-July 2005. I conducted interviews during this period with a range of people including some of the families of those killed, community and religious leaders, and significant others with a connection to what happened on 25 May 1995.

Prior to undertaking any interviews at all I considered what I thought would be the most appropriate interviewing technique to use as this would be critically important to the project. The interviews were undertaken through an interpreter as I am not proficient in the Bosnian language. In some cases where English was spoken this was not necessary. Working with interpreters required time being spent beforehand to explain to them the

purpose and value of their role. They had to recognize that their manner and presentation was important to the outcome of the interview. The additional value they brought was their own impression of the interview. In addition, there was value in them being able to confirm the accuracy of my accounts and any impressions that I had gained, as well as pointing out any points that had been overlooked. I decided that as these were sensitive interviews the interview time was to be limited to one hour. Further meetings could be arranged if considered necessary but my experience has been that a stressful subject can only be sustained for a relatively short time.

I used two interpreters during the project: Eldin Omerović (Dino) and Amira Kovčić, both signing confidentiality agreements (see Appendix 5). Which one I used was largely determined by their availability at the times needed. I avoided, if possible, interviews being conducted with a male interpreter when the person being interviewed was a woman. This was based on my experience of working within the New Zealand criminal justice system for many years. That could not be avoided in all cases and it never presented a problem, but when I used Amira the interview was noticeably more relaxed. Gerald Berreman (1972:xxxvii/xii) has discussed the impact of using different translators/interpreters. In his research in a Himalayan village, one interpreter was a Brahmin and the other a Muslim. Both were male and each behaved within the norms of their own cultural backgrounds. Berreman found that each formed a different impression on the villagers within his research. In my case, both interpreters were Muslim and of similar age, being in their early thirties. Both had a young child but Amira had remained in Tuzla throughout the conflict whereas Dino had left the country. This fact may have been known by those interviewed, which, in some cases, may have been regarded less favourably. I had no evidence, however, that that was the case.

Some of the interviews were very stressful and it was important therefore, from the outset, that the times of appointments and the length of the interview be carefully managed to avoid an over-stressed situation for all concerned. That included those being interviewed, the interpreters and myself. Only one interview was arranged on any one day whenever possible. Both Dino and Amira were competent interpreters but I noticed

that Dino became stressed more readily than Amira. In any subsequent private conversations Dino revealed a more nationalistic view of the conflict. I felt he had a great deal of unresolved anger which was partly explained by the fact that his parents had been expelled from their home by Serbs. Amira found some of the interviews very sad to talk about but she found it gave her a broader understanding of what had happened and how it had affected others. No one in her family was killed during the war.

#### **1.4 Basic account of what happened on 25 May 1995**

One of my first tasks on returning to Tuzla in 2004 was to obtain reliable information and data that could be verified. First of all, I needed a basic account of what had happened and this I obtained from statements from key community and religious leaders. Comments from families and others that I interviewed later in the fieldwork validated these accounts. The following is my written summary of the account I obtained from Selim Bešliagić, Mayor of Tuzla during 1992-95, which is representative of these statements:

The shelling of Kapija Square occurred at 8.45 p.m. with an estimated crowd of about one thousand in the Square at that time. The day had been sunny after about ten days of rain therefore many people had gathered in the town centre. May 25<sup>th</sup> had previously been celebrated in the former Yugoslavia as the Day of Youth. It had been introduced to mark Marshal Tito's birthday but since its independence in 1992 Bosnia no longer celebrated this day. The attack on the town square was deliberate and specifically targeted. An earlier shelling at 4.17 p.m. fell short of the town. It was not realised at the time but this earlier shelling was done to calculate the range necessary to hit the town square. The Bosnian Serb unit responsible for this attack was located 27 kilometres away in the mountains around Mt Ozren. The 2<sup>nd</sup> Bosnian Army based near Tuzla found the location and the artillery gun used. The gun now stands outside the Officer's Mess in Tuzla. The soldier who fired the shell that landed in the town square at 8.45 p.m. is known to local authorities. He claimed that he was acting under orders. No one, as yet, has been prosecuted or held responsible for this attack. It is still under investigation.

Fifty to fifty-five people died immediately. Others died later from their wounds. The final number of those killed was seventy-one. During the chaos that followed the shelling some of the seriously wounded were moved and this inadvertently caused them more damage. One hundred and fifty people were badly wounded and many others received minor injuries. The local hospital could not cope with the scale of this emergency. The most seriously injured were forwarded on to hospitals in Germany, The Netherlands and France. Feedback from these hospitals praised the skills of the doctors and surgeons in Tuzla for their emergency treatment. The mayor was approached with the idea of a common burial for those killed.<sup>1</sup> He discussed this idea with local religious leaders, and all families of those killed were visited. The families were asked if they would like everyone who had been killed to be buried together. It was suggested to them that this could be either one communal grave or separate graves within one area to be specially designated to those killed. It was to be their decision. They could choose not to be buried in a communal area. At that stage fifty agreed to a common burial ground. Others wanted burials in established Muslim, Catholic or Orthodox cemeteries in Tuzla and for those in areas outside Tuzla they chose to have burials in their own villages. One family from outside Tuzla later changed their mind and had their daughter buried in the communal burial site in Tuzla. This then created a total of fifty-one buried together in the same site in Tuzla. The local Islamic religious leaders that were consulted had no objection with a common and multi-ethnic burial. Likewise it was not a problem for the Catholic Church. No religious leader from the Orthodox Church could be engaged in this discussion as the Orthodox priests had left Tuzla at the beginning of the war. The Serb Civil Council, however, had remained in Tuzla and supported the proposal. For Muslims the only prerequisite was that their bodies faced Mecca. Opposition came from the senior Muslim cleric in Bosnia, Mustafa ef. Cerić, who travelled to Tuzla from Sarajevo to meet with the mayor, local religious leaders and the families concerned. Cerić claimed that the idea was improper for Muslims and a very volatile and difficult meeting followed in which the families challenged and rejected his opposition. The outcome of this meeting was that it was accepted that the final decision rested with the families. All meetings and the subsequent burial arrangements had to be conducted in secret so that

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<sup>1</sup> It was later confirmed that this idea was suggested by a former mayor of Tuzla, Lynbomir Jurak.



Bosnian Serb forces would not know of their plans. It took some days to finalise all arrangements before the burial service could take place. It was conducted during the night to avoid shelling of the families who were present. The town's community and religious leaders attended the service and brief burial rites were performed in accordance with respective religious traditions in each case.

Public records that I obtained gave the official number of those killed at 71 and 172 seriously wounded. A further 200 were estimated to have received minor injuries. In total over four hundred people were either killed or injured that day. The average age of those killed and seriously injured was twenty-two. The research focus was on those who were killed. Fifty-one graves were in the specially designated cemetery in a park complex on the outskirts of the town centre in Tuzla. These were identical in design and gave personal details of those buried there. From statements provided by family members of those killed, from community and religious leaders, and others, those buried in the memorial cemetery represented all ethnic groups. Placed within the context of the ethnic conflict that occurred in Bosnia during 1992-95 this decision was all the more poignant and significant. Of the twenty people buried elsewhere I found that nine were buried in their own towns and villages and eleven in other cemeteries in Tuzla. Fourteen were Muslims, two were from Catholic families and four were indicated as being of 'mixed marriages'.

From interviews with the families of those killed three basic facts were common to all: one, the surviving family members had been deeply traumatised; two, for those families who decided to have their son or daughter buried in the communal cemetery their reason for taking that action was the same in all cases, it being that those killed were friends in life and should not be separated in death; and, three, all of the families wanted the perpetrators to face justice. It was not possible for a variety of reasons to have interviewed all seventy-one families of those killed. Eight families declined to be interviewed on grounds that it was too painful for them to talk about what had happened and some of those killed had been buried in their own towns and villages. Others were simply not able to be located during the time I was in Tuzla. From interviews I

conducted with those families who had decided upon burials in places other than the memorial cemetery three now wished to have the bodies exhumed and placed in the memorial cemetery. Comments from other families as well as from community and religious leaders indicated that others would similarly have liked to do this. Of the fifty-one people buried in the *Aleja mladosti* cemetery two had been exhumed from other cemeteries prior to the completion of the cemetery.

I came to the conclusion that a number of factors contributed to the decision to have a common burial site. In all of the interviews I conducted the basic reason given for taking this course of action was that these mainly young people were friends and should not be separated in death. Religious or national identity was a factor for some not to agree to this action. But even those families who buried their family member in some other cemetery it seemed now regretted having made that decision. There is a common understanding of loss and grief when someone dies irrespective of any one religious faith. The burial ceremony is part of that process. Those killed on 25 May 1995 were not buried under normal circumstances and perhaps the collective and united position taken by those families helped them to deal with what had happened. For most of the families they were burying a son or a daughter. This common bond unified them in their grief. The alternative to a common burial site would have seen all those killed buried in different cemeteries around Tuzla and other towns, designated by religious affiliation. As it is, the *Aleja mladosti* cemetery is positioned in a prominent public area and is well-cared for by the Municipality. It is now part of the town's collective identity and consciousness. It also serves a purpose for those who were injured on 25 May 1995 and others in the community who would have known many of those killed by providing a tangible public record of what happened as well as a place for reflection.

### **1.5 Conceptual framework**

Other researchers provided useful guidelines for approaching fieldwork and ways of organizing observational data. I found the general guidelines outlined by Patton (1990:377) provided a workable and helpful framework for managing the large amount of

data collected during my fieldwork (see Appendix 6). This illustrated the need to plan in advance the practical implications of gathering data from various sources that allowed subsequent analysis and evaluation to be managed in a satisfactory manner.

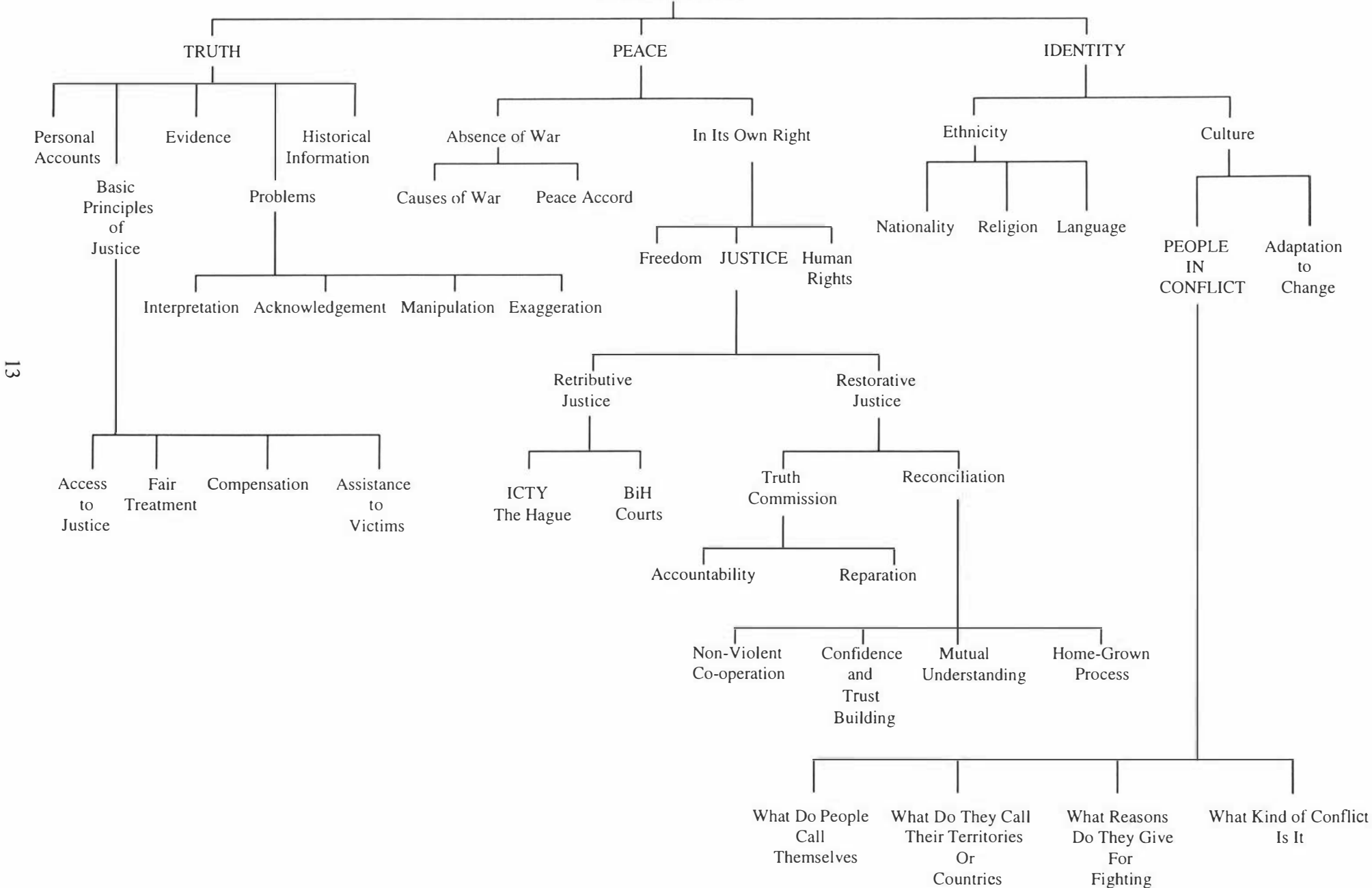
The whole project required a practical strategy to enable me to cover as much ground as possible within the period of time I was in Bosnia-Herzegovina. My basic strategy was to approach the fieldwork in two phases. In the first phase, preliminary information was obtained and local contacts established to facilitate my study. To facilitate data collection, I developed a flow-chart that focussed on the key concepts that I felt were necessary to understanding the incident I was studying in Tuzla (see 1.6 flow-chart on opposite page). Three key factors emerged as being important: one, that the truth of what had happened should be known; two, that as hostilities had ceased so the peace, itself, should be understood; and, three, that how people identified themselves had to be known.

First, the concept of truth to find out what had happened. This involved drawing from various sources including personal accounts, historical information and judicial inquiry, where undertaken. Examination of any judicial inquiry that had been undertaken indicated the level of access to justice, fairness of treatment, sentences imposed, and whether any assistance to victims was provided including compensation. Searching for the truth, however, was problematic inasmuch that it could be interpreted differently or exaggerated by any one individual, making it difficult to reconcile opposing views.

Second, there was the concept of peace which was understood in terms of *negative peace* which meant peace in the absence of war or as *positive peace* which saw peace in its own right. In addressing the absence of war proposition it was necessary to have some insight and understanding of the causes of the conflict and how it was resolved. Addressing the proposition that peace could be understood in its own right introduced ideas of social justice, freedom and human rights as being intrinsic to the concept.

1.6 Conflict in Bosnia-Herzegovina 1992-95

NATIONAL UNITY



Third, it was important to examine the identity of those who participated in the study. This allowed the ethnic background of each individual to be known. This was important in confirming the tradition held in Tuzla of being a tolerant multi-ethnic community. It also revealed the high level of inter-marriage that had occurred. Ethnicity, by and large, was derived from stated nationality, language or religion. In some cases these indicators could be used interchangeably. Identity is an important tool used by social anthropologists to distinguish differences between groups. As culture is central to the social anthropologist's understanding of human diversity, it was necessary, in this study, to examine how ethnic conflict was experienced in this community and how they adapted to change following the violence.

Lastly, the study considers whether the 'grass-roots' initiative taken by the families of those killed in Kapija Square constitutes peace-building within the core values and principles of restorative justice (see Appendix 7).

## **1.7 Observations**

At all times during my fieldwork in Tuzla I kept notes of my thoughts, impressions and feelings as they occurred to me. This was important because the study was undertaken in conditions outside my own experience and the subject matter was a stressful one. The following observations gave additional impressions of the town's daily life:

I observed that the *Aleja mladosti* cemetery was visited every day by someone no matter what the weather conditions were and I came to realise how deeply this had affected the families of those killed. The local university and schools were fully operational and well-attended. English was widely taught in both primary and secondary schools. With high unemployment in the town most young people had very little to occupy them. A further consequence to this, together with the lack of any welfare support to those unemployed, was that many young people could not afford to get married, start a family or simply live independent lives away from home.

There were plenty of sporting facilities in the town and these were well used. Social activity was dictated to a large extent by family occasions. A worrying concern for the authorities was the heavy consumption of alcohol by young people. This spilled over into fighting at times. There was nothing to indicate that this occurred along ethnic lines but I could not obtain any clear assessment of this. The level of fighting on the weekends at one particular site near the *Aleja mladosti* cemetery caused the authorities to put a heavy Police presence in place there. A wall was being planned around the cemetery and park area for greater security.

The present population of Tuzla was estimated as being between 150,000 and 165,000. The last official census was taken in 1991 at which time the population was 135,000. The increased population was caused by an influx of displaced persons who had been mainly Muslims. These people were expelled from their own homes during 1992-95 and many were not able to return. They were mainly women who came to Tuzla from Srebrenica, where 7,800 Muslim men and boys were massacred. Their children were now teenagers and young adults. This influx of Muslims increased the already predominant Muslim population of the town, raising questions about whether this could adversely affect inter-ethnic relations. To date there was no evidence to suggest that it had. High unemployment in the town was considered a factor influencing some Serbs and Croats not to return.<sup>2</sup>

Within the three main religions I found a wider age group attending the mosques than the Orthodox and Catholic churches. Attendance in both the Orthodox or Catholic churches was noticeably by members of the older generations. I never saw any children in the Orthodox Church. The Orthodox priest said this was because many Serb Orthodox families left Tuzla during 1992-95. Children and young people attended the Catholic Church, although not in great numbers. From comments made to me by young people at the university I gained the impression that young people have turned away from religious institutions and practices because of what happened in Bosnia-Herzegovina during 1992-95. In terms of their own identity they recognized themselves as being of one ethnic

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<sup>2</sup> Statistics released by the Office for Displaced Persons (2005).

background or another but that did not necessarily mean that they regularly attended the mosques or churches, if at all. Religion, by and large, was politicised by all parties during the Bosnian conflict to underpin their respective nationalist agendas. I could not verify any inter-faith dialogue between the religious leaders in the town, contrary to statements made by them suggesting that there was such dialogue.

A strangely disturbing image was the old Jewish cemetery in the town. It was permanently locked and surrounded by a barbed wire fence, perhaps because there was hardly a Jewish population now in Tuzla. During the Second World War the people of Tuzla provided sanctuary and protection for Jews from Germany, which further reflected their tradition of inter-ethnic tolerance. Another interesting observation was that of an orthodox family setting up a picnic with table, chairs, food and wine in the Orthodox cemetery, next to the grave of their deceased family member. This was a common occurrence that expressed the inclusiveness of the whole family. Similarly, in the Muslim cemeteries I saw families sitting at the gravesides talking to the deceased family member.

Other images included the room that I used for interviews at the Families' Association, which had broken windows and no heating during the winter months; the sad ceremonies I attended on the 25<sup>th</sup> of May that marked the 10<sup>th</sup> anniversary of the shelling of Kapija Square; and listening to the music composed by Asim Horozić dedicated to those killed that day, played for me on an out-of-tune upright piano in the Tennis Club. There was no one else in the club other than my interpreter. These are lasting images but they are not happy memories.

I set myself a daily routine of visiting the local internet cafe. These venues were used largely by young people, mostly males, and mainly for playing computer games. As a result they were noisy and full of cigarette smoke. The games chosen had usually action themes depicting violence. I restricted my time to one hour as more than that was unbearable. The cost of accessing the internet was very cheap and that explained why so many young people could afford to go there.

## **1.8 Personal considerations**

On a personal level I never felt unsafe at any time. I rented a small apartment in the town centre that provided me with satisfactory accommodation. The climate was a factor with extremes of cold and hot weather. I arrived at the end of the Balkan winter with temperatures around minus 10 degrees Celsius, with deep snow, and by the end of July, when I left Tuzla, the temperature was up to 36 degrees. Both extremes had a bearing on the times arranged for the interviews to be conducted. Interviewing arrangements in the winter, for example, had to take into account whether any heating was available in the room used for interviews. That was not always possible. In the summer months, by contrast, everyone tried to conduct their business and activities outside the hours of 11 a.m. to 3 p.m. to avoid the high temperature. Very few buildings had air conditioning and it was necessary to avoid dehydration. The town had water restrictions between 9 a.m. and 4 p.m. each day throughout the year which meant that in the summer months I needed to have in store a good supply of bottled water at all times not just for myself but also for others in any interview session. Added to this were frequent power cuts. The use of the local internet café compensated for the sense of isolation I felt at times. This allowed me to be in contact with family, friends, Massey University, and other contacts both in Bosnia and elsewhere. This provided a sense of normality to balance the otherwise constant focus on grief and loss. In addition, I travelled to Sarajevo once a month to spend the day with friends and on two occasions I was away from Tuzla for three days. In both cases I attended meetings in Dubrovnik on the Adriatic coast. One was to give a presentation at the Inter-University School and the other was as part of a working group to which I had been invited, which was developing a restorative justice theoretical model that was to be used as the basis for a Truth Commission in the Balkans. The restorative justice project was being undertaken by a Belgian university. These times away from Tuzla allowed me to keep a professional approach to the work I was undertaking by giving me some personal support and time-out.



## **1.9 Reflections on the fieldwork experience**

In my visits to Bosnia-Herzegovina since 1997 I have spent a total of eighteen months in the country. I had expected by 2005 to see some movement forward. Certainly, it was clear to see that houses and roads were repaired, most landmines removed and in Mostar even the ancient Turkish bridge over the River Neretva, destroyed in the conflict, was restored. I felt, however, that these repairs hid what was underneath the surface, which was that nationalism and inter-ethnic relations in some parts of the country had not changed. No-one seemed to have much hope for a brighter future, especially the young. I need to be careful, however, in any conclusions I give as they should be qualified by the fact that I only worked in specific areas; that is, Tuzla during 2004-5 and Sarajevo during 1997-99, both having significant Muslim populations and both large cities. I had travelled in other areas including the Republika Srpska and Herzegovina and some of that had been work related. The over-riding impression I was left with was of three groups of people divided along ethnic lines. I am not sure that they all wanted to see themselves as being of one country.

A question I put to myself, in light of my experience in Bosnia, was what I would have done if a member of my family was brutalised or killed in front of me as a deliberate act of aggression to humiliate me, degrade me, or show me how powerless and helpless I was in such a situation? I do not really know. The wider question of survival I believe instinctively presents itself. So, I have had to ask myself whether violence was justified under certain circumstances, if only in self-defence, and whether on a personal level I could commit a violent act. This was not a scenario I wished to be presented with in my lifetime but where I have conducted interviews and sought explanations from others who have been subjected to such experiences I could not be, ought not to be, and was not, judgemental. The rule of law and the Courts made those decisions. The human price would be a heavy one anyway as such acts leave their mark either in the form of imagery that remained as a memory or manifests itself in behaviour that made it impossible in some cases to ever trust anyone or show respect to others again.

I found an overhanging depression in the country. Life was very hard for so many of its people and there are, I believe, many issues yet unresolved. They have lost so much. Their country was divided and peace prevailed because of the presence of an international peacekeeping force. A phrase that was told to me in Tuzla by one of the trauma counsellors was that what had happened in Kapija Square on 25 May 1995 had left a 'shadow over the whole town'. That was true. You could feel it. The whole period of conflict during 1992-95 had, also, of course, left its shadow over the whole country. By the time it came for me to leave Tuzla I felt some relief. There was a sense of guilt in that, of course, which many people have expressed who have worked in areas destroyed by war, disease or poverty.

### **1.10 The structure of this study**

The eight chapters in this study represent four parts – [1] *introduction*, [2] *interviews*, [3] *truth and reconciliation*, and [4] *conclusion*.

#### **[1] INTRODUCTION**

Chapter 1 describes my research topic and fieldwork. Chapter 2 seeks an explanation for the ethnic violence that occurred in Bosnia-Herzegovina during 1992-95. I needed a starting point for my study from which to gain some insight into what may have caused the conflict that took place in Bosnia during this time. Chapter 3 describes how anthropologists, in particular, understand the idea of peace and the specific question I ask in this study is whether the *Aleja mladosti* cemetery in Tuzla represents an act of peace-building. The war in Bosnia-Herzegovina during 1992-95 did not conclude with one party being 'defeated' or anyone being declared the 'victor'. The peace settlement was brokered by a third party: the United States. The outcome was division of the country into two separate political entities based on ethnic lines – a federation composed of Croats and Muslims and a Serb republic - with an international peace-keeping force put in place. The objective was to stop the fighting, which it did, but it is generally held to be an unjust settlement – leaving a state of 'not-war-not-peace' (Nordstrom:2004), a term

that was coined during the 1990's in Angola. War crimes were committed in Bosnia-Herzegovina during 1992-95 and trials have been held for those indicted of these crimes. Some appreciation of this legal process is outlined in this chapter as well as examining other possible ways of seeking justice - examples being restorative principles of justice on which Truth and Reconciliation Commissions are usually based. There is an additional school of thought whereby peace is described as a struggle in which 'peace by peaceful means' defines that struggle as non-violent. War or peace? The choice is ultimately one that any society has to decide. The key concept underpinning this study is peace-building, upheld by social justice, freedom and human rights.

## [2] INTERVIEWS

Chapters 4, 5 and 6 present the interviews I conducted with the families of those killed, community and religious leaders, and others with significant connection to what happened in Kapija Square on 25 May 1995, with an analysis in chapter 7. These accounts show that what happened affected not only the individual families of those killed but also the community as a whole. They also clarify questions about ethnic identity and the significance of the *Aleja mladosti* cemetery. This reveals a more qualified understanding of ethnic identity in Tuzla due to inter-marriage in the town. The accounts also reveal how grief and loss had common meaning for all families irrespective of ethnic background.

## [3] TRUTH AND RECONCILIATION

Chapter 7 examines the broad area of justice within a framework of three fundamental concepts that I believe are the essential components necessary to achieving any goal for social cohesion or national unity in the country. These are truth, peace and identity. My findings conclude that there is a greater need for justice. This seemed to be a fundamental desire, notwithstanding the work of the International Criminal Court for the former Yugoslavia (ICCY) at The Hague. Referred to simply as 'The Hague' the ICCY represented for many people the international standard of justice that should be applied.

They seemingly had little faith in their own Courts. A common statement that came up time and again in my interviews was that the 'truth' needed to be known. Putting aside for a moment all the problems associated with defining 'truth' and any subsequent acknowledgement of it by opposing parties, it would seem that any attempt to deal with a post-conflict situation require recognition of what happened. Reconciliation could be a consequence of the truth being known and acknowledged but it should not be assumed to be desired or forced on anyone. The conflict in Bosnia-Herzegovina during 1992-95 exacted a huge toll on its people. Terrible atrocities were committed during that period including killings, torture, rape and expulsions. No one should assume that the people there necessarily want to be reconciled. If that comes, it will be because they have decided that for themselves.

#### [4] CONCLUSION

Chapter 8 considers whether the objectives of the research were met. I come to my conclusions based on the many interviews I conducted that gave personal accounts of what had happened. Additional material was obtained from public records and the numerous books now written about the war in Bosnia-Herzegovina during 1992-95.

The significant findings of the study are outlined in the preceding chapter. In total, they reveal the enormity of personal loss and suffering that occurred. The key question to be answered, however, is whether the initiative taken by this community to have those killed buried together irrespective of ethnic background constituted an act of peace-building. To answer that question, a long-held tradition of inter-ethnic tolerance in Tuzla lay at the base of understanding their action. I conclude that memorialising the shelling of Kapija Square in the form of a communal cemetery was a symbolic and public statement of hope, peace, and unity.

The study was also intended to serve other purposes: It was hoped that to allow the participants to talk to a neutral but sympathetic outsider about what happened to them might have some positive cathartic benefit. Also, that the findings might provide [1] a

model for others to follow with similar issues and problems, [2] it contributes towards the development of new models of peace-building, and [3] it gives an understanding of how people experience and survive serious violence.

The initiative taken by the community that is the subject of this study was a response to serious violence being enacted upon their town with some killed and others injured. Their response was that they chose to re-build peace.

## CHAPTER TWO

### SEEKING AN EXPLANATION FOR THE ETHNIC VIOLENCE THAT OCCURRED IN BOSNIA-HERZEGOVINA DURING 1992-95

The conflict that occurred in Bosnia-Herzegovina during 1992-95 has its genesis in the collapse of the former Yugoslavia, at which time the people within Bosnia-Herzegovina were officially called *Serbs*, *Croats* and *Muslims*. The Dayton Peace Accord brokered in 1995 divided the country along ethnic lines into two distinct political entities: one, a federation of Muslims and Croats and, two, a Serb republic. This chapter explores whether Bosnia's ethnic, religious and national history provides an explanation for the violence that occurred that saw a policy of ethnic-cleansing being carried out. Such acts contravene international humanitarian laws and this resulted in an international criminal tribunal for the former Yugoslavia (ICTY) being set up by the U.N. to prosecute these crimes.

#### 2.1 History of ethnic identity, religion and language

The history of the country reveals a complex social and political experience in which each period of the country's history significantly forged the composition of its people today. According to Fine (1994:1-22), as an identifiable people Bosnians were all of Slavic origin. The Slavs migrated from Poland and Ukraine, settling in Bosnia as well as Serbia, Croatia and Montenegro in the late 6<sup>th</sup> and early 7<sup>th</sup> centuries. They appeared in small tribal units but were drawn from a single Slavic confederation, the *Slaveni*. In the second quarter of the 7<sup>th</sup> century, the Croats, who Fine believes were probably of Iranian origin, invaded and asserted their overlordship over the Slavs (*Slaveni*) in the regions of present-day Croatia and Bosnia. In regions to the south and east of Bosnia, the Serbs, who Fine believes were probably of Iranian origin, too, came to predominate over the Slavs there. As Fine points out, whether these newcomers asserted their control over all the Slavs of Bosnia is unknown. It is also impossible to determine which parts of Bosnia fell under Serbs and which parts fell under Croats. In time these later invaders

Map of former Yugoslavia 1945  
Showing Slovenia, Croatia, Bosnia-Herzegovina,  
Montenegro, Macedonia and Serbia.



Source: Cigar, Norman (1995), *Genocide in Bosnia: The Policy of Ethnic Cleansing*.

were assimilated by the more numerous Slavs but provided names for the resulting population, among whom Slavic culture and language triumphed.

From this early period to the Middle Ages Bosnians did not call themselves Serbs or Croats. If they wanted a major label they called themselves Bosnians. Fine acknowledges that he cannot say whether they conceived this term as an ethnic one or whether it meant being a member of a Bosnian state. This statement suggests that the geographical boundary of the territory became the determining factor, and at this point in Bosnia's history its people were able to live together as one nation.

Religion, as a cultural factor, takes on a greater significance in the country's later development: Catholicism was brought to Bosnia by the Franciscans in 1291 and in 1463 when the Ottoman Empire conquered Bosnia the Franciscans negotiated a concession from Sultan Mehmet II whereby under the Ahndama Charter Catholics acknowledged the Sultan as their ruler in return for the freedom to practice their faith. This secured the survival of Bosnian Catholics under the Ottomans. Lovrenović (2002:55) argues that the term 'Bosnian Croat' dates only from the 19<sup>th</sup> century with the Austrian annexation of Bosnia. He believes that 'Croatization' is a modern phenomenon, dating from this period, when the church hierarchy introduced the concept of 'Catholic Croatian national sentiment', inseparable from the wider political ideology, then promoted, of all Croats being brought into one state. But as Lovrenović points out, before the modern political use of 'Croat' signifying the name of a nation, Bosnian Catholics, had previously considered Bosnia alone as their country and homeland, and called themselves simply Bosniaks (Bosnian citizen).

Serbia, on the other hand, embraced Orthodox Christianity and like Croatia, in opposing the Turkish Ottoman invasion, both countries saw themselves as defenders of the Christian faith against Islam. Bosnia was part of the Turkish Ottoman Empire from 1483 to 1868 during which time many Bosnians converted to Islam. The significance of this event helps to understand later discrimination against this group.



The common denominator to be found among all people who live in Bosnia-Herzegovina is the language, no matter whether a Latin or Cyrillic script and alphabet are used. It may not be called Serbo-Croatian any longer because the official language is now classified as Bosnian. But it is the same when spoken.

## **2.2 Modern history**

The map of Europe was re-drawn after the First World War with Bosnia in 1918 becoming part of the newly created kingdom of Yugoslavia. The new country, known as the Kingdom of Serbs, Croats and Slovenes (later named Yugoslavia) was established under the authority of King Peter I of Serbia and given Serbian supremacy. This reflected the status of Serbia, and its reward, for having fought with Russia, Great Britain and France against Germany, Austria and Turkey. Bosnia during the First World War was part of the Austro-Hungarian Empire. According to Vulliamy (1994:35) the status of Bosnians was clear from the title of the new country. They did not exist. The new country was divided into administrative districts and Bosnia dismembered between three of them, so that Muslims would be a minority in each, and a wave of violence was unleashed against them in the early 1920's. Three thousand extrajudicial murders were chronicled in 1924 in eastern Herzegovina alone, six hundred of them during the massacre of two Muslim villages, Sahovici and Pavino Polje. Herzegovina was then a province of Bosnia, situated along the south-western border with Croatia, and predominantly Catholic. At the same time during this period land reforms were enacted which disadvantaged the Muslim population. A detailed land census of 1910 shows that of 10,463 landowners with serfs: 9,537 were Muslims, 633 were Orthodox and 267 were Catholics. Among the new so-called 'free peasants' 77,518 were Muslim, 35,414 were Orthodox and 22,916 were Catholic. Among retained serfs there were 3,653 Muslims, 58,895 Orthodox and 17,116 Catholic (Imomović 1994:35).

Vulliamy's analysis of the Land Census was that it showed in 1910 a social landscape in which there was a predominant Muslim landowning class employing non-Muslim serfs. Muslim peasants had taken advantage of the Austrian scheme for 'voluntary redemption'

from serfdom. Serbs, on the other hand, stayed within the medieval structure. These reforms offered compensation for land designated as being for compulsory purchase and marked for redistribution to the 'population of the less developed regions of Bosnia', plus some war veterans (Vulliamy, 1994:36). But according to accounts Vulliamy was able to find, only twenty-five per cent of the compensation was paid by 1939, and some 1,175,000 hectares of land, just over half the registered land available, had been redistributed to 250,000 new owners. In ninety per cent of cases the new landowners were Serbs, many from outside Bosnia. The purpose of the land reforms, Vulliamy concluded, was to transfer land ownership away from the Muslim class which had managed the country during the Austro-Hungarian Empire, to the Serbs.

The sources of Serbian nationalism and to some extent Croatian nationalism have seeds dating back to the period between 1918 and 1939. In 1939 Yugoslavia, on the eve of the Second World War, was re-organized under pressure from Croatian nationalists into a straight division of Bosnia between Serbia and a newly constituted Croatia. During the period 1939-45 this reorganization was not fully realised because Yugoslavia was invaded and occupied by Germany. Nonetheless, this self-declared Croatian state independently collaborated with Germany and this was, according to Vulliamy, the beginnings of division and rivalry between Serbia and Croatia. Notwithstanding that this political reorganization vis-à-vis Bosnia was not fully realised, the Croat population in Bosnia and Herzegovina was considered by Croatia to be part of a Greater Croatia, with Muslims in Bosnia and Herzegovina being considered Croats of the Muslim faith.

During World War II atrocities were committed by both the Ustače, (Croatian fascist 'puppet' government forces collaborating with the occupying German forces) and the Communist lead Partisans (Serbs and others, including Bosnian Muslims, and even some Croats who were fighting against the Germans). At the same time the Četniks (Serb nationalists) during this period were committing atrocities in northern Dalmatia (a region of Croatia), not just against Croats and Muslims but also against Serbs who refused to join the Chetnik ranks.

In 1941 the Croatian regime built an infamous concentration camp, Jasenovac, on the north-western border with Bosnia-Herzegovina known as the Krajina. This site was largely destroyed in 1945 to remove any evidence that it existed. Isabelle Wesselingh and Arnaud Vaulerin in *Raw Memory: Prijedor, Laboratory of Ethnic Cleansing* (2005:205-6) state that no accurate records are available but present-day estimates are that between 70,000 and 83,000, mainly Serbs, were killed there. Those killed also included Muslims. In this same area in 1942 some thousands of mainly Serb partisans were killed by the Ustashe and the German forces in the battle of Kozara. These incidents illustrate how a direct Serb-Croat confrontation had always threatened the very survival of Yugoslavia.

The outcome of the Second World War for Yugoslavia was the founding of a socialist federation under Marshal Tito. Communism under Tito was to be a social system that provided well-being for all the nationalities within its framework. It was a secular state in which all nationalities were subsumed under its social and political ideology. Bowman (1994:150-151) shows that demographically Yugoslavia was made up of six major national groupings: Slovenes, Croats, Serbs, Montenegrins, Macedonians and Muslims. As well, in addition, there were twelve minority nationalities - Albanians, Hungarians, Turks, Slovaks, Gypsies, Bulgarians, Romanians, Ruthenians, Czechs, Italians, Vlachs and Ukrainians - scattered throughout this area, characterized by diverse regional histories and with considerable variations of wealth. Under Tito six republics were recognized: five corresponding to the dominance of national groups within them and one, Bosnia-Herzegovina, peopled by three major national communities namely Croatian, Serbian and Muslim. Two autonomous regions, Kosovo and Vojvodina, were created to acknowledge the majority population of Albanians in Kosovo and the large population of Hungarians in Vojvodina.

Added to this, the major nationalities can, for the most part, be differentiated in terms of religion and language:

Slovenes : Catholic, speak Slovenian.

- Croats : Catholic, speak Serbo-Croatian (the 'Croatian' language is distinguished from the 'Serbian' by the former being written in Latin script and the latter in Cyrillic script).
- Serbs : Serbian Orthodox Church, speak Serbo-Croatian.
- Montenegrins : Serbian Orthodox Church, speak Serbo-Croatian.
- Macedonians : Nominally distinct from the Serbian Orthodox Church, and speak own distinct language.
- Muslims : Islam, speak Serbo-Croatian.

Bowman's classification is helpful in illustrating the various nationalities to be found in the former Yugoslavia in which Bosnia-Herzegovina is referred to as being peopled by three national communities namely Croatian, Serbian and Muslims. No one is categorized as Bosnian. Where nationalities are differentiated by religion and language, Bosnia is not mentioned at all but a category of 'Muslims' is given. This term was invented for census purposes to give Bosnians who did not identify as Serbs or Croats their own 'nationality'. Vulliamy's supposition is that behind the rhetoric of proletarian unity Bosnia's position in the new order was unclear. The options were to incorporate it into either Serbia or Croatia, partition it, or let it stand alone. Tito ruled that a return to the pre-royalist frontiers of a federated Bosnia was the appropriate outcome and declared Bosnia's status being 'the steadfast decision of all nations and nationalities to live firmly united in brotherhood, unity and freedom in the Federal Republic of Bosnia-Herzegovina'. Bosnia would be 'neither Serbian, Croatian nor Muslim, but Serbian, Croatian and Muslim' (Vulliamy 1994:38).

Following Tito's death in 1980, Yugoslavia was gradually dismantled and by the late 1980's communism had crumbled under an economic crisis, as had communism in other parts of Eastern Europe and the former Soviet Union. Nationalism had been deliberately suppressed in Yugoslavia under its communist regime and the truth that was revealed was that the Socialist Federal Yugoslav state was not the impartial guarantor of peace and equality between its six constituent republics but was itself an expression of an unsolved national question (Hoare:1999). By 1990 the Yugoslav National Army (JNA), which was

disproportionately dominated and commanded by Serbs, was already organizing an armed rebellion in Croatia, using violence against Croatian Serbs who did not wish to join the undertaking, with the aim of annexing a large part of the country to Serbia. The arming of Croatian Serbs was followed almost at once by the arming of sections of the Bosnian Serb population in ethnically mixed territories, in preparation for aggression against Bosnia-Herzegovina, well in advance of Bosnia-Herzegovina's declaration of independence in 1992.

Among the other ethnic groups in Yugoslavia following the death of Tito, the alienation and suspicion which resulted from what they perceived as Serbian attempts to dominate the Yugoslav state, contributed to the fragmentation and ultimate collapse of the country. Norman Cigar (1995:20) in his book *Genocide in Bosnia: The Policy of Ethnic Cleansing* contends that the passing away of Tito's generation of leaders, committed to a vision of a Communist Yugoslavia, removed a significant element of coercion and opened the way toward democracy and change. This possibility aroused deep concern among many Serbs who saw a potential loss of status and privilege on an individual and communal basis.

### **2.3 The contemporary political situation**

The question of nationality and religion are significant factors in understanding the make-up of Bosnia-Herzegovina in relation to its contemporary political situation. Nietschmann provides distinctions on the meaning of 'nations', 'states', 'a people', and 'minorities':

A nation is made up of communities of people who see themselves as 'one people' on the basis of common ancestry, history, society, institutions, ideology, language, territory and (often) religion. Unlike a state, a nation does not require a central political bureaucracy to create nationality, nationalism or national territory. ...States commonly claim many nations that may not consent to being governed and absorbed by an imposed central government in the hands of a different people. .... A people is a self-defined group and considers itself to be distinct from other peoples who are adjacent or distant, who in turn may recognize the difference. ... the UN defines a minority as a group numerically

smaller than the rest of the population of a State, in a non-dominant position, whose members, being citizens of the State possess ethnic, religious or linguistic characteristics differing from those of others of the population and show, if only implicitly, a sense of solidarity directed towards preserving their culture, tradition, religion and livelihood (1987:3).

This is helpful to understanding the position Bosnia-Herzegovina found itself in when declaring its independence in 1992, for as 'a people' they have internationally recognized rights to self-determination and self-defense against invasion and external aggression. An 'ethnic group' and a 'minority' do not. Bosnian 'Serbs' and 'Croats', if they choose to define themselves as such, would, within the terms defined by Nietschmann constitute, as a result, minority groups. Herein is the paradox in the case of Bosnia-Herzegovina. It is an independent state but not all in its communities see themselves as one people. A reading of wider historical accounts would suggest, however, that this is a modern phenomenon.

According to Bartos and Wehr (2002:127) the conflict in Bosnia originated in the incompatibility of the goals of a Greater Serbia and a Greater Croatia, terms commonly understood to reflect the political ambitions of Serbia and Croatia, and Bosnian Muslims. That incompatibility lay particularly in resources contested by the three conflict groups and in differing cultural values. The resources contested by those wanting to expand territorial gains to realise a Greater Serbia included the territory and loyalty of the Serb minority in Bosnia. The Bosnian government, on the other hand, having declared Bosnian independence in 1991, wished to preserve that territory and its occupants as part of its republic, which of necessity would be a multi-ethnic society based on a political and cultural entity which over many centuries had established a tradition of ethnic tolerance. According to this account, to coalesce into distinct conflict groups, the Serbs, Croats, and Muslims needed new identities to replace their former ones as citizens of a unified Yugoslavia. The Serbs were the most widely settled ethnic group throughout Yugoslavia. They wished to annex Bosnian territory because they believed that the Bosnian government had no right to govern Bosnian Serbs.

Here, we can see again the ambiguity that describes the people in this region. In Bowman's analysis of the six republics formed within the federation of Yugoslavia referred to earlier, five republics were recognized by their national identity (*narod*). Muslims were deemed a 'national minority' in Bosnia, as were Hungarians in Vojvodina and Albanians in Kosovo. For the Muslims in Bosnia, who were the largest ethnic group there they were still a 'national minority'. They were not a *narod*. This was rectified in 1964 when Tito declared the Muslims a *narod*.

Central to my understanding of what happened in Bosnia-Herzegovina during 1992-95 was identifying the groups that were in conflict in the first place. A simple classification would be to use the terms most commonly used by the protagonists themselves and used in most accounts of the conflict: Serbs, Croats and Muslims. This explains the internal population of the country, but it is equally important to understand these terms in relation to Serbia and Croatia. At the core is perhaps to ask the basis on which any individual or group identified themselves. Bosnian Muslims now call themselves Bosniaks (a derivation from the old Turkish word *Bošnjakinja* which previously applied to all citizens of Bosnia under the Ottoman Empire, irrespective of religion). People have the right to call themselves by whatever name they wish but this has exposed the on-going nationalist sentiments that continue to prevail in the country. Any possible use of 'Bosniak' to apply to all citizens of Bosnia is now compromised. A new term has been officially coined to apply to all citizens – Bosanac [*masculine*] and Bosanka [*feminine*] but I never heard it used. It is within the history of the Balkan region, both in its past and in modern times, that some sense can be made of the terms they use to identify themselves and the importance they assumed to create, in part, the conflict itself.

Bowman contends that the policy of ethnic cleansing that was promulgated both in Serbia and Croatia during 1991-95 was about nationalism and power. He refers to nationalist policies in Serbia and Croatia in which the "ethnic card", as he calls it, was played to gain power. Bowman traces the social logic behind policies of ethnic cleansing to the death of Marshall Tito in 1980, at which time the unity of the six republics (*Slovenia, Croatia,*

*Bosnia, Serbia, Montenegro, Macedonia*) within the federation of Yugoslavia began to disintegrate. His thesis is that both Serbia and Croatia had ambitions to fill the power vacuum that had been left, with both countries wanting to dominate the whole or part of the region that had formerly been Yugoslavia. Neither, though, wanted to be part of the other. In this context, Bowman concludes that Serbia saw its aspiration of a 'Greater Serbia' being opposed, and then comes to the central theme of his thesis: that both countries adopted nationalist policies that moved away from ideas of cohabitation and co-operation to policies based on exclusivity and ethnic warfare. It was all about self-interest. Self-interest was paramount and he defines this in essentialist terms as the interest of one's self as a 'Serb' or a 'Croat': 'The national cause for the Serbian people was one in which they were promised a utopian future in exchange for commitment to the protracted struggle to destroy the enemies of that future ... and justified the brutal murders of co-nationals who refused to take up arms in support of the national cause' (Bowman 1994:157).

#### **2.4 Post-conflict accounts of what happened during 1992-95**

The purpose of examining historical accounts is to see whether they can explain the causes of the conflict during 1992-95. Malcolm (1994:xxi) comments that part of the misinformation being given to explain the conflict in Bosnia was that it was an expression of 'ancient ethnic hatreds welling up of their own accord'. The reference to misinformation is directed to the international community and mainly Western media at that time. Most post-conflict accounts now conclude that it was nationalist forces that were at play in what happened to Bosnia during 1992-95. Malcolm draws a damning condemnation of the Serbian leadership, in particular. Other historians come to similar conclusions (Bowman, 1994, Vulliamy, 1994, Cigar, 1995, Sells, 1996, Kumar, 1997, Hoare, 2004). The policies of aggression against Bosnia were promulgated by both Serbia and Croatia. Although both countries were antagonistic toward each other they nonetheless concluded a secret agreement to act together to divide up Bosnia; a country which had significant populations who identified themselves as 'Serbs' or 'Croats' in a predominantly Muslim country. Both Serbia and Croatia considered Muslims to be a



Serbo-Croatian speaking 'nationality' without a territorial base and that they were only given national status in 1964 in order to prevent them from demonstrating their 'real' identity as either Serbs or Croats. This neutralised the territorial assertions of both Serbia and Croatia with respect to Bosnia (Alcock 1992: 276-296).

Kumar (1997:4-5) similarly sees the break-up of Yugoslavia after Tito's death in terms of nationalism being the motivating factor, based on the primacy of ethnic identity in that region. She defines ethnic nationalism by language, custom, religion and culture with ethnic nationalists asserting the primacy of ethnic identities in creating nation states or governing them. In her analysis, Bosnia wanted a multi-ethnic state, but this was not shared by all of its population. Acts of aggression from both Serbia and Croatia brought internal conflict to Bosnia with Bosnian 'Serbs' and Bosnian 'Croats' allying themselves with their respective ethnically identified 'mother' country. She concludes that nationality was based primarily on religious identity; that is, Catholicism, Serbian Orthodoxy or Islam.

Malcolm(1994:xix) gives two reasons for examining the history of Bosnia more closely: in order, firstly, to understand the origins of the fighting and, secondly, to dispel some of the misunderstanding, deliberate myth-making and sheer ignorance, in his view, in which all discussion of Bosnia and its history has become shrouded. He argues that the history of Bosnia, in itself, does not explain the origins of the 1992-95 conflict. He asserts that the biggest obstacle to understanding the conflict is the assumption that what happened in Bosnia was the product of forces lying within its own internal history. According to Malcolm this is a myth that was carefully propagated by those who caused the conflict. They wanted the world to believe that what they were doing was not done by them, but by impersonal and inevitable historical forces beyond anyone's control. His conclusion is that the real causes of Bosnia's destruction came from outside Bosnia: one, in the political strategy of the Serbian leadership and, two, in the fatal interference of the leaders in the West. Hoare (2004:52-53) adds weight to arguments that Western leaders were interfering from the beginning, when in 1992 they appeared to have sanctioned the partition of Bosnia and Herzegovina in advance. This is a reference to the Lisbon

Agreement brokered by the European Community in February 1992, which collapsed when President Izetbegović of Bosnia-Herzegovina pulled out of it. At this meeting it had been envisaged to divide Bosnia and Herzegovina into three ethnically defined para-states. The Dayton Accord signed on 21 November 1995 ended the war in Bosnia but it is an on-going source of discontent in the country. In 2005, an editorial in *Bosnia Report* pointed out the weaknesses in the Dayton peace settlement, arguing that it was “the main source of current political confusion and impotence”.<sup>3</sup>

In 1992, when the Republic of Bosnia-Herzegovina was attacked by Serbia, its inherent sovereignty was universally accepted (other than by its attackers). As one of the successor states of the former Yugoslav federation, it had organized a referendum on independence in accordance with the provisions laid down by the European Community’s Badinter Commission, and had received international recognition accordingly. After the war, however, the Contact Group (USA, Britain, France, Germany and Russia) imposed a peace settlement at Dayton whereby that legitimate republic was interred with the agreement, extracted under pressure, of its leaders to be replaced by a new *de jure* state simply called Bosnia-Herzegovina. This had virtually none of the powers and institutions of a normal state, these being entrusted instead to two formally subordinate ‘entities’ which, however, were not defined as states. This would become a main source of political confusion and impotence.

Bosnia-Herzegovina declared its independence in 1992 and is recognized by the United Nations as an independent republic. I was told by Mirsad Tokača<sup>4</sup> that from 2003 all passports and identity cards issued show Bosnian citizenship with no reference being allowed to show religion or nationality.

## **2.5 Genocide and crimes against humanity**

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<sup>3</sup> Editorial, *Bosnia Report*, 43-44 (2005), I.

<sup>4</sup> Secretary, BiH War Crimes Commission during 1992-95 and President of the Research and Documentation Centre, Sarajevo, from 2003.

The word “genocide” did not exist before the twentieth century. It was coined by Raphael Lemkin, a Polish jurist, to account for the atrocities that Nazi Germany committed during the period leading up to and during the Second World War. The word is made up from the ancient Greek word *genos* (race, tribe) and the Latin word *caedere* (killing). The term was legitimised within articles of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (U.N.G.C.) Resolution 260A [III] dated 9 December 1948 (see Appendix 8). The act of genocide, therefore, has direct legal ramifications in that it is a crime under international law. In the present Convention, Article II states genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Lemkin (2002:27) used the term to mean the destruction of a nation or of an ethnic group. He explained that this did not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. Rather, it was aimed at the destruction of national groups, which in effect weakened the national entities of which these groups belonged. Bosnia’s war was primarily directed at destroying its Muslim population. Genocide, according to Lemkin, has two phases: one, destruction of the national pattern of the oppressed group and, two, the imposition of the national pattern of the oppressor.

From an anthropological perspective, Hinton (2002:5-6) contends that the definition set out in the UN Convention on Genocide is problematic because it gives primacy to an overly restricted set of social categories. Other social classifications exist, including clans, castes, classes, lineages, tribes and categories based on sexual orientation, mental

or physical disability, urban or rural origin, and even economic and political groups. In strictly legal terms, under the present Convention on genocide, these additional classifications lie outside any jurisdiction to prosecute such acts against such groups.

It is legitimate, Hinton believes, to portray “an anthropology of genocide” as encompassing those cases in which a perpetrator group attempts, intentionally and over a sustained period of time, to annihilate another social or political community from the face of the earth.

In addition to the more serious act of genocide the Nuremberg Tribunal Charter drafted in 1945 also defines war crimes and crimes against humanity:

Article 6[c] War crimes: namely, violations of the laws and customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.

Article 6[d] Crimes against humanity: namely, murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated (Office of the United States Chief Counsel for Prosecution of Axis Criminality, 1947: 3-4).

Cigar (1995:4) contends that genocide occurred in Bosnia-Herzegovina during 1992-95 that was not simply the unintentional and unfortunate by-product of combat or civil war: ‘Rather,’ he states, ‘it was a rational policy, the direct and planned consequence of conscious policy decisions taken by the Serbian establishment in Serbia and Bosnia-Herzegovina.’ This policy, he concludes, was implemented in a deliberate and

systematic manner as part of a broader strategy intended to achieve a well-defined, concrete, political objective, namely, the creation of an expanded, ethnically 'pure' Greater Serbia. Further, he does not believe that it was either a spontaneous expression of communal hatreds, extending back over a millennium, or that it was a primeval popular emotion, which the Serbian leadership could not control. On the contrary, he argues that in seeking to develop a vehicle for its own acquisition and consolidation of power, the Serbian elite, both in governmental and non-governmental establishments, found it necessary to engage in a systematic and intensive campaign in order to create a nationalist movement and to exacerbate inter-communal relations to the extent that genocide could be made plausible.

Accounts of what happened in Bosnia-Herzegovina written during 1992-95 and in the immediate post-conflict years, show that policies of aggression against Bosnia were promulgated by both Serbia and Croatia. Both of these countries were antagonistic towards Bosnia and towards each other. Both had political and nationalistic ambitions of territorial gain in Bosnia. Both held views that Muslims were people who had simply converted to Islam, from, they contended, being either Serbian or Croatian. If that was the case then I fail to see that conquest of the country would require them to be annihilated if they were considered being Serbian or Croatian anyway. However, if the goal of the Serbian leadership was to fulfil an ambition for a 'Greater Serbia' that would be ethnically 'pure', this would explain its more sinister policy for removing non-Serb populations in Bosnia. Social identity by nationality which, on examination, subsumes religion as the only distinction to distinguish Serbs, Croats and Muslims from each other, is the key indicator to understanding what motivated both external and internal non-Muslim populations in Bosnia to commit acts of aggression and genocide against the Muslim population. The various historical accounts expose political discrimination against the Muslim population as far back as 1918 when land reforms saw them lose large areas of their land. In addition, these references serve to show that Serbian people identify themselves as being Serbs, whether they live in Serbia or not. It also illustrates the intention of Serbian leaders to see Serbia expand beyond its legitimate geographical boundary. This can equally apply to the Croatian leadership, at least until present times.

The term 'ethnic-cleansing', which was introduced in this conflict, is a chilling euphemism for genocide. At the time of writing, those who executed this policy or committed atrocities during 1992-95 were appearing before a UN war crimes tribunal for the former Yugoslavia established in The Hague.

## **2.6 Political and military structure in Bosnia-Herzegovina during 1992-95**

Hoare's (2004: 42-47) research on how Bosnia was armed during the war and the military structure in place reveals one of the most enigmatic and controversial military phenomena to have appeared in recent history. Beginning life officially only in the Spring of 1992 and in a position of apparent strategic hopelessness the Army of the newly-founded Republic of Bosnia-Herzegovina (ARBiH) succeeded over the course of the next three and half years in fighting to a standstill the attempts of the country's larger and more powerful neighbours to destroy it. In the autumn of 1995 the ARBiH won a string of impressive victories that appeared to bring its Serbian enemy to the verge of total defeat, only for the political leadership of Bosnia-Herzegovina to sign a ceasefire followed by a peace treaty that left the struggle unresolved. The Dayton Accord of 21 November 1995 marked neither the ARBiH's victory nor its defeat. Equally uncertain, Hoare comments, was its political and ideological identity: either lauded as the defender of a multi-ethnic country or derided as an expression of an aggressive Muslim nationalism, the ARBiH's increasingly uni-national composition came to conflict increasingly with its official role as guardian of all Bosnia-Herzegovina's peoples. The ARBiH went from being a Bosnian Army at its birth in 1992 to a 'Bosniak army' by 1995 - 'Bosniaks' being the official name for the Bosnian Muslims adopted by their leadership during the war (Hoare 2004:13). The term 'Bosniak' now has a different interpretation to that of the country's early history when all citizens of the country of whatever religion called themselves Bosniaks. I found this term commonly used among Bosnian Muslims and by doing so it precludes Bosnian Serbs and Croats from any collective identity.

In 1992 the SDA (*Party of Democratic Action*) was the ruling party in the newly-formed Republic of Bosnia-Herzegovina, having won the first free elections in the country in 1990. Its origins as a political party, however, came from a clandestine resistance movement called the Patriotic League, organized by Muslim nationalists. Paradoxically therefore, in 1992 it found itself in the position of being a purely Muslim political force at the head of a multi-national Bosnian state, and of having to reconcile their integral Muslim nationalism with their formal commitment to the unity of the state; a unity that was impossible on the basis of domination, by the Muslims or any nationality. The Bosnian Army emerged not only from the Patriotic League but also such disparate groups as the old communist Territorial Defence, the police of the Ministry of the Interior, deserters from the Yugoslav People's Army (JNA)<sup>5</sup>, various criminal groups, and even the Croat militias HVO and HOS<sup>6</sup>. As a consequence the Bosnian Army was in a state of unpreparedness in 1992, whereas the protagonists of a Greater Serbia, on the other hand, had a very clear sense of their military and political objectives (Simms 2004:9). In Hoare's analysis, the Bosnian state and its armed forces in April 1992 were doubly divided: not only did the Bosnian Army encompass a medley of military forces with separate structures and different political agendas, but members of each of them from the head of state to the grass-roots level were still vacillating between resistance to and collaboration with Serbia and the JNA. Members of the Bosnian Presidency included waverers and outright traitors; the membership of the former Patriotic League (PL) and the Territorial Defence Force (TO) were still in rivalry; the MUP (Ministry of Internal Affairs) forces were not fully integrated into the Bosnian Army; officers defecting from the JNA were mistrusted as double-agents, sometimes rightly; individual military units frequently acted in an independent, undisciplined and sometimes criminal manner; and the entire apparatus of state, army and government was riddled with KOS (Counter-Intelligence Service) agents, Croat and Serb nationalists, criminals and others pursuing their own political or personal agendas. According to Hoare this was at a time when the overt Serbian military conquest of Bosnian territory was beginning with a seemingly inexorable *blitzkrieg*; the 'unoccupied' part of the country, including the capital, was still

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<sup>5</sup> JNA, the national army of the former Yugoslavia made up of all citizens of the former Yugoslavia.

<sup>6</sup> HVO, the Croat Defence Council and HOS, the Croatian Armed Forces.



studded with JNA garrisons; the HVO was organizing as a separate military force whose leaders were plotting to stab the Bosnian resistance in the back at the right moment; and the Western Powers appeared to have sanctioned the partition of Bosnia-Herzegovina in advance at the Lisbon Agreement in 1992.

Serbia's preparations for war against her neighbour, on the other hand, were laid with tremendous determination. The Army of the Serb Republic (VRS) was initially named the Army of the Serb Republic of Bosnia-Herzegovina (VRSBiH). Unlike the Bosnian Army, it was formed by an external, non-Bosnian party: namely, the Milošević regime in Belgrade in conjunction with the command of the JNA. In Hoare's conclusion, the war in Bosnia-Herzegovina between the Bosnian Army and the Army of the Serb Republic was not simply a civil war between forces controlled by the Bosnian leadership and those controlled by the SDS (*Serb Democratic Party*). It began as a war between the native armed forces of Bosnia-Herzegovina and the proxy forces of the neighbouring state of Serbia – both Bosnian and non-Bosnian. As the war progressed, however, and the Milošević regime gradually lost control over its Bosnian Serb proxies, the Bosnian state itself was unravelling and the war increasingly lost the character of an inter-state conflict and assumed that of a civil war between the Bosnian government forces and Bosnian Serb nationalists. Bosnia-Herzegovina's defence preparations were hampered not only by outright treason but by genuine confusion as to who was the enemy, fear of retaliation by the JNA, and political splits among the defenders. In the preparation for war, the Muslims and those committed to Bosnia-Herzegovina as a multi-national state, as a result, generally suffered from the disadvantages of not believing war would happen and of trusting in the JNA as a nationally impartial force, while the Serb and Croat nationalists' ideas were not hampered by any such illusion.

In summary, I found Hoare's thorough research of the war in Bosnia the most insightful explanation of what had happened, by showing the military-political realities that existed during 1992-95. The Bosnian Army failed to inspire the loyalty of moderate Serbs, Croats and Muslims and in settling for a rump Muslim dominated state he concluded that the principal Muslim party, the SDA, became an accomplice to the project for

partitioning Bosnia-Herzegovina along ethnic lines. At the same time, Simms (2004:9) adds that the SDA also became the accomplice of Western powers determined to force the Bosnians into an unjust settlement.

## **2.7 Casualties of the war and outstanding issues**

The conflict in Bosnia-Herzegovina ended in 1995 and this has allowed data to now be collated without the raw emotion of immediacy at the time. There is now a revised total of the death toll from the war which previously had been estimated at being at least 200,000. Mirsad Tokača, in a Reuters interview on Radio Free Europe (10 December 2004), stated that his researchers at the Research and Documentation Centre in Sarajevo had completed 80 per cent of the work to establish the exact number of Muslims, Serbs and Croats killed in the conflict. The total number killed is now shown to be less than 150,000 of which about 70 per cent were Muslims. Serbs make up some 25 per cent and Croats 5 per cent.<sup>7</sup> This reflects the increasing amount of evidence now coming to light that shows that Muslims were the main target. The worst single atrocity against Muslims was recorded at Srebrenica in north-eastern Bosnia. The official number of men and boys killed there on 12 July 1995 is 7,800. This final atrocity brought international intervention and an end to the war. That genocide occurred is still denied by many Serbs. Others respond by saying that genocide was committed by all groups in the Bosnian war and also in the earlier conflict in Croatia. Such statements, however, cannot justify such actions no matter who committed them. The greatest responsibility for these acts lies primarily with the Serbian political leadership at that time and the military commanders who carried out their policies. Slobodan Milošević, the President of Serbia, and Radovan Karadžić, the first President of the self-styled Republika Srpska in Bosnia-Herzegovina, acting as his proxy, planned the aggression against the non-Serb populations in Bosnia-Herzegovina. Slobodan Milošević was put on trial at The Hague for genocide and crimes against humanity where he died in custody in April 2006. His trial, as a result, was abandoned without any judgement. Several Serb and Croat military commanders have similarly been brought before the Court and sentenced to lengthy jail terms. Radovan

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<sup>7</sup> *Bosnia Report*, 43-44 (2005), 4-5.

Karadžić and Ratko Mladić, the Serb commander at Srebrenica, are both still at large. Momcilo Perišić, former Yugoslav army chief of staff, is presently on trial at The Hague. According to Uzelac (2005:7-8) this is an important trial as it illustrates how the former Yugoslav National Army (JNA) was politicised to assist the ruling elite in Serbia. Biljana Plavšić, another former President of Republika Srpska, surrendered herself to The Hague and was convicted on war crimes in 2002 to serve an 11 year sentence in a Swedish prison. The full text of her address to the Court in which she accepted responsibility for the part she played in the conflict is given in Appendix 8. Rasim Delić, the former commander of the Bosnian Army, has been indicted on four counts of violations under Article 3 (UN Convention on the Prevention and Punishment of the Crime of Genocide) of the laws or customs of war for actions taken by subordinates against Croat and Serb soldiers on specified occasions in 1993 and 1995 (See Appendix 9).

Since October 2004 local Bosnian judicial authorities no longer have to ask The Hague tribunal (ICTY) for permission to issue indictments as they will not be issuing any more indictments against war crimes suspects (Griffiths 2005:6). The War Crimes Chamber of the Court of Bosnia-Herzegovina, Sarajevo, was inaugurated on 9 March 2005 (see full text of inaugural speech in Appendix 10). The Bosnian state prosecutor is recorded as saying that 10,000 people are implicated in war crimes, of which 6,909 are currently being considered for prosecution. Some believe the local Courts do not have the experience to conduct these trials, and that they will be reluctant to do so.

## **2.8 Conclusions**

Much has now been written about Bosnia-Herzegovina as a result of the conflict there during 1992-95. From my reading, when regarded in total, these accounts show a complicated history while at the same time giving horrific testimony to the atrocities that occurred during that period. What conclusions can be drawn from these various accounts? Under Tito, from 1945 to 1981, it was a secular society within a socialist ideology. As a result, whole generations of people in the former Yugoslavia had grown

up within this social context, with secondary adherence to religious practices, if any. Earlier, for 400 years Bosnia was a province of the Turkish Ottoman Empire, within a defined geographical boundary. Over that period the greater number of its population converted to Islam and this is perhaps the key to understanding the antagonism to its people from its neighbours.

The question this raises is whether there is a deeper schism underpinning these relationships between Christianity and Islam, further complicated and compounded by Bosnia's neighbours being split in their respective religious faiths, namely Orthodoxy and Catholicism. Is Kumar (1997:5) correct, therefore, in concluding that nationality in the Bosnian context was based primarily on religious identity? If that is the case then I believe 'religion' must be seen only in the sense that it has been politicized in the country's recent history.

The divisions in this conflict were within the population itself and therefore readily accepted by the international community as being a civil war, which within international law prohibited them from taking action. On examination however, that is misleading as the aggression was mobilized from external forces, primarily in Serbia. Its ambition following the collapse of the former Yugoslavia was expansion of its territory into a Greater Serbia. The territories to be annexed were in Bosnia and Croatia. Croatia had similar ambitions, partly to counter Serbia's intentions. That conflict began in 1991 and was carried out in various parts of Croatia where there was a notable Serb population. Secret negotiations between Serbia and Croatia saw Bosnia-Herzegovina as the territory both could divide and to do this both had to expel the predominantly Muslim population there. Bosnia's war of independence in 1992 was genuinely multi-national and pluralistic at its inception but, under the impact of external aggression, internal treason and international betrayal, it changed into an essentially Bosnian Muslim struggle for survival. From being an inter-state conflict at its beginning it assumed in the end the character of a civil war.

Historical accounts indicate causal factors for the conflict in Bosnia to be about external political strategies manipulating ethnic differences to meet nationalist objectives, rather than a civil uprising of ‘ancient ethnic hatreds’. These historical sources illustrate how ethnic communities throughout Bosnia’s history adapted and evolved under various occupations, invasions and ideologies. The history of the country also explains its various religions and the origins and movements of its peoples.

Marshal Tito died in 1980 leaving a power vacuum that led to the conflicts that erupted in this region from 1991, concluding with the break-up of Yugoslavia. A referendum held in Montenegro in May 2006 voted for independence. This marks the final collapse of the former Yugoslavia as all six former countries that made up the federation of Yugoslavia are now countries independent of each other.

At the present time Bosnia-Herzegovina is in transition – to what, is not yet entirely clear. It could still fail, but even that possibility does not give any clear indication as to what would replace it. Its present constitution is seen as a major problem to bringing about national unity. Membership of the European Union is seen by many as the way forward and as the way to break down current ethnic politics. Whether it can be successful in its application for membership while the current ethno-political divide exists is debateable.

## CHAPTER THREE

### RESTORING THE PEACE: THE ANTHROPOLOGY OF PEACE-BUILDING

This study focuses on the issue of peace and restoring or rebuilding it. First emerging in the late 1970s and early 1980s, the anthropology of peace is a rapidly developing sub-field or area of interest in social anthropology (Foster and Rubenstein 1986; Sponsel and Gregor 1994; Wolfe and Yang 1996; Mahmood 2003; Nordstrom 2004; Fry 2006). Anthropology is about the diversity of human society. Foster, in co-editing with Robert Rubenstein their book *Peace and War: Cross-Cultural Perspectives* [1986:ix-xii], provides in the introductory chapter a starting point by stating that anthropologists appreciate the degree to which members of human societies are affected by the cultural milieu into which they have been born and in which they are raised. Further, that it is customary for those values, beliefs and practices to govern the way we all, to some extent, express our daily lives. They conclude that culture is the central concept in anthropology. It has been defined in many ways, but always it must be viewed as an adaptive or coping device.

#### 3.1 Anthropology of peace

Foster states that in order to survive any society must solve a series of problems that can include technological adaptation to the physical environment, social adaptation within the community, and adaptation to other communities that could be friendly or hostile. The technical, social and cultural repertoires that any society develops as coping devices to achieve its survival will vary and can be almost unlimited, but one thing that they have in common is that they must prove workable or the society in question will disappear. The central point to make is that any society, in order to survive, must solve its problems if it is not to disappear. The anthropologist when examining any society in conflict is presented first of all with finding an explanation for the violence and then observing the

impact of the conflict on the society in question. To gain some indication of how the conflict may be resolved, or was resolved, requires some insight into the culture that exists in that society.

### 3.2 The meaning of peace

The immediate and general perception held of peace is that it is thought of as the absence of war. In other words, peace is that period of time that is between wars in a particular society. Montague, in the Foreword to Sponsel and Gregor's *The Anthropology of Peace and Nonviolence* [1994], considers that past accounts of war and peace have been overwhelmingly written as if by understanding the causes of war we would be better able to perceive what needs to be done in order to achieve a peaceful world. Peace, from this perception, is thought of as a condition that can exist only in the absence of aggression. Montague describes this as a negative approach to understanding peace; that is, it provides an analysis of what was wrong and then follows up by making recommendations as to how those wrongs could be righted. Research in this context assumes that knowing the causes and functions of war will help to reduce its frequency and intensity. *Negative* peace, as he termed it, is focused narrowly on security, stability and order in the absence of war. Whereas, he contends, what most human beings crave is the positive sense of peace; that is, freedom, security, and the attainment of a satisfying life, unencumbered by strife.

*Positive* peace is viewed more broadly as a condition of society not only in the absence of war but also as the presence of freedom, equality, economic and social justice, co-operation and harmony. The assumption being that it is insufficient to study only the causes of violence and war, and the absence thereof, in order to study peace. Peace studies, it is suggested, must be extended to cover these additional prescriptions.

Similarly, the basic premise put forward by Sponsel (1994:1) in his introductory paper to *The Anthropology of Peace and Nonviolence* is that the study of peace is increasingly linked to questions of values, policy, rights, advocacy, and ultimately to human survival.



This last point is the same as that put forward by Foster; that ultimately the ways in which a society survives or not is linked to how it adapts to, or copes with, problems. He holds that peace studies not only reflect on human nature but that they also offer prescriptions for social change. The relevance of peace studies for anthropology, he contends, is that they can be a catalyst for re-thinking anthropology. He argues that a positive concept of peace can stimulate a broader and more balanced approach to research and teaching regarding violence, war, conflict resolution and peace. He believed, writing in 1994, that there is a bias in anthropology to focus on violence and war almost to the exclusion of non-violence and peace. This, it is contended, leads to a distorted view of human nature, ethnology and ethnographic cases. In his paper, Sponsel considers the mutual relevance of anthropology and peace studies.

A few years ago when I commenced this study I found only a limited amount of literature on peace and generally it held to the bias noted by Sponsel and others. But what I have found in later studies (Mahmood 2003; Fry 2006) is a trend towards increasing recognition that peace has its own intrinsic values of justice, freedom and human rights with increasing value being placed on the practical application of the research.

Taking this proposition forward, then, let us examine peace as an interest in its own right. It is no coincidence that peace studies, which emerged in the 1970s, started to gain momentum following the end of the Cold War in the late 1980s. From that period onward there has been a general momentum, internationally, towards addressing a range of issues under the broad umbrella of a *victim* movement. Peace studies came to embrace victim-inclusive concepts and programmes. Sponsel, as a starting point, contends that like war, peace has pre-conditions: a structure, an organization, values, attitudes and emotions that sustain it. Peace, as a result, is perceived to be more than the absence of war. To reinforce this point Sponsel (1994:16) referred to an earlier statement by Barash in 1991 in which he stated that the major challenge for peace studies is to break away from the existing war system which includes reliance on peace through strength, and seek to establish a viable ecology of peace whose strength does not derive from violence or the threat of violence.

This theme of broadening our concept of peace is promoted in other anthropological publications from the early 1990s. Laue, cited in Rabie's book *Conflict Resolution and Ethnicity* (1994:14) defines peace not only as a cherished goal sought by all individuals but also as a process of continuous and constructive management of differences toward the goal of more mutually satisfying relations, the prevention of escalating violence, and the achievement of those conditions that exemplify the universal well-being of human beings.

Around this time it was also beginning to be suggested that the anthropology of peace should strive to have serious practical application. In other words, such studies are not to be just observations and explanations. That was the traditional approach to anthropology and it does not deny that it has value, but Wolfe and Yang in the introductory chapter to their edited volume *Anthropological Contributions to Conflict Resolution* [1996:4] illustrate the new direction that anthropologists are being encouraged to take, sharing, too, the concern that the knowledge of anthropology should be applied, not just acquired for its own sake. Addressing issues of conflict they ask the question: 'How do anthropologists deal with conflict?' What they propose is that theoretical arguments may be healthy, but what really counts in the long run are down-to-earth suggestions that derive from anthropological knowledge and practice. Wolfe (1996:1) states his perspective clearly: '... my point is simply that, like most anthropologists, I focused not on the conflicts but on their avoidance or on their resolution.'

Previously anthropologists mainly understood peace in terms of being a social condition that only exists in the absence of war or as interludes between periods of war, but today the idea of peace is viewed in broader terms that seek to protect human rights. Does it follow from this that peace exists as the preferred social condition by which a society orders its affairs? This presumption raises additional questions among anthropologists, resulting in two schools of thought: those who see the ultimate goal as peace and those who see it as justice. As Burgess and Burgess in their book *Encyclopaedia of Conflict Resolution* (1997:234) observed: 'Justice Advocates see peace research as a means to achieve social change and human survival. Others [see peace research] as the avoidance

of war and that justice is a secondary issue that sometimes actually escalates conflicts rather than mitigates them.'

Mahmood [2003:8] is clearly of the justice school of thought by advocating that we use the language of rights and justice where communities are living in environments of state terror or subject to repressive governments. I would add any act of aggression against any one group in any given society by any other group whether from the same society or from another state. Mahmood states that since *peace* and *war* are concepts that evolved in a state-based world order, they may not be the best poles at all from which to view today's more complex world in which violence and non-violence interpenetrate without clear-cut geographic or chronological boundaries. She points out that we have passed beyond the Cold War era when states were the major players in scenarios of war and peace. In the politics of today, for example, the "*war* on terrorism", is not about nation states, and in the conflict that erupted in Bosnia-Herzegovina during 1992-95 acts of genocide were carried out on the Muslim population of the country on a scale not seen since the Second World War. The question Mahmood raises, and it is a challenging one, is that new ways of thinking have to be explored about how all kinds of units might viably co-exist.

In their book *Peace and Conflict Studies*, Barash and Webel [2002:xi] state that it seems more important than ever to enquire deeply into the causes of all forms of violence, whether state sponsored or not, as well as to ask about suitable responses, not only by sovereign states but also through institutions of international law. They contend that, in the twenty-first century, peace has never been more important or complicated. They base their understanding of peace on a number of assumptions. Firstly, that war is one of humanity's most pressing problems; peace is almost always preferable to war, and moreover, peace can and must include not only the absence of war but also the establishment of positive, life-affirming, and life-enhancing values and social structures. They also assume that there are no simple solutions to the problems of war with most aspects of the war-peace dilemma being complex, inter-connected, and poorly understood. On the other hand, much can be gained by exploring the various dimensions

of war and peace, including the possibility of achieving a more just and sustainable world. The authors maintain that there is good reason for such hope, not simply as an article of faith, but based on the realistic premise that human beings are capable of understanding the global situation and of recognizing their own species-wide best interests. They believe that people can behave rationally, creatively, and with compassion, and that positive steps can be taken that will diminish reliance on violence to settle disputes.

The issues of war and peace raise fundamental questions concerning the conditions that exist when either state is presented. Peace is increasingly being understood to exist not only in the absence of war but also as having its own intrinsic being; being commonly held as the desired state in which societies can best improve the social, economic and environmental conditions for its people. From a psycho-anthropological perspective, an important point is that war and peace are *choices* people make. War and peace are inextricably connected and one or the other can exist at any time, whether desired, consciously acted upon, or opposed. Peace, termed as being either “in the absence of war” (*negative* peace) or having its own intrinsic value (*positive* peace) *Negative* and *positive* peace are not to be understood as being in competition with each other. Rather, they are to be understood as being complementary to each other.

### **3.3 Social justice, freedom and human rights**

If peace is understood to be the desired cornerstone of any society and upheld by social justice, freedom and human rights then where the peace is broken the actions taken to restore it are a response to these ideals. This presupposes that the appropriate institutions and practices are in place to hold any violation of “justice, freedom and human rights” to account in some form. The Oxford Dictionary defines *war* as conflict between nations or parts of a nation, conducted by armed force and suspending ordinary relations, in which each party *at war* inflicts all the harm it can. The conflict in Bosnia-Herzegovina was described in much of the international media as a civil war although the terms “war” and “conflict” ought not to be understood as meaning the same thing. They should not

be, as all conflict is not war. In some instances 'necessary' conflict is used to secure peace, oppose cruel oppression or undesirable subjugation, or defend others from persecution or extermination - in the Bosnian context acts of genocide were carried out. History gives us many examples of these different situations. No society is totally free of conflict but its management is critically important to minimizing its impact. If 'peace' can be considered the cornerstone of any productive society and understood to be society's set of ordinary relations, recognizing, at the same time, that this is a state that can be broken, then, perhaps, the restorative principle is that peace has to be regained. In other words, peace is the ideal to be constantly restored and upheld.

If peace is restored to a particular community after a period of conflict then it raises two questions: one, how was the conflict brought to an end and, two, is the restored peace the same 'peace' that existed before the conflict. We can see, if we place this into the context of ethnic conflict in Bosnia-Herzegovina that occurred during 1992-95, that the end of the conflict was an imposed peace that divided the country into separate entities based along ethnic lines. That solution ended the fighting and bloodshed and in that sense "peace" was achieved. Therefore, the country could be said to have survived by adapting to this imposed reality. But it is not the peace that existed before the conflict in terms of 'ordinary relations' returning to the whole population of Bosnia-Herzegovina. That has not happened. Rather we could say that the situation is one of peace secured only by an externally imposed political division of the country and the presence of an international peacekeeping force. Was it a just solution? Has it proved workable? Many would say no because it never solved the underlying issues for the conflict. In fact, the country as it was has disappeared, replaced with two separate political entities. The hope is that in accepting the current settlement peaceful co-existence will prevail, until a future point in time when social cohesion and national unity can return to the whole country. Brand-Jacobsen and Jacobsen [2002:61-63] see this as enforced peacemaking which cannot in and of itself bring peace. In the end, they believe it could even prove a recipe for further conflict. They describe the Dayton Peace Agreement, which ended the conflict in Bosnia-Herzegovina, as leaving the country as a state between non-peace and non-war - a similar term to that used by Carolyn Nordstrom

(2004:166) of “not war – not peace” - which solidified the divide between the country’s ethnic groups. To call it a ‘peace’ agreement, Brand-Jacobsen contends, is to mix terminology to cover its underlying faults. The devastation and destruction brought about by the war, for all parties, was not sufficiently addressed, and its shortcoming was its failure to solve the underlying conflicts involved in the war.

### **3.4 War crimes tribunals**

Eric Stover [1998:13] who wrote the text for *The Graves: Srebrenica and Vukovar* with photographs by Gilles Peress, contends that if those who contemplate ‘ethnic cleansing’ or other war crimes suspect that they may be investigated by an international criminal tribunal there is at least a possibility that they may be dissuaded by their own self-interest from following that path. Prosecutions for war crimes and genocide are not ordinary prosecutions. On 25 May 1993 the Security Council of the United Nations concluded that the continued large-scale violations of international humanitarian law in the former Yugoslavia constituted a threat to international peace and security, and acting under its Charter an international criminal tribunal [ICTY]<sup>89</sup> was established which was mandated to investigate and prosecute persons responsible for such violations. In doing so, it was held that it contributed to the restoration and maintenance of peace.

The link between criminal accountability and peace allows intervention by the Security Council under the UN Charter to over-ride state sovereignty. The Charter mandates that states, often against their will, must take or refrain from taking certain actions. The Security Council is bound by law to act against any threat to world peace and to enact any measures that would serve to re-establish the peace. In the case of Bosnia-Herzegovina a measure of personal criminal accountability was enacted, for the first time, against those responsible for acts of genocide and crimes against humanity.

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<sup>8</sup> International Criminal Tribunal for the former Yugoslavia based in The Hague, Netherlands.

Justice Louise Arbour [2002:13-47], appointed Chief Prosecutor of the International Criminal tribunal for the former Yugoslavia 1996-99, gives the main rationale advanced for the existence of a war crimes tribunal as being that they are to be an instrument not only of peace but of reconciliation among people, by removing the taint that the crimes of their leaders imposed on entire populations. She argues that the imposition of personal criminal responsibility to leaders will sever the legacy of collective guilt and responsibility. She accepts, however, that this argument is only partly persuasive. First, it is not all that convincing when the persons targeted for prosecution were elected leaders who enjoyed sustained support from the population while their widespread and systematic crimes were unfolding in a blatant and widely reported manner. Secondly, this rationale becomes even more problematic when the criminal activities engineered or tolerated by the leaders required the massive participation of large sections of the population. Finally, it is unconvincing when the leaders' crimes advanced group claims of entitlement, based, for instance, on alleged unsettled historical grievances or, worse, on assertions of ethnic or religious superiority.

This illustrates some of the difficulties inherent in a war crimes tribunal, but Arbour concludes that simply the holding of an international trial is in itself a major positive step towards peace and reconciliation for it shows willingness to submit disputes to legal process. More importantly, she contends that such a process, in foregoing all responses to injury except those sanctioned by law, is the hallmark of our choice to live in peace with each other. The aim of the criminal sanction does not reduce it to an exact measurement of its potential deterrent effect, even if such measurement were feasible. Rather, it serves to affirm a shared preference for law-abiding conduct, which then becomes the basis on which a community of like-minded individuals, or nations, is formed and nurtured.

Stover (1998:327) believes that the great virtue of legal proceedings is that their evidentiary rules confer legitimacy on otherwise contestable facts. In this sense, war crimes trials make it more difficult for individuals and societies to take refuge in denial. As important as The Hague trials are, though, he points out that they are taking place

hundreds of miles away from where the atrocities occurred, in the case of Bosnia. He believes that what is needed is the creation of a civil society and democratic institutions which can reach through the morass of distortions, myths, and lies of the past to pull the societies in this region out of denial. Trials can help that process, but for an enduring peace to prevail in the Balkans, future generations must come to understand the drastic nullity of all struggles that end in killing and the demonstrable futility of avenging the past in the present.

### **3.5 Restorative principles**

Paul Bohannon in his introduction to *Law and Warfare: Studies in the Anthropology of Conflict* [1967: xi] sees conflict as part of any society and that it would be blind of us to think that it does not exist. Rather, he states, conflict must be controlled and utilized profitably in order to create more and better cultural means of living and working together. In short, he is saying that conflict can, if it is adequately institutionalised, be used as the growing point of a culture of peace. He believes conflict is not something to be 'stopped' but rather that society and individuals should be equipped to deal with and profit from it.

In the case of Bosnia-Herzegovina, the war during 1992-95 did not conclude with one party being 'defeated' or anyone being declared the 'victor'. During this conflict acts of genocide were committed. These are very serious charges and introduce questions about the legal and social processes that should follow. Genocide and crimes against humanity are governed by international law which prescribes that such perpetrators be punished, hence the decision taken by the UN to establish the international war crimes tribunal for the former Yugoslavia at The Hague.

Restorative justice, however, as an alternative to retribution through a tribunal, is not about specific programmes or a specific process. It is a set of principles and values. If restorative justice is to have practical application these values need to become the foundation and guiding principles for how a community and its justice system understand



every aspect of their response to crime. There is no agreement on a definition of restorative justice, but some common components can be found.

According to Galaway and Hudson (1996:2), there are three elements fundamental to any understanding of restorative justice: One, crime is viewed primarily as a conflict between individuals that results in injuries to victims, communities, and the offenders themselves, and only secondarily as a violation against the state. Two, the aim of the criminal justice process should be to create peace in communities by reconciling the parties and repairing the injuries caused by the dispute. Three, the criminal justice process should facilitate active participation by victims, offenders, and their communities in order to find solutions to the conflict. In the introductory chapter to their edited volume *Restorative Justice: International Perspectives* Galaway and Hudson further state that all parties have responsibilities associated with participation in the dispute settlement process. This means that offenders are responsible for acknowledging the wrong they have done, apologising for what they have done and expressing remorse, as well as being willing to make financial or symbolic compensation/reparation to the victim. The responsibilities of victims are to accept the expressions of remorse made by the offender and to express a willingness to forgive. Community members participate by providing necessary support and encouragement to the parties to arrive at a settlement and provide opportunities to carry out the agreement. In this model, restorative justice is driven by the members of a society rather than being only a direct relationship with the state. It is a mechanism that has to have its validity supported and upheld by the state inasmuch that any agreements as to compensation and reparation have to be legally binding and accountable. The values that distinguish restorative practices are the personal involvement of all parties to find solutions to any crime. This model is in contrast to the assumptions of a retributive justice model where crime is defined as an act against the state and a violation of a law for which there are prescribed penalties (See Appendix 7).

Pranis (1993:494-496) points out that restorative principles are a way of thinking about how to approach the problem of responding to crime, and a set of values that guide decisions on policy, programmes, and practice. She states that restorative justice is based

on a redefinition of crime as injury to the victim and community, rather than an affront to the power of the state. The primary purpose of the criminal justice system in the restorative model is to repair the harm done by the crime to whatever degree possible. Victim involvement is essential to define the harm done by the crime and to identify how the harm might be repaired. A comprehensive restorative response to crime begins to engage the community as a resource for reintegration of victims and offenders, and as a resource for monitoring and enforcing community standards of behaviour. A restorative response to crime is a community building response.

### **3.6 Peace by peaceful means**

Within the school of thought whereby when peace is disrupted some kind of strategy is required to resolve the conflict, Brand-Jacobsen and Jacobsen (2002) provide another model which, on examination, has some similar elements to those described in restorative principles. They state that peace must be inclusive; it must be open to participation by all the parties and include recognition of the basic humanity and dignity of all involved. But, they reiterate, it cannot be blind. This is a call for direct, non-violent action and solidarity between those working for the promotion of peace and to transform the conflict through peaceful means, based on the recognition that:

- Peace will be brought about only through honest attempts to address the underlying dynamics and structure of the conflict and through recognition of the needs and human rights of all parties;
- No meaningful peace can be brought about that is based on exploitation, annexation, continuing occupation or the use of terror;
- Support for peace also demands direct and sustained action in support of peace (e.g. non-violent demonstration); and
- All parties have the right to live in security, have access to land, to the same basic social, economic, cultural, political, and civil freedoms, freedom of movement, worship and travel.

Peace in this model is described as a struggle which “peace by peaceful means” defines as non-violent. It is not something that will simply fall into our laps, Brand-Jacobsen and Jacobsen contend, or appear because we close our eyes and wish the violence would go away. They describe a good diagnosis as containing as complete a mapping as possible of (a) the conflict *formation*, and (b) the conflict *history* or the life of the conflict. The first, the conflict *formation*, should include all parties to the conflict, not just those within a country or the conflict zone. An analysis of the war in Bosnia-Herzegovina which focuses only on the Serbs, Muslims, and Croats, without addressing the involvement of significant outside powers such as the United States, Germany, the European Union, Russia and Iran, or others, is simplistic Brand-Jacobsen and Jacobsen contend and, consequently, it cannot lead to a full understanding and analysis of the conflict or what pushed it in the particular directions *of violence* that it took. Analysis of the conflict formation, therefore, should include all parties in the conflict. Conflict *history* involves the entire history or life of the conflict, not simply the beginning and ending of the violence. What are the roots of the conflict? What is its history? How did it reach the stage it is at? Importantly, how the parties view the conflict must be respected and understood, though it should not lock the peace worker into or prevent them looking at different interpretations and analysis. What matters is that the parties to the conflict do not feel that their perspectives and opinions have been dismissed, something all too common in most conventional approaches to ‘peace’ making (Brand-Jacobsen and Jacobsen 2002: 23-31).

Galtung (2002:235) presents three hypotheses for the genesis of the conflict in Bosnia-Herzegovina: one, age-old unprocessed inter-nation (*ethnic*) violence and hatred; two, instrumentalization of that hatred by cynical leaders; and, three, instrumentalization of that instrumentalization by cynical outer circle powers (e.g. the United States, Russia) supporting their inner/middle circle people (e.g. in Bosnia-Herzegovina, Serbia and Croatia). He places the breakdown of the former Yugoslavia in the context of Marshal Tito’s death in 1980 and the collapse of Soviet-style communism with its one party state. However, Galtung’s basic premise is that inter-ethnic violence was formed from age-old inter-ethnic hatred, and he bases his explanatory model on this error. My own study did

not find any evidence to support this premise. As a result, I feel that any solution he pursues for achieving peace by peaceful means, as it is based on a premise with which most researchers of this conflict would disagree, is inherently problematic. The outcomes he proposes for resolving the wider conflict in the Balkans would seem to reinforce ethnic division as the solution. The research I undertook in Tuzla runs counter to this by showing a desire to maintain inter-ethnic relations.

### **3.7 Peace processes**

Barash and Webel [2002:6] are not anthropologists but have made significant contributions to perspectives on war, peace and human conflict. They make a couple of important points which I believe are worth noting here. One, they assume that there are no simple solutions to the problems of war, stating that most aspects of the war-peace dilemma are complex, inter-connected and poorly understood. The second point they make relates to what usually happens when peace is brought about by a third party and security forces are brought in to maintain the peace, as has been the case in Bosnia-Herzegovina. At one level, I believe they would see the case in Bosnia-Herzegovina as being one of *negative* peace; that is, the simple absence of war brought about by international intervention with a diplomatic emphasis on peace-keeping. By contrast, a *positive* peace focus would be on peace-building, which requires attention being given to the social, political and economic institutions being in place to achieve this. That is, that all people in any society are not denied important rights and are provided equality of opportunity to achieve personal fulfilment and self-worth. My research leads me to conclude that this is not yet the case in Bosnia. Can this change? Barash and Webel (2002:25) pose this question and conclude that that decision rests with the people themselves having to ultimately decide. Peaceful traditions, they state, can be ruptured by war, just as peaceful societies can become militarized. War can become a national habit and militarism a way of life. But so can peace. Long-standing traditions of war and conflict may, with sufficient popular support, give way to traditions of peaceful alliances. However one judges the desirability of peace or the legitimacy of wars, at least in some cases, it should be clear that peace and war exist on a continuum of violent/non-violent

national behaviours and that they constantly fluctuate. Neither should be taken for granted, and neither is humanity's 'natural state'. The choice is whether to wage war or to strive to build an enduring peace. What emerges is recognition that peace and war are fluctuations in the human condition; that is, either condition can prevail under certain circumstances.

During 1992-95, the Serbian establishment in Serbia and Bosnia-Herzegovina executed a policy of ethnic-cleansing in Bosnia-Herzegovina against the Muslim and Croat populations in that country. Darby, in his book *The Effects of Violence on Peace Processes* (2001: vii), highlights the problems that can be encountered with ethnic conflicts, which he contends are especially vulnerable to violence. Relating his views to either civil wars or ethnic conflicts, he believes that in such circumstances the difficulties of stopping a war are greatly compounded. His reasons for this are that the parties to violent civil and ethnic conflicts are usually deeply divided by history, prejudice and seemingly irreconcilable interests, and are loath to end hostilities, reluctant to make the compromises necessary to secure a peace agreement, and wary of entering into a routine of accommodation and co-operation with old enemies.

Darby makes a clear distinction between a ceasefire and a peace process. As noted earlier, the Dayton Peace Agreement that concluded hostilities in Bosnia-Herzegovina is now recognized by many observers and commentators as being an unjust settlement. It did bring about a ceasefire and it was intended, in principle, to be a peace process. Darby's research finds that most ceasefires collapse in the first few months, and surviving peace processes are likely to achieve some level of success but even these do not show high rates of success. Darby cites research undertaken by Sollenberg and Wallensteen (2002:9) that calculated that of the 110 violent conflicts active in the 10 years after 1989, 75 had been terminated by 1999. Only 21 of those were ended by peace agreements. 22 ended in victory by one of the combatants, and the remaining 32 by other outcomes (ceasefire agreements or a significant reduction in intensity). This shows that only some 20 per cent of the conflicts they examined had been terminated by peace agreements. Darby states that the term "peace process" has become increasingly popular since the

1990s, largely replacing earlier references to conflict resolution diplomacy and conflict management. In the model that he puts forward a key segment to any peace agreement being sustained is that members of the security forces and para-military groups must be integrated into normal society. A corollary to this is that peace accords need to address the needs of the victims of violence, and in the context of an existing conflict his model has negotiators playing a central role. Darby is not an anthropologist. Therefore, he is not so much concerned with defining the concept of peace itself. He is a former senior fellow at the United States Institute of Peace and his work fits within the political and policy environment of the United States government. It was the United States government that brokered the peace agreement in Bosnia-Herzegovina. The cautionary note here, I believe, is that such a model should be seen not to being undertaken to fit another government's pre-determined political agenda or foreign policy.

An important point, however, is raised by Darby (2001:116) when he refers in his peace process model to the question of embracing all parties. He proposes that all parties to any conflict seeking a peaceful solution should be engaged in any dialogue for finding agreement with equal recognition and status given to all parties in the aftermath of any conflict. In the interests of equity, any moves that reintegrate militants back into society, for example, must be balanced by recognizing the needs of their victims. This aspect of any model of resolution then raises questions about reparation or compensation. This is a difficult and sensitive area in which Darby gives the example of reparations provoking rather than easing tensions if the amounts are too low or if they are not accompanied by investigations of atrocities. Darby (2001:135) also suggests that war memorials need careful treatment in divided societies if they are to avoid becoming shrines to division rather than to common suffering. These points are well taken; the issues raised from these questions are very real, important and critical to understanding the truth behind what happens when a society is divided by conflict, and what has to be done to allow people to come to terms with what happened and how they can move forward. Clearly the agreement that brought the conflict to an end in Bosnia in 1995 was enabled through a peace process model based along the lines outlined by Darby.

A state of peace, however, is not something that occurs in a vacuum. It has to be supported in many ways and has to become something deeply cherished and prized by any society. It is also an adaptive process that is by nature a fluid and flexible dimension to the survival of any society. What guarantees any peace being sustained? Rabie [1994:14] expands upon this point by stating that positive definitions of peace transform conflict resolution into a continuous peacemaking and peacekeeping process to deal with social conflict and create the socio-economic and political conditions that guarantee social justice. What this indicates is that peace cannot be maintained without social justice, and as stated by Rabie, social justice cannot be achieved under conditions of war and violence. He offers an operational definition of realistic peace as being “the absence of violence under conditions and relationships that provide for the non-violent resolution of political conflict and the freedom to pursue legitimate individual and group goals without threat or coercion”(1994:14).

The community I studied in Tuzla was affected by the wider conflict in the country during 1992-95, with around eight hundred people being killed. Yet in one particular incident it found its own way of coping with that situation and they solved it for themselves by peaceful means. The families of those killed on 25 May 1995 stood up to the politicians and religious leaders who opposed their decision to have those killed buried together irrespective of ethnic background, by saying that they were not going to be divided by hatred and intolerance. It is clear to see the restorative principles implicit in the action and statements that these families took. No matter which ethnic group they were recognized by, they were standing together to respect and share each other's loss, grief and value as fellow human beings. Is this an example of a community wishing to maintain its 'ordinary relations', even under such circumstances? I conclude that it is. These ordinary relations were threatened by external forces who wanted to see division among this community. A restorative response to crime is a community building response, and I believe that the decision taken by the families of those killed in Kapija Square was a restorative response, in that sense, to what had happened. It may not have been articulated or understood as such, but their actions are consistent with restorative principles and practices. It is only a restorative response in part, however, as the

perpetrators of what happened have not in any form been held accountable for their actions and neither were they engaged in any decision-making process that concluded in the common burial site for those killed. But importantly, it was a community initiative for re-building peace.

A common perception of any post-conflict society returning to some semblance of ordinary relations is that a degree of reconciliation has been reached by all parties. At least, processes have been followed to reduce any on-going hostility to that point where the essential grievance has been addressed in some form. It is often thought that it follows from this that those aggrieved can, and sometimes may, forgive those who caused them their grief. This can only be a personal decision and to reach such an outcome can be time-bound, if it happens at all, and dependent upon the scale of harm that has been done. Stover [1998:328] is correct when saying that to understand is not to forgive or forget. It is to accept things as they are. Forgiveness for those who massacred almost eight thousand Muslim men and boys in Srebrenica, for example, is not ours to give. Or those who shelled Kapija Square on 25 May 1995. Only the victims have the right to forgive. Forgetting is also unthinkable, as it would be a dishonour to the dead and their memory, and fail to ensure it does not happen again.

### **3.8 Conclusions**

In this chapter various accounts of what “peace” means, and different processes that can be applied for restoring peace in a post-conflict situation, have been outlined. Or, put another way, “peace” has been shown to be a goal to be upheld in any society, taken from various perspectives. Either way, this shows increasing attention being given to this subject. The key concept in my research is peace-building, a term I prefer to peace-making, as it better illustrates the constructive and practical applications that have to be undertaken. It is not my purpose, however, to say which school of thought or process should be followed in all cases. Rather, it is to show that peace is a social condition that can be disrupted by violence, and these perspectives propose ways of restoring peace. These different perspectives should be respected, because they all make their own



contribution to peace. I believe the underlying sentiment is that violent behaviour in any society endangers peaceful relations in that society and that at all times such violence has to be reduced by legal or social means. This presupposes that peaceful relations are the desired state in any society. Violence, however, can never be excluded from the social condition. We would be naïve to think otherwise. As acknowledged at the beginning of this chapter, whether to wage war or peace is a choice any society makes in order to survive.

## CHAPTER FOUR

### INTERVIEWS

**The following interviews were undertaken with a family member of someone killed on 25 May 1995 in Kapija Square, Tuzla.**

These interviews were conducted with an interpreter in 2005. In total, 19 families consented to be interviewed within a format approved by Massey University Human Ethics Committee (04/126) and within guidelines presented in the Code of Ethics of the Association of Social Anthropologists of Aotearoa/New Zealand Inc., prior to undertaking the fieldwork. In addition, a general framework for fieldwork was used (See Appendices 8-13).

For a number of reasons it was not possible to interview a family member of all 71 people killed for a number of reasons. Those killed who were from Tuzla were buried either in the memorial cemetery (51) or in other cemeteries within Tuzla (11). Others, were buried in their own towns (9). Distance precluded me from attempting to interview families in other towns. 8 people in total declined to be interviewed on grounds of it being too painful a matter to talk about. The whereabouts of family members for 3 graves were unknown and it was believed that in 2 further cases their families now lived overseas. In addition, because of the disruption and relocation that the war caused for many people it was not possible, in some cases, to locate family members. General comments could be found in two publications that listed the names of all those killed<sup>9</sup>. These interviews and the interviews I conducted with community and religious leaders (chapter 5) and others significantly connected to the research (chapter 6), places the

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<sup>9</sup> ZLOČIN published by BiH War Crimes Commission (1995) and UBISTVO SVITANJA: civilne žrtve rata u Tuzli (1996) published by Tuzla Civil Authority.

comments obtained from all interviews within a context of individual families and the wider community jointly responding to what happened on 25 May 1995. In total, 44 interviews were conducted and additional accounts obtained on 11 other people who had been killed in Kapija Square.

The general structure of the interviews followed a basic pattern that provided demographic information about the families, their experience of the incident and the burials, its impact on them both at the time and now, and what they wanted done about what had happened.

The interviews revealed the enormity of loss and grief which, for some, is still too painful. Their statements also revealed dependency on medication for almost everyone at the time with on-going medication or treatment being necessary in some cases. The data confirmed the multi-ethnic make-up of those buried in the memorial cemetery while at the same time qualifying ethnic identity in terms of the significant number of mixed-marriages to be found. For all those interviewed there was a strong desire and expectation that the perpetrators should be brought to justice. Without exception no one expressed any desire for revenge or hatred. There were mixed responses to whether inter-ethnic relations in Tuzla were better or worse today. A common thread in these interviews was the poor opinion people had of their politicians and local Justice System, and little hope for the future.

Real names have been used throughout the research rather than a system of coded identities or pseudonyms. It became apparent, that to address an historical fact with graves showing actual names would have required all names identified with this incident to be coded, if the statements provided in the interviews were required to avoid directly identifying the sources. Moreover, the detail in each interview was unique to each family and they were telling their story. I did not feel that I could reduce the data to general observations. That, I believed, would be disrespectful to them and to the memory of the person killed. As such, their permission was obtained to use their real names.

#### 4.1 List of interviewees

The interviewees are listed in alphabetical order for convenience of presentation. They are not in the date order on which the interviews were conducted. The names of all those buried in the *Aleja mladosti* memorial cemetery, together with their grave code, are provided in Appendix 11. The names of those killed in Kapija Square on 25 May 1995 and buried in other cemeteries are listed in Appendix 12. All interviews both in this chapter and in chapters 5 and 6 relate to this one incident. To avoid constant repetition of these basic facts I have used 'was killed' in most cases to mean killed by shelling of this square.

No.	Name	Relationship to Victim	Ethnicity of Victim
1	Halia Abul-Ismaïl	mother	Arab/Muslim
2	Arif Ahmetašavić	father	Muslim
3	Semsudin Alagić	father	Muslim
4	Dragica Bojkić	mother	Muslim/Croat
5	Nihada Čaušević	mother	Muslim
6	Mirsada Dedić	mother	Muslim
7	Hava Fatusić	mother	Muslim
8	Suad Hasanović	brother	Muslim
9	Esefa Hasić	mother	Muslim
10	Zenita Hidanović	mother	Muslim
11	Dino Kalesić	father	Muslim/Croat
12	Mihalja Kantor	father	Croat
13	Haris Kurbegović	father	Muslim/Croat
14	Sladan Marinović	son	Croat/Muslim
15	Veronika Marković	mother	Serb/Croat
16	Sevala-Lala Mehmedović	mother	Muslim
17	Rasema Milić	mother	Serb/Muslim
18	Vahid Rekić	mother	Muslim
19	Fatima Sarajlić	mother	Muslim

Note: The conflict in Bosnia-Herzegovina during 1992-95 was described as a policy of ethnic-cleansing, with the protagonists described as being Serb, Croat or Muslim. Within this historical context I have used the same terms in designating the ethnicity of the victims. The term Bosniak is commonly used today to designate Muslims only, whereas previously the term historically applied to all citizens of Bosnia. In the list above, 3 names need clarification: Mr Abul-Ismaïl is an Arab/Muslim living in Syria, Mrs Kalesić was born in Croatia, and Mr Marinović described himself as a Bosnian (the only person I interviewed to do so). The list illustrates the number of mixed-marriages in these families showing both the father's ethnicity and the mother's ethnicity, with the victim named by traditional paternal lineage.

(1) HALIA ABUL-ISMAIL

Thursday 21 July 2005, 10.30 a.m.

Mrs Abul-Ismaïl was the mother of Suzan Abul-Ismaïl, aged 15, when she was killed on 25 May 1995 in Kapija Square (Grave code R3.1). She had two older sons, aged at that time 24 and 19. Mrs Abul-Ismaïl sent her eldest son to Croatia to avoid the war. He remains living there and is now married with two children. The younger son was badly affected by his sister's death and requires on-going psychiatric treatment for depression. He isolates himself from others.

Mr and Mrs Abul-Ismaïl separated in 1990. Mr Abul-Ismaïl is an Arab now living in Syria. There has been no contact with him after being informed of his daughter's death. At the beginning of the war Mrs Abul-Ismaïl joined the Bosnian Army as women could volunteer for military service, and served during 1992-93. She then left for Germany to earn some money, which she could send back to Bosnia. Her younger son and daughter remained in the care of Mrs Abul-Ismaïl's widowed mother. Mrs Abul-Ismaïl was therefore working in Germany at the time of the shelling of Kapija Square. At 9 p.m. that evening she says she felt impelled to sing a song that had the name Suzan in it. She chose 'Oh, Suzanna'. She turned on the TV and saw live pictures of what was happening

at that moment in Tuzla. She could not contact her mother in Tuzla as telephone communication was out of action. Next morning her employers in Germany and her nephew, who was also working in Germany, came to the house. She realised that they were keeping something from her. Her nephew took her to his house and told her that Suzan had been killed. She then managed to get through by telephone to her mother who confirmed that Suzan was dead.

Mrs Abul-Ismael spoke of a journal that her daughter kept. She believed that her daughter had a premonition that she was going to die as she had written in her journal just before 25 May 1995 that she did not believe she would see her mother again and wrote: 'I was born when you were crying (meaning tears of happiness for the birth of her daughter) and I will die laughing when you are crying'. She was in Kapija Square with young friends when she was killed in the shelling. Mrs Abul-Ismael stayed in Germany. She says she could not have coped with burying her daughter. Also, she may have found it difficult to obtain entry back into Germany. All funeral arrangements were finalised by her mother. She agreed with the common burial as she felt that those killed should not be divided. As they were killed together so they should stay together, she said.

The family have been badly affected by Suzan's death. The younger son saw his sister in the morgue. This was a shock for him as the body was badly damaged and was covered to show only her face. After that he could not complete his studies and he retreated into isolation. The grandmother was distressed because she had been looking after them. Mr Abul-Ismael was also shocked when told the news. Mrs Abul-Ismael returned to Tuzla in 1996 and this was the first time she went to see the grave. This was very difficult for her. When she sees the cemetery now she says it looks like a flock of white doves that have been set free.

Mrs Abul-Ismael is a Bosniak, meaning a Muslim, but does not practice Islam. Her ex-husband is an Arab and Muslim. She believes the perpetrators should be punished but she sees nothing happening over this. The death sentence, if it had been available, would not serve any purpose. She believes that those who committed this crime knew that a lot

of young people were in Kapija Square on the evening of 25 May 1995. A number of statements gained from all interviews implied that shelling of the square was deliberate. She is a member of the Families' Association and she believes their purpose is to have the 'truth' told about what happened. She believes inter-ethnic relations in Tuzla are still good saying that it is a unique place. But she feels that there is no future.

Comment:

Mrs Abul-Ismaïl was still coming to terms with her daughter's death. Her youngest son had been deeply affected by his sister's death and her mother felt some responsibility for Suzan's death because she was living with her grandmother at the time she was killed. She sent her eldest son to Croatia to avoid the conflict. She believed it was important for the 'truth' about the shelling of Kapija Square to be told, but at this time she saw no future for Bosnia. This case illustrates the wide impact of one death in a family and the conditions that Mrs Abul-Ismaïl had to address to survive.

## (2) ARIF AHMETAŠEVIĆ

Thursday 19 May 2005, 12.30 p.m.

Arif Ahmetašavić was the father of Edina, aged 20, when she was killed (Grave code R3.4). He was married and had a picture-framing business in Tuzla. An older child, his son, now aged 32, worked in the family business. Born in Gradačac, Mr Ahmetašević came to live in Tuzla when he was 6. He has one sister and two brothers. His father is still alive at 87. His mother was killed by a shell exploding in front of her home in Tuzla in 1993.

Mr Ahmetašević served voluntarily for 42 months in the BiH<sup>10</sup> Army 1<sup>st</sup> Brigade during the conflict. He commanded a unit in which he had 3 Serb soldiers. Two of his superior officers were Croats. The composition of the 1<sup>st</sup> Brigade was Bosniak 70%, Croat 25%,

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<sup>10</sup> Bosnia and Herzegovina.

and Serb 5%. He was later transferred to the Military Police. His unit was based in the battlefield around Tuzla.

Mr Ahmetašević had arrived home on leave on 25 May 1995. His daughter went out later that evening with three friends, including Elma Brguljak, who had been living with the Ahmetašević family. As they were crossing Kapija Square to go to the area around the National Theatre two of them were killed by the explosion, Edina and Elma, and the other two were injured. Elma was from Doboj and she is buried there. Doboj is now within the demarcated Republika Srpska. Her name indicates that she was either Serb or Croat. Mr Ahmetašević heard of the incident on the news that evening. He went to the hospital to find his daughter had been killed. He went home but could not bring himself to tell his wife immediately. At the same time his son had heard the news from another source. A medical doctor came to the house around 2 a.m. (26 May) at which time Mr Ahmetašević told his wife what had happened to their daughter. The doctor sedated her. Other family members then came to the house to support them. This included family relatives of Mrs Ahmetasević who lived in Tuzla.

The family are Muslims. The son badly missed his sister. He was not now on medication but Mrs Ahmetašević had to take medication every few days. The son was studying at the university at the time but the impact of his sister's death brought him to withdrawing from his studies. He later returned to university and completed his studies in Graphic Design. Mrs Ahmetašević was ill for two years after her daughter's death. The most difficult time for the family is around Edina's birthday and on 25<sup>th</sup> May, the anniversary of the explosion. Each 25<sup>th</sup> May, Mr Ahmetašević gives 150 KM<sup>11</sup> of chocolates and fruit to children at the local orphanage and 200 KM to the mother he knows of a girl with leukaemia, on Edina's birthday.

One of the brothers of Mr Ahmetašević also had a daughter. He sent her to Norway to avoid the conflict and he had asked Edina to go with her cousin but she refused. Her parents did not insist that she go as they felt it was her decision. They do not feel guilty

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<sup>11</sup> The Bosnian currency (KM) is approximately the same value as the New Zealand dollar.



over this matter. They agreed to the common burial site as the family wanted the young people to stay together in death. Mr Ahmetašević had originally thought of burying Edina next to his mother, as Edina had been very close to her grandmother. He had also thought of the idea of a communal burial before being approached by the delegation led by Mr Bešlić with this idea. The only stipulation the family made was that there should be separate graves so that individuals could be identified. They had no regrets over their decision, as politics and religion were not a consideration for them. He knew of others who now regretted not having had their children buried at the memorial cemetery. He believed the statement the cemetery is making is that all three creeds are buried there together.

Mr Ahmetašević stated that the burial of those killed was on Monday 29 May 1995 at 4 a.m. He was adamant about this, but this would put the burial at four days after the shelling of the town square and not eight days as given in statements made by other families including the former mayor, Mr Bešlić. The over-riding evidence is that the burial service took place eight days after the shelling of the town square and this suggests that Mr Ahmetašević may have been suffering deep shock at the time. As a result, this can have distorted his memory of time sequence as to the events that took place. He said he could not forgive those who shelled the town square and for making necessary that the families bury their dead in the night for fear of shelling. He stated the families were told of the funeral arrangements at 8 p.m. on the previous evening. His wife did not attend the burial service as that would have been too painful for her. In accordance with Islamic burial practice, Mr Ahmetašević covered his daughter's face with a veil before closing the coffin and placing it in the ground.

Mr Ahmetašević was given 40 days leave from his army unit and when he returned to duty he found that he had lost some of his initial anger. The unit was based at Mt Ozren. This is the area from which the Bosnian Serb artillery unit fired the shell onto Kapija Square. Some Serb soldiers had been captured and he was asked if he would like to kill them. He refused to do so<sup>12</sup>.

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<sup>12</sup> See pages 75 and 97 for two other examples of this occurring.

Mr Ahmetašević was a member of the Families Association and had served on other related bodies associated with the shelling of Kapija Square since 1995. He was presently advocating for the names of those buried in other cemeteries to have their names placed in the memorial cemetery. This, I believe, would require those parents to agree to this but in an interview with the designer of the cemetery she indicated they planned to do this in due course. At a recent meeting with the current Mayor of Tuzla, Mr Ahmetašević stated that a Roundtable Discussion (public meeting) was being planned by the Municipality on 'The Truth about Tuzla'. He believed that the Families Association should be primarily for the families of those killed, with the sole purpose of making a prosecution. This was under discussion with the Mayor. He was concerned that after everyone made initial statements to the Court at the time they assumed it went to The Hague and, in due course, would have been referred back to the Court in Sarajevo. No one, however, had any clear information on this point. He believed nothing had been done and he did not know where the documents were at present. My own informal contact with The Hague indicated that nothing had been done.

Mr Ahmetašević provided other information about the cemetery, stating that expenses for the burials were met by the Municipality. He stated that until 1998 parents could re-bury at the memorial cemetery if they wished to reconsider their initial decision, but that it would have to be at their own expense. Most families could not consider this action as they did not have any money. He further stated that after the complex was completed reburial could not be undertaken. I noted that this contradicts the statement made by Mišo Božić<sup>13</sup>, who stated that exhumations and re-burial at the memorial cemetery are still allowed. But again, later in an interview with the city architect who designed the cemetery, it seemed unlikely that further exhumations would be allowed. This may be the subject of on-going discussion, however. On the matter of the name of the cemetery, Mr Ahmetašević stated that it is informally named *Aleje mladosti*, which he described as meaning in translation that it is the place dedicated to the fallen of 25 May 1995.

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<sup>13</sup> President of the Serb Civil Council, Tuzla.

Mr Ahmetašević believed that the perpetrators should be prosecuted and that this should be the aim of the Families Association. In commenting on the total conflict in Bosnia during 1992-95, his view was that it was aggression with political ambition for a Greater Serbia and expulsion of all Muslims. Up until 14 May 1992, he felt most people did not think such a thing could happen. Bosnia-Herzegovina declared its independence on 15 May 1992 and was immediately attacked. He saw his son go into the JNA (National Army of former Yugoslavia) in 1991. His son was 18 then, and he was posted to a battlefield around Dubrovnik in Croatia at which time Serbia attacked Croatia. The JNA, according to Mr Ahmetašević, was in effect operating as a Serbian Army and his son, a Muslim, was expected to obey orders. Mr Ahmetašević went to Dubrovnik in 1992 and was shocked at his son's unruly appearance and what he was expected to do as a soldier; that is, take action on orders to attack Dubrovnik and that as a soldier he was expected to defend himself. Mr Ahmetašević brought his son home because he could see what was happening in Croatia and what was going to happen in Bosnia-Herzegovina.

Comment:

This was a long interview, but Mr Ahmetašević provided clear and detailed information on the burial process and the wider context in which the conflict was being played out. He corrected erroneous information provided by others and clearly had some authority and influence in Tuzla to make his comments known. He impressed as a deeply caring and humane man, who took pride in the multi-ethnic tradition of Tuzla and had friends and work colleagues in all ethnic groups. It was still difficult for Mrs Ahmetašević to come to terms with what happened to their daughter.

(3) SEMSUDIN ALAGIĆ

Wednesday 4 May 2005, 11 a.m.

Mr Alagić was the father of Elvis Alagić, aged 17, when he was killed (Grave code R3.5). Mr and Mrs Alagić have a younger daughter, now aged 23 years. This was the

second death in his family, as two months earlier his wife's brother was killed while serving in the Bosnian Army at Mt Majeviča, 20 kilometres away.

Mr Alagić was serving in the 3<sup>rd</sup> Tuzla Brigade at Mt Majeviča when he heard that there had been an attack on Tuzla. He was conscripted during the war to help defend the country. The following day, after a sleepless night, he was granted leave to travel to Tuzla. A friend was also granted leave to go with him. What he did not know at the time was that Army HQ had notified his unit that his son was one of those killed. The soldier assigned to travel to Tuzla with Mr Alagić was told of this but that Mr Alagić was not to be told. On arrival home he realised by the number of people in his house that something very bad had happened. His wife had been sedated to counter the shock; she had collapsed when told of her son's death. His daughter was also in the house, then aged 13. He joined his wife and daughter at which time his wife told him that their son was dead. They were all crying together with other family members. Mr Alagić has three brothers (two of whom also served in the army), two sisters and his mother. His father had died before the war. His wife told him that during the night, following the shelling of the town square, she had been walking through the streets looking for their son.

Later that day he went to the hospital to see his son's body. His wife and daughter did not go with him as he did not want them to see Elvis badly damaged and disfigured, which he expected would be the case. The hospital's resources to deal with this crisis were overstretched due to the number of casualties, therefore bodies could not be made to look more presentable for family members to see them. The death of Elvis affected the whole family. No one in the family, however, was receiving medication now. It is very difficult for all of them on his birthday and each anniversary on 25<sup>th</sup> May.

The whole Alagić family are Bosniaks/muslims. Mr and Mrs Alagić did not attend the meetings called by the mayor to discuss the possibility of a communal burial. His brother attended on his behalf. The family agreed that the cemetery would reflect the multi-ethnic life of Tuzla and that it represented these young people remaining together, even in death. Further, they believed that the cemetery was making the statement that this should

not have happened. Elvis was killed with his two friends Damir Bojkić and Franc Kantor. He was buried at the memorial cemetery because his parents wanted him to be with the majority who were buried there but his two friends are buried in other cemeteries. Damir was from a 'mixed marriage' (Catholic father/Muslim mother) and Franc was from a Catholic family. They are both buried in Catholic cemeteries in Tuzla. I interviewed both of these families. The reason for burial in Catholic cemeteries, in both cases, was to be with other family members. On the anniversary each year, however, the three families join together and attend each grave in each cemetery.

Mr and Mrs Alagić, together with their daughter and other family members attended the burial service which was held in darkness and secrecy. The Bosnian Serb Army knew that the funeral was taking place somewhere in the town that night and during the funeral the town was shelled.

Mr Alagić stated that the emblems used on the gravestones, apart from the crescent, were selected from a book of flowers and chosen by some families to avoid any designation as to religious affiliation.

Mr Alagić believed that those who committed this crime should be held accountable as war criminals. At the time, all parents gave statements to the Tuzla Court, which they understood were filed with the ICTY at The Hague. No one seemed to know whether any further action has been taken. If nothing had happened he believed all the families would be very hurt. He would be. As referred to earlier, on page 71, my own contact with The Hague would suggest that nothing had been done, to date. Mr Alagić did not express any desire for revenge. When he returned to his army unit everyone knew what had happened to his son. Later, his unit captured some men from the Bosnian Serb Army whom he referred to as 'Cetniks' (this term was used by Serb partisan units during the German occupation of Bosnia in the Second World War) and he was asked if he would like to kill them. He refused. He believed that the conflict in Bosnia was all about political ambitions from Serbia and about 90% of Bosnian Serbs desire to create a

‘Greater Serbia’ with a pure Serb population. Bosniaks, he believed, were only defending themselves.

Commenting on inter-ethnic relations in Tuzla now he said it was much better before the war. Now, there is no trust in others any longer and you needed to check people out first. He believed that membership of the European Union was the only way forward. He was not interested in politics, religion or nationalism, had no problem with Serbs returning to Tuzla, and felt safe in Tuzla. Both he and his wife were employed and thus able to manage. Many had nothing.

Mr Alagić believed that the lesson from what happened in Bosnia-Herzegovina during 1992-95 and the shelling of Kapija Square was that there were no winners from the war and that it should never happen again. He said that he would like to think that Bosnia is the last example of genocide to occur, and that if true humanity exists, he believed this will not happen again. The future he saw was for young people. He was only fifty-three, and was demobilized from the army in 1996.

Comment:

Mr Alagić impressed as a caring father and husband. He controlled his emotions during the interview but clearly he and his family have suffered the loss of a son they loved. I was particularly struck by the fact that the families of the three friends killed joined together each year on the anniversary of the Kapija Square shelling to attend each other son’s grave. This illustrated for me the tradition of multi-ethnic harmony that Tuzla aspires to, and explains also the desire of the families of those killed who are buried in the memorial cemetery to see them all just as friends, irrespective of religion or nationality. Serving in the army, Mr Alagić saw himself as defending his country against an aggressor, and refused to kill captured Bosnian Serb soldiers in revenge.

(4) DRAGICA BOJKIĆ

Friday 17 June 2005, 2 p.m.

Mrs Bojkić was the mother of Damir Bojkić, aged 27, when he was killed in Kapija Square. He was serving at the time in the Bosnian Army. He was in uniform that evening as he was looking for an officer to whom he had to relay a message. Two friends, Franc Kantor and Elvis Alagić, joined him at the Square to help look for the officer. All three were killed by the explosion.

The family heard the news on the television news later that evening. An older son, Omer, went to look for his brother with an uncle, his father's brother. Damir was found dead at the hospital. He had been killed instantly. All of the family were devastated by what happened and required medication to help them deal with the situation. Omer, in particular, was deeply affected by his brother's death. He, too, was in the army and at that time was married with a 2 year old son. He suffered depression, which led to a suicide attempt and the breakdown of his marriage. At the time of the interview Omer was receiving therapy. This family tragedy was compounded seven days later when a nephew was also killed, the son of Mrs Bojkić's sister. He too was in the army.

All of the family continued to need on-going medication from time to time, particularly on Damir's birthday and the anniversary of the shelling of the town square. Omer Bojkić had since remarried.

Mr Bojkić was also present at this interview and the family stated that the explosion was the second one that evening, of a magnitude to cause damage over a large area. They believe it was deliberately targeted on the town square. This was officially denied by Bosnian Serb military authorities, who claimed they were firing on a military installation in Tuzla and thus making the incident in Kapija Square a case of collateral damage.

Mrs Bojkić identified herself as being Croat. She used the term Hrvatski, which means she speaks the Croatian language, and identified her husband as a Musliman, being the old Turkish word for a Bosnian Muslim. Damir was buried in a local Catholic cemetery to be near other family members. The family had to be sedated in order to attend the

burial service. All of the family, including extended family members, are Tuzla residents. The fact that Damir was buried in the Catholic cemetery is seemingly a contentious matter. According to Mr and Mrs Bojkić the Municipality, headed by the then Mayor, Selim Bešliagić, visited all families at that time to ask whether they wanted those who had been killed to be buried with others or not. They stated that they were told that burial expenses and gravestones would be provided by the Municipality in all cases, and that the same gravestones as those designed for the memorial cemetery could be available, if desired, for use in any other cemetery. This way, the Municipality told them, the gravestone identified the deceased person with what had happened at Kapija Square. Mr and Mrs Bojkić state that they never received any assistance with burial expenses or a gravestone. Also, that others who decided against the common burial site similarly did not have any assistance from the Municipality for burial expenses, or have a gravestone provided. Mrs Bojkić stated that her family had to meet their own burial expenses and buy a monument by borrowing money to do this. They expressed anger with Mr Bešliagić; they felt cheated because they had not agreed to the communal burial because they believed that the use of different gravestones outside the memorial cemetery 'separated' the children who had been killed. They had understood that a fund had been established from donations to provide the funeral expenses and gravestone costs. From my own inquiries, all expenses at the memorial cemetery were met by the Municipality, but no clear statement could be obtained confirming funding for those buried in other cemeteries. Mr and Mrs Bojkić both acknowledged that they received the 250 KM that was provided to each family of the seventy-one killed in Kapija Square. Those wounded on that evening received 150 KM each.

Commenting on the perpetrators of the crime they expressed disbelief that people would do such a thing to civilians, mainly young people. 'What sort of people are they?' they said. 'Can they sleep at night?' 'They are not human beings.' They believed that they should be held accountable at The Hague as they do not trust the local Courts. This family were not members of the Families' Association. No one had ever contacted them and it was not until the 10<sup>th</sup> anniversary ceremony in the town that they knew of its existence. I pointed out that it had only been established since November 2004 and



provided them with contact details and the name of the President of the Families' Association.

They believed inter-ethnic relations in Tuzla were not the same anymore; there was no longer any trust, no love, people just looked after themselves, they stated. They added that you had to be careful to avoid offending anyone. They accepted that they could not bring back the past, when people lived together (reference to former Yugoslavia). They did not see much of a future for themselves. The future they hoped would be a better one for their grandson, aged 12 years.

Comment:

Mr and Mrs Bojkić were retired, living on a minimal pension of 160 KM per month. Their son, Omer, was employed and lived nearby and I assumed that he supported his parents to some degree. There was clearly some unresolved anger against the Municipality over burial expenses being unpaid, which they stated had been promised. Suicide, as contemplated by their eldest son, is against the principles and teaching of the Catholic Church. As such, they believed that such an action, had it been completed, would have brought further anguish to the family. Their love and hope for the future was directed to their young grandson who spends a lot of time with them.

(5) NIHADA ČAUŠEVIĆ

Friday 29 April 2005, 1 p.m.

Mrs Čaušević was the mother of Selma Čaušević, aged 18, when she was killed. Mrs Čaušević and her whole family including her then partner/boyfriend are Bosniaks/Muslims. Selma's father had died before the war. There was an older sister, Manuela, now aged 29, married with a son, aged 6. Mrs Čaušević formed a relationship during the war and there was a child from this relationship, a boy, named Mirza, aged 7. They never lived together and that relationship ended.

Mrs Čaušević lives about 500 metres from Kapija Square. That evening Manuela had gone out.\* Selma was in the house with her mother and just before 9 p.m. said she was going out and would be about 15 minutes. Mrs Čaušević heard the shell explode. Manuela returned home to tell her mother what had happened and that the scene at Kapija Square was chaotic with the dead and injured being taken to the hospital. Selma did not return home, therefore her mother feared what had happened to her. Manuela remained at home while Mrs Čaušević and her brother went to the hospital, where there was an equally chaotic scene. By morning they found out that Selma had died. Two doctors were asked to return home with them to tell Manuela. Both Manuela and her mother had to be sedated as the shock was too great.

At the time of the interview Mrs Čaušević and Manuela were receiving on-going medication. The sisters were considered 'like twins' as there was only one year difference in their ages. Mrs Čaušević knows ten others killed that day. Selma could have been buried next to her father's grave in Tuzla, but Mrs Čaušević decided to have her buried with her friends and other mainly young people in the memorial cemetery. She felt that it was important for her to be buried there. She would have liked all 71 families to have agreed to all being buried there, but understood that some people did not live in Tuzla and some had family plots in other Tuzla cemeteries.

Mrs Čaušević believed that the memorial cemetery shows to others that something like this should never be repeated. They opposed the politicians because they wanted to separate people, but the ordinary people wanted to be together. She found the burial service, which was undertaken at night (4 a.m.) to avoid shelling, very unnerving. There were no lights. Each family was asked to attend with only family members. She attended with Manuela, her brother and her boyfriend. No one was killed from her partner's family. Mrs Čaušević was badly affected by what had happened and for a long time could not be left on her own in the house; she had to have someone with her all the time.

Mrs Čaušević believed the perpetrators should be brought before a Court and punished; and that this would come in 'its proper time'. She believed that what they did was 'unspeakable', but wondered whether they would ever recognize what they had done by having killed someone's children when they would have had children of their own. For this reason she believed that those who had shelled the town square would suffer anyway. She found the conflict in Bosnia was about people in power pursuing their own interests. She believed the aggressor (Serbia) hated the victims (Muslims) and wanted them destroyed. She did not express hatred of others, as she said that would make her the same as them. She had no problems with Serbs returning to Tuzla, but presently would not allow them near her family. She felt safe but had little hope for the future. She was unemployed and lived on her own with her 7 old son. She was hoping to obtain a medical benefit for her depression medication. This would be about 137 KM per month. She presently received 37 KM per month compensation from the Municipality for her daughter's death.

Comment:

In this case, as with many others, little hope was expressed for the future but what is amazing is that people did not express hatred or want revenge. This was the case with Mrs Čaušević; there is a higher moral ground to which she holds fast, as though by expressing hatred she would be no better than the people who killed her daughter. I felt that it was a remarkable decision to have her daughter buried at the memorial cemetery instead of next to her father's grave. These local families held an overwhelming view that those killed were friends in life and they saw them as being the same in death. In some way, this gave them great comfort as they felt their children were together and not alone. This personal tragedy and the whole conflict in Bosnia brought nothing but misery and sorrow for everyone. There is no support or employment, and there are no winners.

(6) MIRSADA DEDIĆ

Monday 25 April 2005, 2 p.m.

Mrs Dedić was the mother of Zada Dedić, aged 21, who was buried in a Muslim cemetery in Tuzla. The family was devastated by Zada's death and Mrs Dedić was unable to deal with any funeral arrangements at the time, as she was being sedated to cope with what had happened. Zada was in Kapija Square on 25 May 1995 with her boyfriend, Azur Vantić. They were both killed and someone identifying the bodies told the Dedić family that Zada and Azur were found holding hands. Confirmation of their deaths could not be made until the following morning when two nephews of Mr and Mrs Dedić went to the hospital. The time delay was caused by the bodies having to be pulled from under collapsed buildings.

Mrs Dedić now wanted to have her daughter's body exhumed and re-buried in the memorial cemetery so that she could be with others she knew as friends. The parents of Azur Vantić were opposed to their son being buried in the memorial cemetery but wanted him to be buried with Zada in the same cemetery. Mr and Mrs Dedić did not agree to this as Azur and Zada were not married. As a result they were buried in separate Muslim cemeteries in Tuzla. I understood from meetings with Mišo Božić, President of the Serb Civic Council in Tuzla, that exhumation could be considered for re-burial in the memorial cemetery but that exhumations were not allowed to be made from the memorial cemetery. Even if it was possible to re-bury Zada at the memorial cemetery, Mrs Dedić qualified her statement inasmuch that she would only want this if others joined them so that a new row of graves could be created, in which case Zada would not be buried in a new line of graves on her own. A later meeting I had with the architect who designed the cemetery suggested that further re-burials at the memorial cemetery were unlikely as they did not want to disturb the present ambience of the site. This matter would need careful thought and discussion if any new requests came forward.

Mr and Mrs Dedić had an older married daughter with two children. Mrs Dedić stated that her two daughters were inseparable, therefore the surviving daughter has similarly suffered depression, needing medication. The stress of this incident on the family resulted in Mr Dedić suffering a heart attack. He is now retired. Mrs Dedić also has been diagnosed with angina and high blood pressure for which she was prescribed medication.

She stated that she wanted to die when her youngest daughter was killed but she realised that she needed to live for her husband, eldest daughter and grandchildren.

Ethnic identity for the whole family is Muslim and their faith had been their comfort. Birthdays and the anniversary of the shelling of Kapija Square were particularly difficult days for the family to deal with. Usually on these days Mrs Dedić had to take sedatives to get through the day. She regularly attended her daughter's grave and knows three others who were killed on 25 May 1995, other than Azur Vantić.

Mrs Dedić described Zada's death as causing the whole family unbearable pain and stated that she could not find words to describe her feelings. She received on-going treatment for depression, as did her eldest daughter. She was unable to express her feelings towards those who had killed these young people. All she could say was that she could not believe such people existed. The date of the shelling was significant, she stated, as in the former Yugoslavia 25 May was celebrated nationally as the Day of Youth (Marshal Tito's birthday). Mrs Dedić believed this date was deliberately chosen by the Serb military unit that shelled the town square, as since the collapse of the former Yugoslavia, following Tito's death in 1980, May 25 is no longer celebrated in Bosnia.

Mrs Dedić did not provide any course of action that she thought should be taken to hold the perpetrators accountable. She stated that all she wanted was the worst punishment for them. She believed the war in Bosnia was an attempt by the Serbs to expel the Muslim population. She described inter-ethnic relations in Tuzla today as being worse than before the war, as trust had now gone. She felt secure, but believed it could happen again as the Serbs, in her view, are ready to do this. She had no real hope for the future as she believed it will never be the same again.

Comment:

Mrs Dedić and her family had been deeply traumatised by what happened to their youngest daughter and other young people. They were completely disillusioned and

unable to see a hopeful future. Their grief was very deep. This was a very sad interview to conduct. This was a case, however, that indicated that, if possible, they wanted their daughter to be exhumed and placed in the memorial cemetery. In this way they would be reflecting the general view that these young people were all friends and should remain together.

#### (7) HAVA FATUŠIĆ

Thursday 21 July 2005, 9 a.m.

Mrs Fatušić was the mother of Muris Fatušić, aged 15, when he was killed in Kapija Square on 25 May 1995 (Grave code R4.8). She attended the interview with her youngest daughter, aged 9. This daughter was born in 1997 and therefore never knew her brother. There was an older daughter who was the eldest of her three children who had been married twice with a child from each marriage. The child from her first marriage, aged 6, lived with Mr and Mrs Fatušić. The whole family was Bosniak/Muslim. Mr Fatušić was serving in the Bosnian Army during 1995.

Muris Fatušić had finished school on 25 May 1995. The family were poor and Mrs Fatušić was working on the small allotment they have. Muris was at home on his own and decided later that evening to go into town with a friend. A neighbour noticed him going out and warned him to stay at home as there had been shelling of the town that day. The family saw the television news later that evening describing what had happened in Kapija Square. As Muris was not at home, Mrs Fatušić went with her daughter and a brother-in-law to the hospital. She described the scene at the hospital as being chaotic. She found it very distressing to see so many young people dead, including the little boy, Sandro Kalesić (see interview on page 95). They could not find Muris so they went home.

The whole incident was broadcast live on the news. The following morning Mrs Fatušić saw a nurse on the live news broadcast covering her son's face with a sheet. She knew

then that Muris was dead. Mrs Fatusić returned to the hospital in order to see her son. She said he looked peaceful. He had been wounded by a piece of shrapnel in the throat. She later found out that he had been alive when he first arrived at the hospital but it appears that he bled to death before the surgeons could operate on him. Mrs Fatusić said she had a premonition of her son's death on the 24<sup>th</sup> of May which woke her during the night. What she found most distressing was seeing other bodies in the morgue very badly damaged. She returned home. At the same time her husband had been informed by the Army of his son's death and sent home to be with the family. On arriving at the house, Mr Fatusić was in a very distressed state and tried to kill himself. His brother stopped him. Mrs Fatusić tried to comfort her husband, saying that they had their daughter to consider.

The family agreed to the common burial as they believed that the young people killed should not be divided. They had no regrets about this decision. Mrs Fatusić could not bring herself to see her son buried in the middle of the night and therefore turned back; she was haunted by childhood memories of attending funerals and remembering, most of all, hearing the soil being dropped on to the coffins. She could not bear the thought of that image on her son's coffin.

This family had been deeply affected by the death of Muris. Both parents had suffered periods of depression. Mrs Fatusić stated that her husband was alright at present. She was not, and received on-going medication.

Mrs Fatusić could not think what punishment could be applied to the perpetrators of this crime. She did not expect anything to come out of the Courts. She stated that in 2004 she met with the Public Prosecutor in Tuzla who said at that time that six people from Tuzla were implicated. Statements that the families had laid with the Court in 1995 have been returned and as of this date nothing more had been done. According to Mrs Fatusić, the Public Prosecutor had stated to her that details could be obtained by the families from the Prosecutor's office.

According to Mrs Fatusić, the former Orthodox priest of Tuzla (Kačavenda), who is now Bishop of Bijeljina, was photographed in a local newspaper at the time with two others, ordering the shelling of Kapija Square from Mt. Ozren. I cannot verify this, but I have seen a photograph of Kačavenda blessing Serb soldiers as they preparing to fight. She also stated (not disclosing any source for this) that the original date for the shelling of Kapija Square had been planned for May 15<sup>th</sup> but that it had been suggested that this be changed to May 25<sup>th</sup>, the Day of Youth celebrated in the former Yugoslavia. Her understanding of the shelling of the town square was that it was a revenge shelling because NATO had bombed Serb positions. I doubt this is accurate because NATO was not engaged in Bosnia until after the Dayton Peace Accord in November 1995. She also stated that on the 25<sup>th</sup> of May 1995 a local radio station (she stated it being either Radio Kameleon or FS3) announced that young people should go into Kapija Square that evening to mark the Day of Youth. This was also an odd statement, because the Day of Youth was no longer officially celebrated after Bosnian independence, and it would be contradictory to statements made by the Municipality that young people should not gather together in groups. I believe the intention of her statement was that she believed there was some kind of conspiracy behind what happened that evening in choosing that date. Mrs Fatusić said that inter-ethnic relations in Tuzla today are satisfactory. It was, she said, as though nothing had happened.

#### Comment:

This was a very emotional interview. Mrs Fatusić, in my view, needed professional assistance to deal with the grief and trauma that she and her family have suffered. Her eldest daughter was married at the time of Muris' death and this affected both her and her husband very badly, to the extent that they eventually separated. It was their child who lived with Mr and Mrs Fatusić. The most disturbing aspect of this family's situation was observed in the interview. The younger daughter, aged 9, was present and very distressed to see her mother crying. I eventually arranged for the little girl to sit with some people in the office next door. This child had never known the brother who died, but was daily seeing her mother in a highly distressed state. I believe this was a classic example of



trans-generational trauma. This daughter, and I suspect the grandchild who lives with the family, aged 6, were living within an unhealthy mental environment that could only have detrimental effects on both children in their future development.

(9) SUAD HASANOVIĆ

Thursday 30 June 2005, 10 a.m.

Suad was one of three brothers. Senad, the eldest, was 26 when he was killed in Kapija Square. Suad was 2 years younger. The youngest brother, Jasmin, was 20 when he was killed during the war (1993). All brothers served in the BiH Army (Special Police Unit). Suad Hasanović was currently Head of this Unit. He was married with one daughter, living in Tuzla. In July 1995 his parents were expelled from their home in Srebrenica and now live in Tuzla. The whole family are Muslims.

On 25 May 1995, Suad was in Kapija Square with his brother Senad. Both, at that time, were serving in the Special Police Unit. Just before 9 p.m. that evening, Suad left the Square with his girlfriend. He thought that Senad who was with two friends, Edin Mehmedović and Admir Alispahić, were also leaving the Square. They were not, and all three were killed. Suad was not far from the Square when the explosion occurred. He returned and described the chaos he saw. Several times he transported injured people in his car to the hospital and like many others he donated blood. It was not until 11 p.m. that he found out from the Pathology Department that his brother was dead. He tried to contact his parents in Srebrenica with this news, without success. His parents heard the news the following day.

Suad said he felt very alone without family and with only a few friends in Tuzla at that time. He was very close to his brother so his death was very hard for him, especially having already lost his younger brother. He said he cried all the time until he felt that he had no more tears and felt numb.

Suad represented the family at meetings with the Municipality, and agreed that his brother should be buried with the others in a common burial site. He had no regrets over this decision. His younger brother is buried in Srebrenica. The situation there at that time was controlled by Serbs. Therefore, even if he had wanted to bury his brother there, it would not have been possible.

The burial of his brother was very difficult for him. Some distant relatives and a couple of friends (four in total) attended with him. He explained the process between the time bodies were being held in the hospital morgue and the actual burial. He could not remember how long that was, but it was an extended period of time and he believed that may explain why some people decided to use other cemeteries. Families were becoming very anxious, he said, about the bodies not being buried within two days (it is Islamic practice that a body should be buried by sunset on the day they die if that is possible, or the following day).

His parents saw his brother's grave for the first time after being expelled from Srebrenica in July 1995. The whole family was devastated, and he said that both parents went to the grave every day for a long time. Around Senad's birthday and the anniversary (25<sup>th</sup> May) are very difficult times for them. At these times his mother needed medication to cope. I recalled meeting his mother informally at the cemetery in 2004 when we exchanged brief comment then, sufficient for me to understand that she had buried someone else at Srebrenica. I now understand that it was her youngest son. The perpetrators, Suad believed, should be held accountable in the Courts at The Hague or in the Bosnia-Herzegovina Courts. Political leaders, he said, were responsible for this conflict. No one wanted war. No one, he said, spoke of nationality before the war. He did not want revenge. He worked in the Special Police Unit and his officers were from all nationalities. They were all treated the same.

He thought that inter-ethnic relations in Tuzla were getting better each day. Most people were concerned mainly with finding ways to simply live their daily lives. There was little employment. He had no time to listen to the promises of politicians.

Comment:

Mr Hasanović, like so many others interviewed, had wider grief and concerns than the one brother killed in Kapija Square. He comes from a Bosniak family who lived in Srebrenica. All three brothers joined the BiH Army and served during the war (1992-95). His brothers were killed and his parents were expelled from the family home in Srebrenica where one of the worst cases of genocide occurred in Europe since the Second World War. There was a lot he could be angry about. Perhaps he was. He was very personable during the interview, but at times his statements were very controlled. This could be explained, I felt, because he was a high ranking police officer and unable to make any statement that may be perceived as political. He did not express any desire for revenge. He had a good job. His wife also worked and they had a daughter aged 11. His parents were now retired and also lived in Tuzla, and it was this family unit that was his future. He said he could not cry anymore, as he has no more tears left. He said he would like to see the day when anyone in Bosnia-Herzegovina could travel wherever they wanted to in the country, as of right, without any problems or restrictions. This was the nearest statement he made to anything about the political division of the country.

(9) ESEFA HASIĆ

Monday 18 April 2005, 12 noon

Mrs Hasić was the mother of Indira Okanović, aged 15, when she was killed in Kapija Square (Grave code R2.4). Mrs Hasić was divorced from Indira's father before the war. They had an older daughter who was now married with one child and living with her Bosnian husband in Italy. Mrs Hasić remarried and had a younger daughter from this second marriage, now aged 15. She saw her eldest daughter and her family twice a year, when they visited Bosnia. Other family members included a married brother and married sister living in Tuzla. Her mother also lived in Tuzla, and Mrs Hasić supported her. Mr Okanović was wounded in the war (shot in the spine) and was permanently disabled. He also remarried. All families are Muslim. Mrs Hasić identified herself as

Bosniak, which I found does not mean anyone from Bosnia, but rather how Muslims call themselves as Bosnians. However, she expressed tolerance and acceptance of all ethnic groups.

Mrs Hasić knew others killed in Kapija Square, including her daughter's best friend who was the same age and nine others who are buried at the memorial cemetery. She agreed to the common burial as her daughter and the others who were killed were friends, therefore she felt that there was no reason to separate them in death. She had no regrets over this decision.

Indira's death affected the whole family: Mrs Hasić suffered a nervous breakdown and was continuing to receive medication and psychiatric treatment at Tuzla hospital. She was prescribed sedatives for her depression and psychiatric counselling to help her release her feelings over what happened, because these emotions were blocked and she could not express them. This was both unhealthy for her and made it difficult for her to overcome her grief. She had been unable to continue working (she was a shop assistant) as she could not cope with meeting large groups of people. She liked to be alone. She found gardening relaxed her and had some therapeutic value. It was particularly difficult for her on her daughter's birthday and the anniversary of the shelling of Kapija Square. She sometimes spent a whole day at the cemetery talking to her daughter.

Mrs Hasić stated that her youngest daughter was not affected by her sister's death as she was only young when she was killed. She remembers just little things about her. However, I believe she must have been affected by her mother's depressed state and lengthy visits to the cemetery.

Mrs Hasić said her eldest daughter was badly traumatised by her sister's death, as on that night she met her in the town square and asked her to go with her to the nearby park. Indira, however, wanted to stay with her friends. The older sister felt guilty that she lived and her sister died. This was compounded some months later when she was followed into a public toilet. Mrs Hasić did not expand upon what happened - I assume that a

sexual attack or overture was made. The result was that her daughter suffered some kind of breakdown. At this time she was also diagnosed with muscular dystrophy and evacuated to Italy for rehabilitative treatment in 1996, where she has remained. She later married a Bosnian Muslim. They had one child, and had taken out Italian citizenship.

Both Mr Okanović, Indira's father, and Mr Hasić, her stepfather, were deeply affected by her death. As a result, both joined military units in what turned out to be the last six months of the war. Mr Okanović wanted to die and deliberately put himself at risk when fighting the enemy. He was shot in the spine and was now a permanent invalid. Mr Hasić was similarly angry and distressed and, according to Mrs Hasić, would often say 'Why kill Indira? Why not me?' In religious terms, they had both asked God why they could not have been taken instead of Indira. Both wanted to replace her. Mr Hasić survived unharmed. Clearly Indira was much loved. Mrs Hasić stated that she got full support from her current husband and daughters as well as from her extended family. She was now retired.

Mrs Hasić could not release her feelings over the killing of her daughter, and I would suspect that her condition would be classified as an extreme case of post-traumatic stress disorder. She was receiving on-going treatment. She appeared comfortable during the interview talking to me. In her words, what happened on 25 May 1995 was 'an awful, terrible thing that they did.' When asked what should happen to those who committed this act she said her first feelings and response was that they should be executed. But then she said they should be punished by the Courts, specifically the ICTY at The Hague. She expressed no hatred or desire for revenge. The conflict in Bosnia, she believed, should never have happened. Children were not to blame. Milosević and Karadžić are to blame, she said. She believed they wanted to remove the Muslim population. Tuzla's traditional multi-ethnic harmony, she believed, was now different; it had not changed for the better or returned to the way it was before the war. Now, she believed, people were 'grouped' in separate ways and needed to be careful who they related to.

When asked if she felt secure, she stated that she believed it could happen again. For her, EUFOR (European International Peacekeeping Force) provided the only sense of security whilst they remained in the country. When asked about lessons from all of this, she responded only that people should be careful that it does not happen again. She felt that within thirty to forty years it could be repeated.

Comment:

Mrs Hasić remained calm during the interview, speaking in a monotone and without showing any emotion or distress – probably a result of the depression and medication she was taking. In light of what happened to Indira, her eldest daughter, her two husbands and the number of young people known to her that were killed, I believe she had been severely traumatised. She was receiving on-going attention and medication, which I suspect will be long term. She expressed no real hope for the future. This was a very sad case. I felt that she sincerely appreciated being interviewed and expressed interest in my research - that it could perhaps benefit others in similar circumstances. My being from New Zealand made her feel that the outside world was aware of what happened. I think in some small way the interview helped Mrs Hasić.

(10) ZENITA HIDANOVIĆ

Thursday 7 April 2005, 1.30 p.m.

Zenita Hidanović was the mother of Alem Hidanović, aged 19, when killed in Kapija Square (Grave code R4.4). Her husband was killed in a car accident ten months prior to her son being killed. She had a married daughter, the eldest child, who lived with her husband, and two daughters, aged 10 and 7, in Tuzla.

Mrs Hidanović was a primary school teacher who for two years after the death of her son could not return to teaching children. She explained that she felt jealous of anyone with young children. She eventually returned to teaching, as she loves children and had never made any distinction as to their ethnic identity. The school at which she taught at the

time was made up mainly of Serb children. Mrs Hidanović is a Muslim. Prior to the shelling of Kapija Square in May 1995 Serb parents started removing their children from the school. With the benefit of hindsight, Mrs Hidanović now believed that those parents had been forewarned of what was going to happen. Many of those families left Tuzla. Some Serbs were now returning to Tuzla, but these were mainly older people (pensioners). The school remained multi-ethnic, but no longer had a predominantly Serb ethnic make-up.

Mrs Hidanović had a number of friends who were injured on 25 May 1995, including Admir Ikinić, President of the Families' Association, who was with her son, Alem, when he was killed. This association of families was only formed in November 2004, and Mrs Hidanović was the vice-president. On being asked what she would call herself in terms of ethnic identity, her response was that she was first of all a human being and that she was non-political and did not hate anyone. Her religion was Islam, thus her whole family were Muslims. In the interview, she distinguished the three main ethnic groups in Tuzla in her own language: srpski, hrvatski and musliman.

Mrs Hidanović agreed to the common burial site, as she could not see her son being separated from his friends who represented all ethnic groups; they had been to school together, played together and socialised as young people together. She had no regrets over her decision, and in her view the cemetery's significance and message to others questions how atrocities like this can be committed. She said the perpetrators, known to be a Bosnian Serb military unit, were cowards for firing on innocent, unarmed civilians; if they considered themselves soldiers, she said, they should have been fighting other soldiers. She believed they just wanted to kill Muslims and any others who associated with them. For all this, she still did not express any hatred for these people and held to a long tradition in Tuzla that its people should remain together in multi-ethnic harmony. She believed the perpetrators should face justice and the penalties of the Court. She understood that the evidence gathered at the time and presented to the ICTY was considered insufficient to prosecute. Therefore, to date, no prosecutions had been made. When asked if any local prosecutions had been made she said that no one trusted the local authorities to do anything; that is why the Families' Association had been formed by the

families and others, including lawyers. She found it distressing that after ten years the anniversary of the shelling of the town square attracts fewer people in attendance each year. She felt that people were now starting to show less interest.

Mrs Hidanović believed the conflict in Bosnia was all about Great Powers' self-interest with external and internal collaborations by all parties in Bosnia. She believed that the multi-ethnic tradition in Tuzla was not now the same as before the war, but believed that it will improve as more people return to Tuzla. I noted, however, that the ethnic make-up of the town has changed dramatically, with the town providing assistance and accommodation to some 20,000-30,000 displaced persons, mainly Muslim women and children expelled from nearby Srebrenica. This additional population, all Muslim, will not have the background of Tuzla's multi-ethnic tradition, and therefore Tuzla's future has a different set of circumstances to consider in re-building itself.

Mrs Hidanović felt safe in the town, but she stated that there was not as much co-operation among people now as there had been before the war. She believed that, in part, this could be explained by some people regretting what they had done during the conflict. She believed that everyone could see that this must never happen again. Love, she said, is the answer, not nationalism - whether that is Serb, Croat or Muslim.

#### Comment:

I found Mrs Hidanović very sincere in her responses. The interview was at times clearly very emotional and difficult for her. She did not express hatred or expect revenge for what had happened, but she expected justice. Mrs Hidanović was a widow who had lost her son. She was lonely and continued to grieve. She found great solace, however, in her daughter's family, particularly her grandchildren. She had been prescribed sedatives at various times for depression. Her son's death so soon after her husband's death left her grief-stricken. In time, she compensated for her grief and loneliness by creating a routine: she returned to work, sees her grandchildren regularly, visits her son's grave



daily, and is now involved in the Families' Association, which also provides an additional support network.

(11) DINO KALESIĆ

Monday 11 July 2005, 10.30 a.m.

Dino Kalesić was the father of Sandro Kalesić (Grave code R 1.1), the little boy, aged 3, when he was killed in Kapija Square. Mr and Mrs Kalesić were celebrating their fourth wedding anniversary that day. At that time, Mr Kalesić was a war reporter and editor for a local television station. This meant working long hours each day, often away from home. On 25 May 1995, they had the opportunity to be together as a family and it was a nice evening. They joined a friend in Kapija Square who was leaving for America the following day. In total ten people were together at that time in one of the cafes.

When the shell exploded they tried to escape through the door as they were frightened of further shelling. Mr Kalesić was carrying Sandro. He did not at first realise that he had been injured himself. Or Sandro. They were just very frightened and made their way to his car. Outside there was chaos all around them. As they were passing a nearby café Mr Kalesić felt very damp around his chest and saw blood on his shirt. With a friend joining them they drove to the hospital. Before arriving at the hospital he realised that his son was dead in his arms. The little boy had sustained a direct piece of shrapnel into his heart, described as the size of a grain of rice. Mr Kalesić had sustained two shrapnel wounds. One was in the right shoulder, penetrating just above his lung, and the second was lodged in his lower back. The surgeons removed the shrapnel from the right shoulder but would not operate on the lower spine area. Mrs Kalesić had suffered shrapnel in the upper thigh. Their son was taken away from them on arrival at the hospital. They had tried several times to revive him without success. Both Mr and Mrs Kalesić were allowed to leave the hospital, even though Mr Kalesić had been asked to remain overnight. They could not bring themselves to return home and see Sandro's empty bedroom, so they stayed with the parents of Mr Kalesić.

Mr Kalesić was a Bosniak and came from Tuzla. One of his brothers was serving in the BiH Army at that time. His wife, Irena, was from Zagreb in Croatia. They agreed with a common burial for those killed as they felt everyone who had been killed should remain together. He understood that for those families in other towns their loved ones should be buried in local cemeteries there so that they could be attended regularly by family members. He had no regrets over their decision. Both Mr and Mrs Kalesić attended the burial of Sandro.

The period immediately following the burial was especially difficult for him. Between 25 May and 11 July (the Srebrenica massacre) he just wanted to leave. First of all he went to Hungary to join a sister there who had married a Serb and they had fled Serbia. His wife had gone to her family in Zagreb. He later joined her there. They then returned to Tuzla. At this time events were unfolding in Srebrenica and many women and children were arriving in Tuzla. Both Mr and Mrs Kalesić tried to help these people in some way, delivering milk to the children. The fact, however, that they were working with children, some the same age as Sandro, brought additional stress. This was the breaking point for Mr Kalesić, and he started drinking heavily. This lasted two years. Mr and Mrs Kalesić eventually divorced. He was now in a new relationship and his former wife was now married to one of his friends.

Mr Kalesić was not a member of the Families' Association. He believed that those who formed the Association were motivated by self-interest, in that they had been wounded in Kapija Square and created the Association as a job creation 'lobby' to find them jobs. He stated that it was not originally focused on the families of those killed at Kapija Square, and had misgivings about their agenda.

Mr Kalesić stated that he was non-discriminating; his former wife was a Croat and his best friend a Serb. He had a Serbian brother-in-law. He believed that there was no good punishment for those who perpetrated this crime, and whatever happens to them it will not bring back his son. He believed that they should go before the Courts. All he wanted to know was who did it, and that if sent to prison the names of those killed should be

placed on the ceiling of the cells so that they see those names every day whilst they are in prison. The brother he had in the BiH Army in 1995, with other friends of his in the Army, wanted to go and take revenge on Serb families. He forbade them to do that. This was the third interview in which I was told of revenge killings being offered, which in all cases were forbidden to be taken out.

Mr Kalesić believed inter-ethnic relations in Tuzla were more or less back to normal, although there were a small number who hold views that could make things more difficult. The conflict in Bosnia, he believed, was historical. Yugoslavia, he contended, was an artificial mix of people against their wishes, and when Tito died it started to fragment. Mr Kalesić saw no future for Bosnia-Herzegovina.

#### Comment:

This was a difficult and moving interview as Sandro Kalesić was the youngest person killed in Kapija Square. But as Mr Kalesić said himself it helped him now to be able to talk about what had happened. He felt that others were already forgetting what happened. Politicians and the media, he stated, just made an appearance on the anniversary date. He doubted anything will come of prosecuting those who committed this crime. He blamed himself most of all for what happened to his son. Being a television journalist at that time reporting on the war, he had frequently told people not to go out when there was shelling of the town. He did not expect anything to change in Tuzla. As perhaps an expression of his rage for what happened and the indifference now, he said he would like to emigrate to Australia or New Zealand where he would change his name and religion and never return to Bosnia. He was now the Director of a women's basketball team in Tuzla. These were young people (aged 18-19) from all ethnic groups and they were a successful team.

The fact that this interview could be held was a major step forward for Mr Kalesić. I had been told that he would never agree to a meeting as he was considered a very bitter, angry and disillusioned man. I believe that was the case to some point, but as the interview

progressed he increasingly just wanted to talk to me, but not in anger. This may have been the first time he was able to talk to someone from outside the conflict and the region. By the end of the interview, the anger had dissipated and he was by then speaking positively about the young basketball team he was developing and their plans for the future.

(120 MIHALJA KANTOR

Friday 17 June 2005, 2 p.m.

Mr Kantor was the father of Franc Kantor, the youngest of his four sons, who was 24 years old when he was killed in Kapija square. All of his sons served in the army. Both parents are Croats/Catholics and Franc is buried in a local Catholic cemetery where other family members are buried.

Mr Kantor had joined Mr and Mrs Bojkić over this interview period as they were neighbours and friends. Their respective sons who were killed were friends and together in the town square on 25 May 1995. Therefore the general comments, other than personal family details in each case, are shared views. The third friend killed that night was Elvis Alagić, and on each anniversary the three families join together to visit each cemetery where each son is buried (Elvis Alagić is buried in the memorial cemetery). Mr Kantor's eldest son was wounded during the war.

The death of the youngest son, Franc, devastated the family. Mrs Kantor was most affected, resulting in on-going periods of serious depression. Mr Kantor believed she received too much medication with the result that her mind was now disordered. Her illness was such that there was no harmony in the house, and she required psychiatric assistance and hospitalisation periodically.

Mr Kantor stated that the whole family still missed his youngest son. They could not forget him or forgive those who caused his death. The perpetrators, he believed, should be held accountable at The Hague. The deaths of all the young people who were killed in

Kapija Square would not be valued, he stated, without this accountability. Similar to the comments made by Mrs Bojkić, he expressed anger over the distinction made by the Municipality to cover burial expenses and provide graves only for those buried in the memorial cemetery. He stated that other families who similarly had not agreed to a communal burial understood that their burial costs and gravestones were to be met by the Municipality. He holds the then Mayor, Selim Bešliagić, responsible for this, saying that he did nothing and neither did others do anything (referring to the Municipality).

Both families referred to the stress they have seen in many families as a result of the war, causing in many cases marriage breakdowns and domestic violence. This observation was similarly stated to me last when I met Teufika Ibrahimefendić, a trauma therapist at Vive Žene (Women's Centre). Both families (Kantor/Bojkić) stated that they were not aware of anyone having committed suicide as a result of the events on 25 May 1995 in Kapija Square. For them, their Catholic religion forbade such a death being contemplated. The war, Mr Kantor stated, was all political with various people struggling for power. Serbia, he believed, wanted a greater Serbia by taking land in Bosnia. The war, he said, affected everyone. He saw little hope for his own future and the country.

Comment:

Mr Kantor, like Mr and Mrs Bojkić, was retired on 300 KM per month. His domestic circumstances were very difficult and unhappy for him, with a wife suffering it would seem serious mental depression. He did have three remaining sons who were supportive. He hoped his two grandchildren would have a brighter future. Like Mr and Mrs Bojkić, there was unresolved anger over the distinction, they claim, made by the Municipality in paying burial expenses and providing graves only to those families who had agreed to burials in the memorial cemetery. Both families were hospitable towards me and appreciated being interviewed. They were not aware of the Families' Association.

(13) HARIS KURBEGOVIĆ

Tuesday 5 July 2005, 9 a.m.

Haris Kurbegović was the Director of Novi Grad School for children aged 6-15 years and this interview was conducted in his office. The school was situated in the centre of the town. He was the father of Vanja Kurbegović, who was 16 when she was killed in Kapija Square (Grave code R1.2). Vanja had a younger brother who was 9 at the time. Mr Kurbegović is a Muslim and his wife is a Catholic.

Vanja was preparing for her Economics and Medicine examinations in May 1995 when she was called by a friend to join her and another friend in the town square. The three of them went together to the Square. Two of them were killed instantly: Vanja Kurbegović and Selma Nuhanović. The third girl, who had arranged for everyone to go out together, was wounded.

The family agreed to a common burial site. Selma Nuhanović is not buried there. Like other families, Mr Kurbegović expressed concern over the proximity of the cemetery to a nearby area in the park that is popular with young people to meet for drinking and to use drugs. I have seen this area littered with broken glass, which suggests fighting had occurred. A meeting of concerned families had been held recently with the Mayor, Jasmin Imamović. The outcome of this meeting was that the whole area surrounding the memorials to those who died in World War II, those who died in the Bosnian conflict 1992-95, those killed in Kapija Square and the Peace Flame House will be enclosed by a security fence. This work was to be completed in 2006.

Mr Kurbegović confirmed the name of the cemetery being Aleja mladosti. The cemetery still had a further area to be completed for official gatherings and a wall to go across the north side of the cemetery that would include all 71 names of those killed. The plan called for this work to be completed in 2006. This enclosed area would be open only between 7 a.m. and 11 p.m. Three entrances to the area would be staffed at all times. Once this work was completed, Mr Kurbegović believed that the families would feel much better about the cemetery's location. Mr Kurbegović had considered exhuming his

daughter's body and burying her elsewhere if the Mayor had not agreed to provide some security to the cemetery area.

Mr and Mrs Kurbegović attended the burial service where they were joined by the sister of Mrs Kurbegović and her husband. This family had been deeply affected by Vanja's death. Both Mr and Mrs Kurbegović continued using prescribed medication on a daily basis. They felt that 'time is not helping'. The son, now aged 19, and studying Law at Tuzla University, had also been distressed by his sister's death. He had recently had a tattoo put on his arm naming his sister. He did not take any medication. Mr Kurbegović stated that following his daughter's death the family dynamic had completely changed. He did not elaborate on this. Mr and Mrs Kurbegović believed that talking to anyone (e.g. a therapist) about the loss of a child serves no purpose, but the medication helps them.

Mr Kurbegović believed it makes no difference whether the perpetrators are held accountable before the Courts or not, as this will not bring his daughter back. But he believed they should be held accountable before the Courts for the sake of future generations. He agreed that it would bring some closure, for some of the families if this happened. He stated that inter-ethnic relations in Tuzla today were not changed from the pre-war period. He had recently attended a Serb friend's funeral. He accepted, though, that this is now on an individual basis. He realised that not all can feel the same as they did before.

Comment:

Mr Kurbegović admitted that he did not really want to speak to me about his daughter. He was upset during the interview, but I think that in some small way it was helpful for him to be able to hold the conversation with me. The statements he made about the impact of Vanja's death on the family and the continuing dependence on medication for both him and his wife indicated a deeply worrying situation. I would speculate that this family was barely managing in its personal relationships. They needed professional help

but I doubt they would seek or accept it. Mr Kurbegović wanted to see a better political leadership in the country before he dies (he is presently 53) so that he can see that his son will have a better future. Both Mr and Mrs Kurbegović were in employment. Mr Kurbegović was a member of the Management Committee of the Families' Association and this led to a revealing conversation: Mr Ikinić was seemingly not well regarded and not seen to have the appropriate skills to lead the Association. I had suspected that there was some internal division. These concerns had apparently been expressed by other families to the point where the Association had been referred back to the Mayor. The Mayor, I was told, had stopped any further funding to the Association; it was to be re-structured and re-named the Association for Victims of Tuzla. It was not clear what role, if any, would be given to Mr Ikinić in this change.

(14) SLADAN MARINOVIĆ

Friday 17 June 2005, 4 p.m.

Mr Marinović was the son of Pera Marinović (Grave code R1.7). His mother was 37 years old when she was killed and he was 12 at that time. He had a younger sister by two years. His father was still alive and Sladan lived with him. This is the first interview of someone other than a parent, which gives a different perspective and set of consequences on what happened on 25 May 1995. Sladan's mother was working with two other people in Kapija Square, selling cigarettes. Sladan was preparing to go to the town square that evening to meet his mother when his aunt asked him to deliver a package elsewhere first. As a result, he was not in the town square when the shell exploded.

His father was serving in the Army at that time. Sladan did not know that his mother had been killed until he left for school the following morning. His school friend's mother told him. He returned home to have this news confirmed by his aunt. His sister was also told. His father had been informed by the army and sent home to be with his family. Two days later Sladan went with his father to collect his mother's personal possessions from the hospital and to view her body in the morgue. He found this a very frightening experience.



The burial of Mrs Marinović was attended by Sladan's father, grandfather and two aunts. Sladan and his sister did not attend the service. They remained with his paternal grandmother. There was a security factor in this decision, in that children were not allowed to attend as there was fear of further shelling during the burial service. In fact, shelling commenced immediately afterwards.

At the time, Sladan felt that he did not fully understand what had happened and that his sister had not understood at all what had happened because she was so young. This may have been an incorrect assessment of the impact on the children of their mother's death, particularly for his sister. The death of his mother had affected both children and his father. Sladan understood now that his schoolwork suffered because he was so upset. His father had to return to his military duties and the children were raised by his aunt and grandmother, until his father returned from the army at the end of the year. Other relatives lived nearby. His father was desolate and angry over his wife's death. He was 40 at that time and his mother encouraged him to find another wife. This was not successful, as he felt no one could replace his wife. As a result of this he became very difficult to live with.

In terms of identity, Sladan is the first person interviewed to say that he was simply a Bosnian (not Bosniak) which he pronounced in English. In other words, as in the 1991 Census, a number of people registered as 'Other' to avoid classifying themselves by either nationality or religion. He used 'Bosnian', he said, because he did not want to be classified. He added that he was a religious person without qualifying his religion because he felt that was a personal matter for anyone. The fact, however, that his father served at different times in both the HVO (Croat National Army) and the BiH Army, together with the fact that his referral for this interview came from the Catholic Church, would suggest he is a Catholic. His parents were probably a Croat father and Muslim mother.

The common burial was agreed by the family because they felt that everyone who had been killed on 25 May 1995 should remain together. His mother was 37 when she was killed, whereas the average age of those killed is 22. Age, however, was not the determining factor for this family. The family have no regrets over this decision.

Sladan's early reaction to those who had killed his mother was to want to kill them. This was a young boy who had lost his mother. He now stated that he does not want to hate anyone because of their nationality or religion. He believed, however, that the perpetrators should be held accountable in the Courts, and if this never comes about then they will ultimately have to face God's justice.

The family were not aware of the Families' Association and therefore were not members. Sladan did not believe inter-ethnic relations in Tuzla had changed as a result of the war. He was young, now aged 22, and had many friends from all ethnic groups. He held no view on the causes of the war. When he was younger he did not understand what it was all about and now, he stated, he does not attempt to analyse it.

Comment:

Sladan Marinović impressed me as being very responsible and mature beyond his age. In his own words he lost all support, direction and love when his mother died. He hoped to be happily married with a family himself some day. At present, however, he had to support his father and grandmother who were now both ill. His grandfather died a few months ago. He was employed by his uncle. His sister, now aged 20, was disconnected from the family and lived in Gračanica. They did not see her very often. It was understood that she has a psychiatric disorder. It was not clear whether this was a result of the early trauma of losing her mother. This young man carried a very heavy burden on his shoulders and had not been able to enjoy a natural childhood. He was expected to provide for his father and grandmother, which made his personal dreams difficult to realise. As stated, his father was difficult to live with and still only 50, therefore any

marriage and family for Sladan would require his wife to join his father's household. That did not suggest a happy scenario.

(15) VERONIKA MARKOVIĆ

Friday 22 July 2005, 9 a.m.

Mrs Marković was the mother of Nenad Marković, aged 19, when he was killed in Kapija Square. Her older son was killed on 5 October 1992 while serving in the Bosnian Army. Both Mr and Mrs Marković had been previously married. From her first marriage she had a daughter who was now married and living in America. Mr Marković had one son and three daughters from his first marriage. The son of one of his daughters, Marko, was aged 25 when he, too, was killed during the war. Mrs Marković is a Catholic. Mr Marković is a Serb Orthodox. All of the boys killed are buried in the Orthodox cemetery.

Nenad Marković was watching basketball with friends in the town on 25 May 1995, and afterwards was in Kapija Square when the shell exploded. None of his friends were killed. The family learnt of what had happened on the news. Mrs Marković went to the hospital but could not find her son. As he did not come home that evening she realised that he was either dead or injured somewhere. The family was notified the following day that Nenad was dead and they saw his body at the Memorial Centre, which had been set up for families to see those who had been killed in private. They received 300 KM as compensation. Both parents attended his burial. After this, the relationship between Mr and Mrs Marković deteriorated to the point where Mrs Marković stated she was forced out of the family home. They had since divorced and she now lived alone in a small apartment owned by relatives, managing on a pension of 215 KM per month.

She stated that there had been no consultation with her by her husband and the children from his first marriage as to the place of burial for Nenad and earlier, for his brother. She would have liked Nenad to have been buried with the others in the memorial cemetery, even though his older brother is buried in the Orthodox cemetery. That way, she believed, he would be with the others who were killed on 25 May 1995. She cannot do

anything about that now. There had clearly been some acrimony over the marriage break-up. Mr Marković had remarried and his Will left everything on his death to his son. There are no protections for women in these situations in Bosnia-Herzegovina.

Mrs Marković believed that nothing can be done to those who perpetrated this crime and she left it in God's hands to deal with them. She believed that the shelling of the Square was deliberate (Day of Youth), which suggested to her that there had been 'informers' within the town's population. She did not believe that inter-ethnic relations are good now. She said it was not the same now as you could not trust anyone and everyone is dishonest. She saw no future.

Comment:

Mrs Marković seemed only to have her faith left to keep her going. She had suffered the loss of both sons and rejection by her husband and his children. Her daughter lived in America. She now lived alone in meagre circumstances. Now 67 she saw little to look forward to. This was a very sad interview to conduct, although Mrs Marković did not breakdown or show any anger. She seemed simply resigned to her situation. She appreciated the opportunity to talk about her son, Nenad.

(16) SEVALA-LALA MEHMEDOVIĆ

Friday 6 May 2005, 12 noon.

Mrs Mehmedović was the mother of Edin Mehmedović, aged 20, when he was killed (Grave code R2.6). Her eldest son, Amil, now aged 34, was seriously injured on 25 May 1995 and was permanently 70% disabled. Both sons had gone to Kapija Square that evening with five other friends. One of the friends was killed and the others seriously injured. Amil was sent to Denmark for his rehabilitation. He was critically injured and it took almost 3 years of treatment to recover to his present physical condition. He suffered shrapnel wounds that ruptured his lung and received extensive nerve damage. He received no compensation for his injuries. Two of the friends, after treatment, emigrated

to Ireland. Another, a Serb, emigrated to Australia. Amil is now married with a 4 year-old son, living in his mother's house. The whole family are Bosniaks/Muslims.

Mrs Mehmedović was too distressed to attend Edin's funeral. Her husband, brother and two brothers-in-law attended the burial service. Mr Mehmedović was devastated by what had happened and seven days later collapsed with a coronary thrombosis and died. He was 55.

The brother and two sisters of Mrs Mehmedović lived in Tuzla. Mrs Mehmedović was a health worker and had a modest income. Following the deaths of both her son and her husband, and her other son in a critical condition, she received psychiatric and psychological treatment and counselling for a period of time. The treatment, counselling and support she received from work colleagues and her family got her through this most difficult time. She knew all of the five friends of her sons who had been killed or injured and their families. They were all frequent visitors to her home. In total she was coping with a great deal of loss and grief. To add to this, her grandson was diabetic and born on May 25<sup>th</sup>, which makes the day especially poignant for her. This little boy, however, was her greatest joy and comfort.

She agreed to the burial in the memorial cemetery because she and her husband felt these young people should be together. She had no regrets over this decision and knows of two families who now regret that they did not have their children buried in the memorial cemetery. The statement she believed the cemetery was making is 'how could this happen? What would you feel if this happened to you?'

Mrs Mehmedović believed that the perpetrators should be held accountable through the Courts – an apology was not enough. As nothing had progressed so far with an investigation or prosecution after 10 years, she believed the families were losing patience and hope. This was why the Families' Association had been formed to take a further initiative. She stated that she was bitter over what has happened to her family. The phrase she used to reflect her present situation was 'I am alive but not in the grave',

where perhaps she would prefer to be with her husband and son. She stated that the conflict in Bosnia was a civil war. She believed agents of the aggressors (Serbia) brought evil to Bosnia, and that they should do that left her feeling betrayed. She never thought this could happen and asked: 'Why the hatred? Why the evil?' She felt safe in Tuzla. She said that inter-ethnic relations in Tuzla were not good now but were getting better. She said they all used to love each other before the war. She hated no one and in her work she cared for all groups, making no distinction. She saw no hope for her future.

Comment:

This was a particularly difficult and sad interview, which upset the interpreter. This was an educated woman whose life had almost been destroyed. She continued for the sake of her remaining son and her grandson – but she was 'serving a life sentence' (a phrase Alenka Savić of Mercy Corps uses for many of the cases she sees).

(17) RASEMA MILIĆ

Monday 11 April 2005, 1 p.m.

Mrs Milić was the mother of Adrijana Milić, who was 17 at the time she was killed in Kapija Square (Grave code R1.3). There was a younger child, a son, who was now 25 and living with his mother. Both mother and son were presently unemployed, as were many people in Tuzla in this post-conflict period. Mr Milić died 4 years ago. The marriage, Mrs Milić disclosed, was both difficult and unhappy with frequent separations. Mr Milić, she stated, was an alcoholic and often physically abusive. Her son always tried to protect her, as did her daughter when she was alive. When this happened the father was violent toward the children. The family dynamic was made more difficult with it being a 'mixed marriage': Mr Milić was a Serb/Orthodox and Mrs Milić a Muslim. During the 1992-95 conflict in Bosnia, Mr Milić openly supported Serbian aggression and Bosnian Serb collaboration. His three brothers were frequent visitors to the family home and were fighting with the Serbs. Mrs Milić did not agree with their views and found it increasingly difficult to remain in the house, both for herself and her children.

Mrs Milić identified herself as a Muslim, even though her married name indicates the Serb relationship. Her daughter's first name and family name are shown on her gravestone, which would indicate she was Serb/Orthodox. Both her daughter and her son found difficulty at school with their family name in view of the atrocities that were being committed in Bosnia at that time by Serbs, particularly against Muslims. Mr Milić was known locally as having Serb loyalties. She said her son now calls himself a Muslim as he is ashamed of being the son of a Serb. Serbs practise the Orthodox religion but during the conflict her son would state that he was a Catholic, if asked. There was no contact now with any of the paternal relatives.

Mrs Milić agreed to the communal burial when personally approached by the then mayor of Tuzla, Selim Bešlić. She believed that the young people killed should stay together in death as they did in life. They had all been friends, irrespective of ethnic background. She had no regrets about this decision and would make the same decision today. She knew of others who now regret not having buried their children in the memorial cemetery, and she understood that the possibility of exhumation and re-burial was presently being explored. Mrs Milić knows fifteen others buried in the memorial cemetery. She has regular contact with many of the parents of her daughter's school friends.

Mrs Milić had been deeply affected by her daughter's death. She received emotional and practical support from her son while he remained living at home. Mrs Milić was not born in Tuzla but has lived there many years. She comes from Brčko. Her son misses his sister but they are able to talk about this. He keeps photographs of his sister. They both visit her grave. She said that Mr Milić was sorry when his daughter was killed and occasionally visited her grave at first, but then this stopped.

On her daughter's birthday, Mrs Milić buys the same number of roses as her daughter's age. Then with her son they visit her grave. They then return to the house where she has prepared a cake and invite some friends of her daughter's to join them. In this way it

allows her to feel that her daughter is still alive and still with them. Mrs Milić could not see anyone for a long time after her daughter's death. She was prescribed sedatives but did not want to be dependent on them. A friend in her apartment block, a psychologist, was the greatest help to her at that difficult time. It was still difficult for her ten years after the event but she had support and contact with other families in the same situation. She was now a member of the Families' Association and did some voluntary work for them. When she attends her daughter's grave she prays not only over her grave but also at the graves of the fifteen other people that are buried there whom she knows.

Mrs Milić believed that those who committed this crime should be brought before a Court to face judgement. She did not express any desire for revenge, as she stated that is not in her to be that way; but she also stated that she could love the people who killed her daughter. So far no prosecutions had been made but she hoped that one day it would happen. In her view, if they do not or cannot face justice in this world then they will have to face it in the next world before God. She felt confused by what happened in Bosnia during 1992-95, and stated that she is still confused. She said that when Bosnia was part of Yugoslavia things were better and more unified; they were better times and there was much more inter-ethnic socialising. She was surprised at the behaviour of some of her Serb friends who had turned against the non-Serb population in Tuzla. She recalled an incident when she saw some young local Serb soldiers who went out from the army barracks to attack Tuzla. They were stopped by the government army and captured. She remembered seeing them on the roadside and she just felt very sorry for them.

She said that it was not the same in Tuzla today; people were more careful about relationships across ethnic lines and generally not as trusting. She hoped this would change in time. She felt safe, but she hoped that no one would ever let this happen again.

Comment:



This case revealed an unhappy mixed-marriage, in which physical abuse and separations occurred. Mr Milić was an alcoholic who openly supported Serb aggression against the country. He died four years prior to the interview. Mrs Milić was a Muslim even though her married name would indicate she was a Serb/Orthodox. She was trying to go forward now with her life. She knew many who were killed on 25 May 1995, but had the support of some of those families and her son.

(18) VAHID REKIĆ

Saturday 8 May 2004, 10 a.m.

This was an informal meeting at the memorial cemetery while I was attending there with Zlatan Sabarović of the International Commission for Missing Persons (Tuzla). We spoke with Mrs Rekić at the graveside of her son, Nedim, aged 28 when he was killed (Grave code R5.6). The family are Muslims. She stated that someone from the family comes to the grave every day. She thought the cemetery was beautiful and a symbol to everyone that Tuzla was a multi-ethnic town. She stated that her son had Orthodox and Catholic friends and that these friends visited her from time to time to give her family money and presents. The one thing she wanted to see happen before she dies is that those responsible will be brought to justice. She smiled and said that then she could 'go to Allah happy'. She stated that everyone knows who fired the gun; he lives in Dobož, which is now in the Republika Srpska entity. She stated that she does not hate other Serbs and Croats. Nedim was her only son. She had a married daughter whose husband, her son-in-law, was a Serb and they had a son, her grandson, who was now the age of her son when he died. It was therefore very emotional for her to see her grandson as he was now, as he looked so much like her son. The families wanted their children buried together as they were friends. Like for so many who have lost a child, the loss was devastating and not seen to be the natural order of things.

She pointed out the grave of Endira Borić aged 36 (Grave code R3.11), who she said was a gypsy although the grave is marked as showing she is Muslim. I am not sure what underlines the remark made by Mrs Rekić about Endira Borić but later she made further

reference to gypsies, saying that the cemetery is well cared for but that desecration does occur in that gypsies come and take flowers from the graves to sell in the town. She then went on to remark that gypsy women and children are forced to beg by their husbands, who then spend the money on alcohol. Mrs Rekić confirmed that some of those killed on 25 May 1995 are not buried in the memorial cemetery as a number were from Gradačac, and that one person was buried at Vogošća.

Comment:

This was a very informal meeting with Mrs Rekić at the cemetery in 2004 but it provided some insight into the responses I obtained the following year inasmuch that the reason for a communal burial was that those killed were friends and should remain together. Also, the fact that her daughter had married a Serb and their child was therefore of a 'mixed-marriage' seemed to be a perfectly acceptable situation for Mrs Rekić. The references to local gypsies I felt were intended to be discriminatory. As an addendum to this interview I recall that of all the interviews I conducted only Mrs Rekić truly smiled. I never saw that on anyone else's face.

(19) FATIMA SARAJLIĆ

Thursday 5 May 2005, 11 a.m.

Mrs Sarajlić was the mother of Jasminka Sarajlić, aged 23, when she was killed (Grave code R2.8). Mr Sarajlić intended to attend the interview with his wife, but he was unable to do so due to poor health. They had a younger son, now aged 27, presently studying criminology at Sarajevo University.

Both Mrs Sarajlić and her husband come from very old Muslim families. They are Bosniaks/Muslims but she stated that they never imposed their religion on others and brought their children up in a liberal tradition. Their daughter's best friend was a Serb. Jasminka had attended this friend's birthday party only a few days before she was killed.

On 25 May 1995 Jasminka was accompanied by her brother to Kapija Square. He walked ahead of his sister and by chance missed the full blast of the explosion, at which time he was thrown to the ground. He then heard his sister cry out and found her underneath the bodies of her two friends who were already dead (Edisa Memić and Amira Mehinović). He tried to pull her out but she was too seriously wounded. He then tried to find some transport to take her to the hospital. A person he did not know came to help him and transported her to the hospital, after which he then went home to tell his parents what had happened.

Mrs Sarajlić had returned home earlier that evening from work and was watching television with her husband when the news was announced about the shelling of the town square. The incident had happened just before 9 p.m. When their son arrived home to tell them what had happened to his sister and her friends they all went to the hospital. In the chaos there they could not find her and had to return home. News was being broadcast continuously over the television and they heard an announcement from Army HQ that their daughter was injured and at the hospital. They returned again to the hospital (2 a.m.) to find that their daughter was undergoing surgery. It was 24 hours before they saw her. She was in a coma and never regained consciousness. She died 7.55 a.m. on 29 May. The family was devastated. None of the family, however, asked for or took medication over this period, or at any other time. In a way they believed that the few days they had with her before she died prepared them for dealing with it. Mrs Sarajlić stated that her son had found his sister's death very difficult to deal with. He was unharmed in the blast, though just a few yards away, while his sister and her two friends were killed. Added to this was the carnage and chaos in the town square, and everything overwhelmed him. Mrs Sarajlić stated that he was alright now.

The family agreed to Jasminka being buried in the memorial cemetery because they felt she would then be with all the others, as they had been together in life. At the meetings they attended to discuss the proposal for the cemetery Mrs Sarajlić stated that some families were put under pressure from some not to agree. One point of contention was apparently the shape of the coffins; they were to be the same for everyone, yet there is a

traditional difference in shape between a Christian and Muslim coffin. They did not feel that was really important enough not to agree. Meetings and the burial service, itself, were planned in secrecy to avoid further shelling. According to Mrs Sarajlić, the burial service was first planned for Wednesday afternoon (3.30 p.m.) on 31 May but due to shelling of the town this was re-scheduled to the early morning (4 a.m.) burial service on the eighth day which was Friday, 2 June 1995. Usually, for Muslim burials, the body is buried before sunset on the same day. The whole family attended the funeral service, which was held in darkness. Shelling of the area recommenced soon after the burial service.

Mrs Sarajlić believed that those responsible for what happened should be held accountable through the Courts. Nothing can compensate for their loss. However, she expressed no hatred towards them and said she works with all ethnic groups. The statement she believed that the cemetery was making is: 'Consider this, it should not happen again. This is a multi-ethnic city and this is our tradition'. She stated her view that the conflict was aggression from Serbia and some Bosnian Serbs who wanted people separated. She said it was not a civil war, and that they were unprepared in Bosnia for what happened. She believed the conflict had changed inter-ethnic relations to some degree; people were now more careful. She believed it will slowly get better. She felt that Tuzla was a safe town, but that there is no bright future for young people – that older generations are corrupt and not giving youth a chance. She tried, however, to be optimistic.

Comment:

Mrs Sarajlić impressed with her positive outlook, overcoming what has been a devastating loss in her family. Her husband is retired. She works. Their son is at university. Her complete appearance and manner suggested she had found an inner strength to continue on. She wanted to be optimistic for the future but at the same time saw the reality of the situation in the country at present. Like statements from so many other people I have talked to, there was a mistrust and scepticism of politicians and

others, usually older generations, who behave in an authoritarian and hierarchical structure reminiscent of the old communist system. She wanted younger generations to have a brighter future.

## **4.2 Conclusions**

These interviews confirmed the 'grass-roots' initiative that brought about the construction of the memorial cemetery, in the face of external political and religious opposition. The cemetery was viewed in very positive terms in that it was a permanent public memorial to those killed, while at the same time speaking to future generations. The message was that this story is the story of Tuzla; we are together in death, as in life, and that this should never happen again. Their common action was, I concluded, an act of peace-building. Statements in some cases exaggerated the facts, and in a few extreme cases provided misinformation. With interviewing so many people much of that was easily recognized and could be eliminated as not representing the common views held by most. I was impressed particularly by the total lack of hatred or revenge being expressed by those interviewed, which repeatedly supported statements they made about the tradition in Tuzla of being a tolerant multi-ethnic society. In 3 cases, offers of revenge killings while serving in the army were rejected.

An area of concern would have to be the limited resources available to supporting those who needed professional assistance to overcome the trauma of losing a family member in 1995. Eight people, for example, declined to be interviewed because even 10 years after the event they could not bring themselves to talk about what had happened. In some of the interviews, it was clear to me that serious dysfunction had occurred or was occurring within family relationships. Left unattended, trans-generational trauma can surface in subsequent generations with outstanding unresolved issues becoming the basis for further conflict. Paramount for all those interviewed was the need for justice to be seen to be done.

## **CHAPTER FIVE**

### **INTERVIEWS WITH COMMUNITY AND RELIGIOUS LEADERS**

My research was sensitive to undertake therefore I had to consider the approach I should take. I did not know anyone in Tuzla. The only advantage I had from working in Sarajevo during 1998-99 was a connection with people there who I assumed would have contacts in Tuzla. On a very practical level they found some accommodation for me. I decided that my fieldwork would need to be undertaken in two phases: the first being necessary to identify people who could help me and the second to carry out the interviews I would need to undertake. At that preliminary stage I did not know how my proposed research would be received or how it could be facilitated. So there was some anxiety for me in this. My understanding of the incident I was researching had come from reports and articles that gave the basic detail of what had happened. I had previously visited Tuzla during 1998-99 therefore the town itself was not unknown to me. And as stated in my introductory chapter, I was aware of what had happened and had visited the graves in various stages of being completed. I decided that my initial contact should be with community and religious leaders. Some of these were mentioned by name in the reports I had read and from my experience of working in the country I knew they would be the key people I should try and see as they would have the authority to support any initiatives I wanted to take. Also, they were people who had key roles in what happened on 25 May 1995 therefore their statements would be important in their own right.

My first visit was in 2004, with the sole purpose of establishing working relationships with key community and religious leaders in Tuzla. As well, I needed to find an interpreter. The opportunity to make these initial contacts came about when I was introduced to the daughter of Selim Bešliagić, who had been the Mayor of Tuzla during the war. This resulted in meeting Mr Bešliagić at the very beginning of my fieldwork. This was extremely fortuitous as he felt my research was important. His support brought

about meetings being arranged for me with other community and religious leaders that he thought would be helpful. In addition, his daughter recommended an interpreter I could use. These very practical first steps allowed me to gather initial data for an historical account of what had happened. At the same time, they expressed support for facilitating interviews that I would undertake in the second phase of my fieldwork in 2005. I met with the following people, some on several occasions, both informally and in structured interviews:

### 5.1 List of interviewees

I met with the following people, some on several occasions, both informally and in structured interviews:

- |    |                             |  |
|----|-----------------------------|--|
| 1. | Selim Bešlić                | Mayor of Tuzla during 1992-95  |
| 2. | Mišo Božić                  | President of Serb Civil Council  |
| 3. | Mohammed <i>ef.</i> Lugavić | Senior Muslim Imam in Tuzla  |
| 4. | Fra Zdrvko                  | Catholic priest at Franciscan Monastery  |
| 5. | Lynbomir Jurak              | Former Mayor of Tuzla  |
| 6. | Fr. Milan Topić             | Orthodox Priest in Tuzla   |
| 7. | Vladika Kačavenda           | Former Orthodox Priest in Tuzla until 1992<br>(newspaper article in <i>Dnevni Avaz</i> ) |
| 8. | Fr. Mladan Jozić            | Catholic Priest in Tuzla during 1992-95  |

Their statements confirmed other accounts of what happened on 25 May 1995 and describe the support and contribution that some gave to the initiative taken by the families of those killed.

(1) SELIM BEŠLAGIĆ: Mayor of Tuzla during 1992-95.

Interview Wednesday 28 April 2004, 6 p.m.

At my first meeting with Selim Bešlagić he provided me with a full account of what happened on 25 May 1995, and the role he and others played in dealing with this tragedy and the subsequent burial arrangements for those killed. I used his account of what happened as the basis for my understanding of these events and as being representative of the facts. The full text of this interview is provided in chapter one (pages 8-10) and therefore is not repeated here.

On returning to Tuzla in 2005, I held further meetings with him on 14 and 28 March when he provided me with details for contacting the President of the recently formed Families' Association. It was felt that interviews could be better arranged through the Association. At the same time, he offered on-going support for the research.

(2) MIŠO BOŽIĆ: President of Serb Civil Council.

First interview Monday 10 May 2004, 11 a.m.

Mišo Božić was the President of Srpsko Grastansko Vijeće (Serb Civil Council) in Tuzla. This interview was conducted in the offices of the Council. I was warmly welcomed. I first of all gave an outline of my proposed research and expressed my appreciation for his support and contribution. He first gave an overview of what happened on 25 May 1995, stating at the time that as a Serb he did not wish to be associated with what Bosnian Serbs did that day.

He explained that the officer who planned the shelling of Kapija Square was from Tuzla therefore knew the exact calculation to be made from Mt. Ozren to hit the town square on



target. The Orthodox priest, Vladika (*title*) Kačavenda, had left Tuzla at the beginning of the war to be with Bosnian Serb soldiers planning attacks on non-Serbs (I was shown photographs of Kačavenda with Bosnian Serb soldiers – one of these soldiers has since been sentenced to 35 years imprisonment at the ICTY). According to Mišo Božić the priest was also a criminal. He explained how the Orthodox Church hierarchy was politicised to support Serb nationalism. There had been 7 Orthodox priests in Tuzla prior to the war. They all left, leaving the remaining Serb congregation without a priest. He stated that 6,000 Serbs had stood with the people of Tuzla to defend the city as citizens and in the army and police, sixty-one were killed.<sup>14</sup>

In 1996 Vladika Kačavenda wanted to return to Tuzla to conduct Easter Services. The Deputy High Representative in Bosnia-Herzegovina at that time, Michael Steiner,<sup>15</sup> told Mišo Božić to arrange this. He refused to do so and asked the Serb community in Tuzla for their view. They rejected the plan and one mother of a boy killed in Kapija Square wrote a personal letter to the Office of the High Representative expressing her views. As with criticism levelled at the then mayor of Tuzla, Selim Bešliagić, and Muhammed ef. Lugavić, the then Chief Imam, by national religious and political leaders over the issue of a communal burial site, and now in the case of Vladika Kačavenda and instructions from the Deputy High Representative, the local community stood together and rejected them.

Five Serbs, according to Mr Božić, were killed and buried together with others in the memorial cemetery. He attended the burial service and greatly admired the courage of the mayor and others for their collective action. He expressed the view, heard similarly from others, that those killed were friends in life and should therefore be buried together.

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<sup>14</sup> Approximately 12,000 Serbs did leave Tuzla, mainly from the JNA (Jugoslav National Army) and the Police. Prior to the war the JNA had a large military base in Tuzla which was a multi-ethnic force but with a large Serb contingent. Many of these soldiers left to join JNA units elsewhere in the former Yugoslavia or to join Bosnian Serb units. This was also the case for many Croat soldiers who left to join Croatian units.

<sup>15</sup> The Office of the High Representative was established as part of the Dayton Peace Accord (November 1995) that ended the war in Bosnia-Herzegovina and established two separate entities based on ethnic lines. The OHR is provided by the European Union and holds the ultimate political authority in the country.

According to Mr Božić, the main reason for some families not burying their children in the memorial cemetery was that they lived outside of Tuzla. Mr Božić made a poignant statement about the shelling of Kapija Square in saying that ‘A grenade kills all. It does not choose a nation’ – a reference to the multi-ethnic make-up of the town and those killed or injured.

Mr Božić also outlined strategies in place for the future: 9 Serb Civil Councils were now operating with 6 in Tuzla Canton and 3 in the Republika Srpska (RS). The objective in each of these municipalities was (i) to bring back trust between people; (ii) to see the influence of political organizations reduced; and (iii) to build a multi-ethnic nation. It also allowed for refugees and displaced persons of all ethnic backgrounds to return to their own homes, providing safety and protection, and destroying hatred. What they had now, he said, was not a nation (reference to Dayton Agreement). He stated that the international community had failed Bosnia; they wanted to see the conflict in terms of ethnic hatreds and not as Serbian aggression.

Mr Božić stated that the Tuzla Canton had now passed approval to pay a small amount of compensation to the surviving families of those killed, which had yet to be paid out. He knows the cemetery as the ‘cemetery for the young people of Tuzla’, not the ‘Children’s Cemetery’ as described in the brochure put out by Peace Flame House.

Mr Božić believed that the future rests with the young, in that they must reject the values of older generations who believed in nationalism. He made a comparison with Germany after the Second World War, where the population was compelled to embrace democratic principles and underwent a de-nazification programme whilst under an army of occupation. Mr Božić stated that he would help me to meet with families when I returned to complete my research.

Second interview on Monday 25 April 2005, 11 a.m.

I interviewed Mr Božić in May 2004, therefore this interview was mainly to confirm some specific points made then and to find out what progress had been made since the previous year. In 2004, he stated that five Serbs were buried in the memorial cemetery. I submitted a list of those buried at the cemetery (51) and a further list of those buried elsewhere (20) and asked him to mark those names he believed were Serbs. He listed two as being Serbs: Adrijana Milić and Savo Stjepanović. He listed Vesna Kurtalić as being of a 'mixed marriage' with obviously one parent being Serb. On the list of twenty people who were not buried at the memorial cemetery he marked two names as being Serbs: Nenad Marković and Ilinka Tadić. Two others he marked as being of 'mixed marriages': Jelena Jezidžić-Stojičić and Mustafa Vuković.

I found it disappointing to have this lesser number of Serbs than was previously stated confirmed as being buried at the memorial cemetery of which only one, in fact, would be Serb from both parents. The other two were from 'mixed marriages'. Of those buried elsewhere, Mr Božić indicated that two were Serb families and two others of 'mixed marriages' with in each case one parent being Serb. This information nonetheless does not totally negate the fact that there are representatives of all ethnic groups buried in the memorial cemetery.

Mr Božić gave details of data that was being collected to show that not all Serbs left Tuzla during 1992-95. This data was to be categorized by numbers who stayed, numbers who left, numbers in the Bosnian Army, numbers who died, numbers in the Police, numbers in war productions, and numbers in civil protection. This information was being gathered in response to propaganda from Serbia and Republika Srpska (RS) that all Serbs either left Tuzla or were expelled from the town. Mr Božić stated that around 12,000 Serbs left Tuzla during the period 1992-95 from a total Serb population of about 18,000. He stated that during 2003-4 around 4,000 Serbs returned to Tuzla. These were apparently older people now on pensions; the problem being that their pensions paid by the RS are less than those paid in the BiH Federation. This is a difficult problem and very political, illustrating the wider complications of having a country partitioned along

ethnic lines for administrative purposes. These people had spent their working lives mainly in Bosnia-Herzegovina whilst part of Yugoslavia, but could not now have their pensions increased to the Federation rates. Young Serbs were not returning, as there was no employment. An inducement for the elderly to return was available housing. A further problem for Serbs returning from the Republika Srpska was access to medical services in the Federation, as they have not paid taxes there for more than 10 years in some cases. Mr Božić believed a number of Croats were now returning to Tuzla, but could not give any numbers other than to say that he believed it was less than the number of Serbs returning.

Mr Božić identified himself as a Bosnian and does not wish to be referred to as a Serb. He stated that prosecutors in the Republika Srpska were presently attempting to lay charges against 2,000 Bosnians for criminal activities. A commission had been established by the mayor of Tuzla to provide the 'truth' behind these allegations. He believed any prosecution of those responsible for the shelling of Kapija Square would not be undertaken independently from wider prosecutions across the whole of Bosnia. He did believe that the truth would prevail in the end, and that the perpetrators would be brought to justice.

By the end of my fieldwork in Tuzla I had interviewed the mother of Adrijana Milić and the mother of Nenad Marković: Adrijana's father was a Serb (now deceased) but her mother was Muslim, therefore this family would be classified as being of a 'mixed marriage'. Nenad's father was a Serb but his mother was a Croat (Catholic), therefore this family, too, would be classified as a 'mixed marriage'. The mother and sister of Savo Stjepanović both declined to be interviewed, and I was given to understand the reason for this was that it was still too painful a subject for them to talk about. The present Orthodox priest in Tuzla described all those with Serbian family names to be of 'mixed marriages', but as none of these families were from his congregation I do not feel his statement can be verified. But the end result is that in describing the memorial

cemetery in terms of being a place where people of different ethnic groups are buried, this has to be understood in a wider sense of ethnic background.

Third interview on Wednesday 29 June 2005, 11.30 a.m.

I used this interview to provide Mišo Božić with feedback on my fieldwork. He rejected outright statements made by the present Orthodox priest, Milan Topić, believing that he was distorting the events of 1992-95 to suit Serb nationalist views which the hierarchy of the Orthodox Church supported. As to his views representing the Serb congregation that remained in Tuzla during the war without an orthodox priest, Mr Božić found his remarks unacceptable. He provided statistical data recently released by the Municipality that contradicted the Serb population numbers the priest had provided. He also confirmed that it was the Orthodox congregation that remained in Tuzla during 1992-95 that objected to Vladika Kačavenda returning after the war. He had left them at the beginning of the war to serve as a Chaplain to the Bosnian Serb Army. Mr Božić recalled the burial service at the cemetery where there was no Orthodox priest to give the burial rites to those Serbs buried there. He said that he just cried at that time because of this. He would not attend the local Orthodox Church while it seemed to remain highly politicised and nationalistic. This was an upsetting interview insomuch that Mr Božić was upset by the statements given to me by Father Topić. This reveals the divisions within this community not just between different ethnic groups but also differing ideologies between members from the same group.

He appreciated the feedback session we held at this time towards the end of my fieldwork in Tuzla. I found him at all times helpful and generous with his time. He was a man in his seventies who had held positions in the government and who fought as a youth with the partisans against German occupation in the Second World War. He believed in a multi-ethnic Bosnia-Herzegovina, and now dedicated his time and influence to serving the Tuzla Serb Council to further this end.

The phrase he used to reflect the purpose of having the people buried together in the *Aleja mladosti* cemetery was ‘...same day, same time, same place, buried in the same cemetery ..... same grenade’.

In concluding this interview, he provided me with valuable contact details for obtaining a copy of the statistical data just released by the Office for Displaced Persons and Refugees. He also provided contact details to meet with the town architect who designed the memorial cemetery. His direct support was instrumental for arranging these meetings. I might otherwise have had considerable bureaucracy to overcome to hold such meetings, if at all.

The only demand Mišo Božić placed on multi-ethnic relations being reconciled is that Serbs, like all others, must be given equal rights, for example, in employment, housing, benefits, and pensions.

(3) MOHAMMED *ef.* LUGAVIĆ: Senior Muslim Imam in Tuzla.

Interview Friday 7 May 2004, 1.30 p.m.

Mohammed *ef.* Lugavić was the senior imam in Tuzla. He gave the following account of what happened on 25 May 1995, and his response to the mayor in suggesting a common burial site for those killed in Kapija Square.

His mosque was situated behind Kapija Square and he was there when the town square was shelled. He immediately went out into the square and witnessed the chaos, death and fear of those there. He provided whatever assistance he could to those who were suffering. His daughter's birthday is May 25<sup>th</sup> but now he could not celebrate on that date. He agreed with the decision taken by the families of those killed to have them buried together, and he performed the burial rites for the Muslims buried. In this, he was

supported by other local imams, but this decision was totally opposed by the senior Muslim cleric in Bosnia, *imam* Mustafa *ef.* Cerić. Mohammed *ef.* Lugavić was severely criticised and abused by Mustafa *ef.* Cerić for supporting the families in their decision to have a common burial site for those killed irrespective of ethnic background. As a result he was demoted from his position as chief imam, but he remained an imam and was highly regarded in Tuzla. He was considered the *de facto* chief imam. He did not regret his decision as he believed it was the right action to be taken, and he received a certificate of courage and appreciation from the Mayor and the families for his action.

Of the fifty-one people buried together forty are aged eighteen and over. If all seventy-one people who were killed are taken into account the total number aged eighteen and over is fifty-seven. Of the total number killed seventy-one per cent were aged between fourteen and twenty-four. In addition, there was one young child, aged three years, killed. It was mainly the young people of this town that had been killed on 25 May 1995 and therefore the cemetery was called the Cemetery of Young People not the Children's Cemetery as stated in the handbook published by the Peace Flame House. May 25<sup>th</sup> was previously celebrated in the former Yugoslavia as National Day of Youth (Tito's birthday). This day stopped being celebrated following Tito's death (1980). Therefore, 25 May 1995 was not a special occasion for people to congregate in Kapija Square. It was just a normal evening gathering of people walking through the town square or sitting in one of the many bars and cafes.

Mohammed *ef.* Lugavić stated that the man who approached the Mayor with the idea of a common burial was not known and had no political affiliation or motivation to suggest any ulterior reason for this suggestion. He had no political influence in Tuzla. Reflecting on this statement now (2006) I find it difficult to accept that Lynbomir Jurak was not known or held any importance in the town. He had been the Mayor of the town prior to Selim Bešliagić. It may be the case that since Lynbomir Jurak was not known to have made this suggestion to the Mayor at the time that the comment from Mohammed *ef.* Lugavić may have been misinterpreted in translation. The fact that Lynbomir Jurak had

approached the Mayor in 1995 was not made public until the 10th anniversary ceremonies in 2005.

Mohammed *ef.* Lugavić gave an explanation for one of the graves: that of Jasminko Mujačić who is referred to in some records as Jasminko Rosić. His name on the gravestone in the *Aleja mladosti* cemetery is given as Jasminko Mujačić. Rosić is his family name. He was buried elsewhere but his family was asked to re-bury him at the memorial cemetery. The imam does not know whether the grave in fact holds a body. He was not present at any burial ceremony.

In response to my question about inter-faith co-operation in Tuzla he stated that an inter-religious group (Muslim, Catholic, Orthodox) exists on paper but not in practice as the Orthodox Church withdrew when Serbs started being arrested for war crimes, and the Catholics Church froze their involvement.

He believed the Dayton Peace Agreement signed in November 1995 stopped the fighting in Bosnia-Herzegovina but it destroyed the country. He believed it should now be revisited. He believed, too, that the West betrayed Bosnia-Herzegovina. He does not believe Muslims want revenge but that they want those who committed crimes to be held responsible. Mrs Plavšić, for example, who was a senior member of the Bosnian Serb community and later became the President of the Republika Srpska, he believed did not hate Muslims as it was known that she had worked in the University of Sarajevo before the conflict at which time she was in love with a Muslim, but did not marry him.

Second interview on Tuesday 12 July 2005, 1.30 p.m., at the Mosque.

This interview was an opportunity for me to give some feedback on early findings to my research while, at the same time, seeking minor clarification on some of the statements I had obtained. I presented him with a list of my conclusions. The findings were accepted as being what was happening to the country. Mohammed *ef.* Lugavić believed religious and community leaders had an obligation to find a better way forward for their people.



He stressed the importance of justice having to be seen to be done, both in the secular sense and in terms of God's law. He agreed and believed that the cemetery is a memorial for the future. The families were in grief; not hatred, just pain. He confirmed that the burial arrangements took the longer period to conclude, as stated by Mr Bešlić (8 days). There had been so much planning to be completed that it took time. His understanding of the memorial cemetery's costs were that they were met by the Municipality and that expenses were paid to others who chose to bury in other cemeteries. Bosniak, he stated, means being both a Bosnian and a Muslim (nationality and religion are one). He seemed to acknowledge that Serbs and Croats can use their own descriptions of themselves without that being a problem.

I could not ask all the questions I had wanted to ask at this meeting as Mr Lugavić had invited some elders to join him. But with regard to 'identity' the fact that he uses Bosniak to mean both his nationality and his religion, which therefore precludes non-Muslims from using this term, perpetuates the existence of three distinct groups in Bosnia-Herzegovina. This degree of 'nationalism' clearly exists in all groups within Bosnia notwithstanding that in Tuzla it is suggested that there is a greater degree of inter-ethnic harmony.

#### (4) FRA ZDRVKO: Catholic Priest at Franciscan Monastery.

Informal meeting on Thursday 19 May 2005, 3.30 p.m., at the Franciscan Monastery.

This was a brief informal meeting that allowed me to introduce myself and ask for any assistance Fra Zdrvko could provide. He promised to contact Father Mladan Jožić at Breške, who was the Catholic Priest in Tuzla at the time of the shelling in Kapija Square and officiated with the Chief Imam of Tuzla, Muhamed ef. Lugavić, at the burial service. Fra Zdrvko, himself, came from Brčko and had been in Tuzla for only five years.

He was aware of some of his congregation being affected by what happened on 25 May 1995. He promised to contact two families who he thought would be prepared to meet with me. I raised with him that I had been informed by the Families' Association that

eight people had committed suicide as a result of what happened. He had no knowledge of anyone committing suicide, but stated that many claims were exaggerated. A friend was with him during this meeting who alleged that during the war Catholic Sisters had been attacked for wearing their habits. He did not elaborate on this and therefore I cannot know whether this is correct or not.

Fra Zdrvko had some concerns over 'mixed marriages' and clearly did not approve. His disapproval was more out of concern for the children of such unions, but he stated that where there is a union the partner, if Muslim for example, can be buried in the same cemetery. Catholic graves, however, must show the Sign of the Cross. Catholic priests can bury both Catholic and Orthodox adherents (and vice versa).

Some additional information on the local Catholic school, St Francis School, was provided at this meeting. This elementary and secondary school was built in 2000 with a school roll of 1,000 of which 40 per cent were non-Catholic. Salaries were paid by the State but the school was built by the Catholic Church. Representatives of all religions were used in the school curriculum.

The 1991 Census showed 17,000 Catholics in Tuzla. Fra Zdrvko estimated this was now 2,000. Most, he said, had left the country, going mainly into countries in the European Union. If the surrounding villages are included with Tuzla he believed there were 25,000 Catholics living there. He could not give any statistical data by nationality (i.e. Croat), but believed it to be less than before the war.

(5) LYNBOMIR JURAK: Former Mayor of Tuzla.

Interview on Sunday 12 June 2005, 1 p.m.

Mr Jurak was the former mayor of Tuzla (1971-82) and Chairman of the Municipality's Management Board (1982-95). During 1992-95 he was part of a Special Unit set up by the then mayor, Selim Bešlić, working with the BiH 2<sup>nd</sup> Army Corps to identify any soldier killed in the conflict, regardless of nationality. In this work he was assisted by a

forensic doctor. He was responsible for notifying next of kin of anyone killed and also for arranging the exchange of bodies with the enemy. He found this work very distressing. Although he did not have any family member killed in Kapija Square on 25 May 1995 he stated that he knew many of those killed and their families.

His work with the army and the incident in Kapija Square affected him deeply, especially as so many of those killed were young. It was his idea to have a common burial for those killed in Kapija Square and he approached Mr Bešlić with his proposal. He was aware of potential problems and opposition from senior religious and political leaders in the country. His idea, however, was fully supported and taken up by the mayor, most of the families, and local religious and community leaders (Lugavić, Jozić, Božić). The idea, he said, came from different strands of thinking: (i) Many of those killed he knew personally; (ii) he saw the burial site as a memorial to them; (iii) he had travelled extensively overseas and seen other memorials in Washington DC and Moscow; (iv) he believed that those killed should stay together as they had lived together; (v) he believed that the city should memorialise what had happened in some way; and (vi) that it upheld the long-held tradition of multi-ethnic harmony in Tuzla.

Mr Jurak believed that those families who decided against having their son or daughter buried at the memorial cemetery had made that decision having been influenced by nationalist ideologies, not by religion. The cemetery, he believed, was a symbol of resistance to aggression. He also saw significance in the date of the shelling of Kapija Square being 25<sup>th</sup> May, previously celebrated in the former Yugoslavia as the Day of Youth.

The core of Tuzla's population, he believed, retained the tradition of multi-ethnic tolerance and co-operation in its society. The large influx of displaced persons (20,000-30,000) mainly from rural areas and mainly Muslim, has brought conflict into this tradition. These people had been expelled from their homes by Serbs and had family members killed. He believed the tradition held in Tuzla will modify any confrontations

and animosity in time. He stated that there had been incidents of conflict between these groups and the local Serb population.

Mr Jurak did not accept any claims that Serbs were expelled from Tuzla. He saw this as the propaganda that circulated before, during, and after the conflict. The main Orthodox Church in Tuzla, for example, was suffering damage from subsidence during the conflict. The Municipality repaired the foundations within seven days of receiving a request. He acknowledged that the smaller church in the Orthodox cemetery had been burgled on one occasion. I raised the question that on the monument in Kapija Square it is stated that the shelling of the town square was undertaken by Serb fascists. I wondered whether this statement may incriminate all Serbs when, in fact, a large number of Serbs remained in Tuzla during the conflict. He believed that the reference to Serb fascism on the Kapija Square monument does not offend Serbs (both Bosnian Serbs and Serbs proper) who remained loyal to Tuzla and the national government of Bosnia-Herzegovina during the conflict.

Mr Jurak was from a 'mixed-marriage'. His father was Croat, his mother Serb. He married a Muslim. He had two sons, with one marrying a Serb and the other marrying a Muslim. He called himself a 'Tuzlak'. His first name, Lynbomir, meant 'man of peace', and his nickname had always been Ljupče which means 'for everyone'.

He believed that the perpetrators of the Kapija Square shelling should be brought before The Hague as an example to the international community. He understood that the Families' Association was going to make a further effort to establish a prosecution. He believed this would help the families if someone is held accountable for what happened. No one, he believed, could know the devastation that the death of a son or daughter brings to a parent, unless they experienced that for themselves. No punishment will bring them back.

Comment:

Mr Jurak was now retired. His working life had been mainly in public service. During 1992-95 he undertook stressful duties, informing families that their son had been killed on duty in the army. The various mixed-marriages within his own family relationships explained his wider view of his own identity. He was proud of Tuzla's long-held tradition of multi-ethnic harmony. He did not want to see that lost. It was only at the 10<sup>th</sup> anniversary of the shelling of Kapija Square that his name was made public as being the person who suggested the idea of a common burial site for those killed. He impressed me as a deeply caring man who as his nickname suggested, cared for everyone.

(6) FATHER MILAN TOPIĆ: Orthodox Priest in Tuzla.

Interview on Saturday 28 May 2005, 9 a.m.

Father Topić stated at the onset of the interview that he could not comment on the incident that occurred in Kapija Square on 25 May 1995. Any questions, therefore, relating to this, he said, should be addressed to his superiors in Bijeljina. This priest was not in Tuzla during that time. He came from Zenica and had been in Tuzla for three and a half years. He was married with a young son, aged 4. I would put his age around 32-34. He agreed to be interviewed in his office at the Orthodox Church. He was dressed in his black cassock. During the interview he sat behind his desk facing me and my interpreter and we were interrupted several times by telephone calls.

He was given a copy of my Information Sheet and it was explained to him that his comments were being sought on the current situation in Tuzla for his congregation. He would not sign my consent form but agreed to an interview. He did provide, however, a written statement stating that his comments were of a general nature about the local community.

His basic comment and concern for the local Serb/Orthodox population was that they felt afraid for their safety. He stated that he felt frightened for his own safety saying, for example, that he could not walk around the town in his cassock for fear of attack or abuse. He would only wear his cassock to attend a burial service. He expressed

particular dissatisfaction with the Tuzla Municipality for discriminating, in his view, against the Serb community in the town. His complaints were directed at complaints to the Police where Serb properties had been burgled or vandalised, and about cases of verbal abuse. In such matters he believed the Police ignored such complaints, for the most part. Other complaints were directed to the Municipality for not protecting Church property and returning property belonging to the Orthodox Church. Giving more specific examples, he cited graves having been desecrated in the Orthodox cemetery and the Church in the cemetery grounds being vandalised. He acknowledged that the Police had apprehended some youths for these acts and that they received a 3-month sentence. He was afraid that the Orthodox Church in the town centre would be vandalised. He had requested that all religious buildings be floodlit at night as a security protection, but to date no action had been taken by the Municipality. He cited a further incident of church vandalism in a nearby village where a new Orthodox Church was being built from a Muslim donation. He said there were 27 Church buildings in Tuzla which had not yet been returned to the Orthodox Church.

Father Topić believed that his congregation had many difficulties to contend with, and had unresolved problems. This seemed to revolve around being afraid and being, in his words, 'psychologically upset'. His congregation is made up of a mainly older generation of Serbs who remained in Tuzla, existing on minimal pensions. He referred to this group as representing 90 per cent of the Serb population in the town. My understanding of pension payments is that they are different depending on whether paid in the Federation or the Republika Srpska (RS). The RS pension is less than the Federation pension and if Serbs returned to the Federation from the RS then they were still receiving their pensions from the RS. The Federation pension is not significantly higher, but this illustrates the consequences of the current legal framework in place in BiH.

Father Topić further complained that the Orthodox Bishop who was presently resident in Bijeljina could not return to his residence in Tuzla. He did not qualify this statement, but from information provided in interviews with Imam Lugavić and Mišo Božić, President

of the Serb Civil Council, I understand that all 7 Orthodox priests in Tuzla at the beginning of the conflict left the town to serve, in some cases, with Bosnian Serb military units. This left those Serbs who remained in Tuzla (estimated at around 6,000) without any religious leadership and pastoral support. The Bishop he refers to was a local priest in Tuzla at that time, who after the conflict wanted to return to Tuzla. His own congregation and the local Serb population in general objected to this.

It was difficult to obtain any accurate data on movements of people during the conflict and current numbers of the local population. Father Topić gave an approximation of the current situation vis-à-vis the Serb population: there were 750 households in Tuzla and its immediate environs before the conflict (population of 3,000), according to his records. He now puts the figure at 100 households remaining (population 400). Those who left, he stated, were forced to leave by the Bosnian Army. As a result, most Serbs now lived in the Republika Srpska. I find some difficulty in reconciling these figures with those given in official statistics provided by the Municipality, based on the last Census in 1991. The Serb population in Tuzla at that time was stated as being 15 per cent of the total population in Tuzla (131,861) in 1991. That would indicate a Serb population of about 18,000, which is significantly different to the 3,000 stated by Father Topić. The current total population in Tuzla was estimated to be between 150,000 and 165,000, due to large numbers of mainly Muslim displaced persons being brought to Tuzla during the conflict. The 1991 Census recorded numbers based on religion, not nationality, and this may distort any current references to different groupings of people, as nationality and religion seem at times to be interchangeable points of classification.

I asked what inter-faith activity was promoted in Tuzla in this post-conflict period, to which he contributed and/or attended. He said that there was none, only that there was an inter-faith group in Sarajevo composed of senior leaders of the respective religions who dealt with such matters. I was left with the impression that either he could not or would not initiate any approach to other religious leaders in Tuzla. As a result there was no inter-religious communication that could be helpful to moving people forward and helping to allay their fears.

Father Topić referred to the conflict in Bosnia as being a civil war, which I found an interesting comment. Most current accounts would not agree with this assessment. It is generally accepted that external aggression from Serbia, with support from Bosnian Serbs, initiated the conflict. Only at the very end of the conflict when the Serbian leadership's control over Bosnian Serbs was lost could the conflict be said to characterize a civil war. The Orthodox Church hierarchy in Serbia supported the political ambitions of President Milošević to create a 'Greater Serbia'. President Milošević of Serbia was appearing before the ICTY at The Hague charged with war crimes at the time of this interview. He died there of a heart attack in April 2006. President Plavšić, the President of the Republika Srpska in Bosnia in the later years of the war, voluntarily surrendered herself to The Hague and was serving an 11 year prison sentence for crimes against humanity. Thus, the position held by Father Topić seemed to be at variance with the political realities of post-conflict consequences.

Referring to current inter-ethnic relations in Tuzla Father Topić stated that there should be reconciliation, but that each group should have an equal voice. He claimed that is not the reality now, giving as an example that different cultural associations in Tuzla were not given equal support. He believed that Serbs were now a minority group in Tuzla and that there was no multi-ethnic harmony in the town. The 1991 Census shows that Serbs have only ever represented 15 per cent of the total population in Tuzla.

I mentioned my observation of his Church congregation being made up of mainly elderly citizens. He stated that only thirty-five children are receiving religious instruction from the Church. Of the seven hundred and fifty Orthodox households referred to by Father Topić he stated that only one member in two hundred households attended church, and in another two hundred households there would be two members who attended the church. In total, only 60 per cent of Orthodox households had either one or two people attending church. In the nearby Catholic school, St Francis School, I am aware that it has a religious studies programme which has an Orthodox priest offering religious studies at the school, together with a Muslim cleric and their own Catholic priests. This indicates



some attempt to represent a multi-ethnic school population, and the programme may possibly be explained by the fact that the salaries of the school are paid by the central government, thus having to politically accommodate a multi-ethnic school population.

I asked Father Topić if he knew Mišo Božić, President of the Serb Civil Council. He knew of him but had never met him. His opinion of him, however, was quickly realised when he questioned the right of Mr Božić to call Serbs 'criminals'. Mr Božić stated in interviews with me that the action of many Serbs was criminal and that, therefore, they should be held accountable: he believed that Bishop Kačavenda, who left Tuzla during the conflict to serve with the Bosnian Serb Army, was a war criminal and opposed his return to Tuzla. Father Topić made further critical comments about Tuzla, comparing the town with situations in Zenica and Bijeljina. In Zenica, which is a predominantly Muslim town, he felt he could walk freely and safely around the town. In Bijeljina, which is predominantly Serb and situated in north-east Bosnia on the immediate border with Serbia, he stated that Muslim clerics could walk around the town wearing their traditional head-dress without any fear of harassment. I noted that he did not mention that Muslims were expelled from Bijeljina during the conflict by Serb military units. Many of them sought refuge in Tuzla.

Father Topić had no objection to Christians and Muslims being buried together at the memorial cemetery, as he accepted and believed that they should be together in death as they were friends in life. He stated that the Orthodox cemetery recognized the need to have burials in their cemetery of other than Orthodox members where, for example, there had been a 'mixed-marriage', whether in terms of religion or nationality. One third of the Orthodox cemetery in Tuzla was designated for 'mixed-marriages' and for others (e.g. Jews, gypsies) if requested, but they would not allow burials for adherents of Jehovah's Witness.

I gave Father Topić a list of the names on the graves of those buried in the memorial cemetery, which indicated six names that I had been advised were Serb/Orthodox. He did not want to do this as he had stated that he could not mention anything about the

shelling of Kapija Square. My only reason for asking him about these names was that they may have had family members who attended his church, in which case I was asking his advice and support to approach these families for an interview. He agreed to look at the list and stated that none of their families attended his church. He added that the names on the list suggested they were all from mixed marriages.

Comment:

The responses and views expressed by Father Topić, if accurate, indicate a very different perception of the inter-ethnic harmony in Tuzla as portrayed in other accounts and statements from others interviewed. He seemed not to be engaged in any meaningful dialogue with other religious leaders in the town that could breakdown any problems or hostility that might exist. This could help in some way to bring about reconciliation within the community or, at least, reduce fear and tension. I was left with the impression that he was only able to comment on matters that were sanctioned by his superiors, as the Orthodox Church is strictly hierarchical. Most accounts suggest that the hierarchy of the Orthodox Church supported the political ambitions of the Establishment in Serbia. I suspect that any comments made by Father Topić could only be general in nature for fear of implicating others, even if unintentional. I did not find any positive aspect to this interview, and if some of the comments about inter-ethnic relations are, in fact, accurate then the perception and long-held view of Tuzla being a town of multi-ethnic harmony may be untrue. It could be a myth that people want to be the case when in fact it is not so. The comments made by Father Topić give a seriously different understanding and perception of Tuzla and its community.

My interpreter, a Muslim, mentioned to me after the interview that Father Topić never looked at him but addressed himself directly to me, even though I am unable to speak the Bosnian language fluently. I had noticed this myself, but I also noticed that he did address himself directly to the interpreter if I sought clarification on any point.

(7) BISHOP KACAVENDA: Former Orthodox Priest in Tuzla until 1992.

Article in *Dnevni Avaz*, Tuzla, 3 July 2005.

The following article from a local Tuzla newspaper on the eve of commemorations to mark the 10<sup>th</sup> anniversary of 7,800 Muslim men and boys killed by Bosnian Serbs at Srebrenica, refers directly to Bishop Kačavenda and illustrates the on-going divisions to be overcome in Bosnia-Herzegovina. I refer to this article in light of my interview with Father Topić. It gives details of a monument that was to be unveiled on 12 July 2005 at Kravice by Bishop Kačavenda to commemorate all Bosnian Serb soldiers killed during the 'civil war' (article translated by my interpreter). The monument is a seven-metre high Christian Cross which was financed by local Serb Veterans' Associations (Army). The monument is erected 50 metres from a hangar where one thousand Muslim civilian men and boys were executed by Bosnian Serb military units in July 1995:

Kravice is 15 kilometres from Srebrenica where 7,800 Muslim men and boys were summarily executed by Bosnian Serb forces that month, of which the area of Kravice is a part. The families of those killed were then expelled from their homes. Many made their way to Tuzla. This incident was regarded as the worst case of genocide to have occurred in Europe since the Second World War. The Bosnian Serb Army Commander, General Mladić, ordered this massacre. He then gave the town over to the Serbs for having killed the Muslims.

Mladić (General commanding the Bosnian Serb army that attacked Srebrenica) and Karadžić (Bosnian Serb President at that time) are presently being sought to face war crimes at The Hague. The former President of Serbia, Slobodan Milošević, was already at The Hague, being tried for war crimes.

This act of commemoration, therefore, at Kravice, by Bishop Kačavenda is a highly provocative and political action. The day before (July 11<sup>th</sup>) is the 10<sup>th</sup> anniversary of the Srebrenica massacre. Surrounding the Cross at Kravice are apartments that have been built to present to the families of Serb soldiers killed during the war. The keys to these apartments are to be presented to them on July 12<sup>th</sup> as part of the commemoration service.

Kačavenda is the Bishop of Bijeljina, a town in which the Muslims were similarly expelled by the Serbs in north-eastern Bosnia, on the border with Serbia. Prior to the war Kačavenda was the Orthodox Priest in Tuzla. He left, with all other Orthodox priests in Tuzla at the beginning of the war, to become Chaplain to Bosnian Serb soldiers. His congregation in Tuzla was left without its priest for the duration of the war. Kačavenda wanted to return to Tuzla after the war but his congregation refused to have him back. He is an ultra-nationalist Serb and part of the religious hierarchy of the Serbian Orthodox Church that supported the Serbian establishment in its policy of ethnic cleansing in Bosnia.

(8) FATHER MLADAN JOZIĆ: Catholic Priest in Tuzla during 1992-95.

First interview on Thursday 23 June 2005, 4 p.m.

Father Jozić was the Catholic priest in Tuzla from 1991 to 1997 and lived in the community during the war. He first described the events of 25 May 1995 leading up to the shelling of Kapija Square just before 9 p.m. He worked a lot with youth in sporting activities. He was, at that time, President of the local handball team and that day was the BiH National Tournament, which was being held in Tuzla. Ten teams were competing (age group 18-25 years). Players attending this event, including coaches and training staff, totalled about three hundred people.

These competitions were being played on the 25<sup>th</sup> of May, celebrated in the former Yugoslavia as National Youth Day. The tournament was held in the Indoor Stadium opposite the Omega Shopping Centre, starting at 6.30 p.m. and finished at 8.30 p.m. After the tournament many of the people walked the short distance to Kapija Square in the centre of the old town. because this is the popular focal point of the town's activities.

In addition to this large group of young people being in the town that day, Father Jozić stated that the population of Tuzla at that time was estimated to be as high as 200,000 due to a large influx of displaced persons during the war. In total, a high number of people

would have been in the vicinity of the town centre that evening. He believed that the date was predetermined and that the timing of the shelling was co-ordinated with details of people's movements that evening, and relayed to the Serb military from informers within the town's own society. He could not state categorically that 25<sup>th</sup> May was deliberately chosen because of its former association with National Youth Day, but he suspected that it was. He was clear in his own mind that informers within Tuzla were responsible for transmitting information to the Serbs that evening. To further qualify his conspiracy theory he explained that the date of the shelling of the town square had been strategized inasmuch that by not shelling the town for three days prior to the 25<sup>th</sup> this lulled the population into a more relaxed mood, and they were therefore more confident to go into the town centre. As a generalization of who could be regarded as an informer, he stated that there were various networks known to be operating in the town, comprising nationalist and religious groups (Serb/Orthodox), criminal elements taking advantage of the war, and some who simply accepted payment for information (many people had no money).

Father Jozić went immediately to Kapija Square when it was realised what had happened. The scene, he stated, was chaotic with bodies everywhere, blood all over the place, people screaming, all power cut, and buildings damaged. In time, he found that none of those attending the handball tournament had been killed.

Father Jozić outlined the process that occurred to have a common burial for those killed. Similar to statements made by others he described the various meetings called by the Mayor that took place. The families, civic leaders and religious leaders (other than representation from the Orthodox Church) attended. Father Jozić described the opposition voiced by the families when told by national religious and political leaders that a common burial was not permitted. The first meeting was held in the Tuzla Hotel, which was under constant shelling. He confirmed that this meeting was very difficult and contentious. Because of this a second private meeting was held with the Mayor which was more positive and productive.

This second meeting found most of the families in agreement over a form of common burial. This then required practical arrangements to be planned as to the date of burial, time, place, who should attend, security concerns, form of service, length of service and so on. The basic reason given for agreeing to a common burial site was that these mainly young people had all been friends or at least had known each other, they went to the same schools, and therefore they should remain together. Consideration was first given to the burial site being in Kapija Square (where they had been killed) but it was finally decided to use a part of the park near the town centre which was already commemorated to the partisans who died during the Second World War defending Tuzla. The area for the burial site was to be called 'Aleja mladosti' which in translation means 'valley of young people' or alternatively 'valley of pioneers' which for some people would identify these young people with the sacrifice other young people had made during the Second World War.

The burial service was to be at 4 a.m. on Friday 2 June 1995. It was planned to last between 60 to 90 minutes by which time it would be coming light. A number of factors had been considered in coming to this decision: (i) On the evening of the explosion sixty-six people were killed immediately; (ii) others died later from their injuries, totalling 71; (iii) planning for the burial had to be done in secret therefore identifying everyone and notifying all families took some time; and (iv) fear of shelling during the burial service.

The burial service, in darkness, was to be attended by only close family members and community and religious leaders. It was recommended that only three or four people from each family attend the burial mainly for fear of a further attack and loss of life. Over the 8 day intervening period the town was under constant shelling. According to Father Jozić this was because the Serbs did not know any details about the burial service, which had been planned in secret. Their intention, it was understood, was to shell the funeral service. Only Muslim and Catholic religious leaders attended the Service. There was no representative of the Orthodox Church yet seven people, termed as being either Serb or Orthodox, had been killed. Father Jozić estimated that 4,000 people came to the funeral to support the families. Brief words were given by religious and community

leaders. A small spotlight was put on them so that they could be seen. The funeral was essentially an opportunity for everyone to pray together for those killed and their families, irrespective of nationality or religion. Father Jozić stated that he gave a blessing over the eight known Catholics buried there.

Other general information he provided in addition to the above detail included: (i) The graves had been prepared the day before by the Army; (ii) the bodies had been kept at the Identification Centre until burial; (iii) the bodies were placed in coffins beforehand; (iv) many of the bodies were badly damaged from the explosion, as a result some bodies were not complete or there was no certainty that all body parts collected belonged to the same person. At first light (between 5 a.m.-5.50 a.m.) the Serbs commenced shelling the town. According to Father Jozić the burial ceremony was an occasion for all humanity. The Service, he believed, was non-political; that those killed were all brothers and sisters before God.

Father Jozić stated that he was aware of a number of families who at the time had their family member buried elsewhere (20 are listed) but now regret their decision. They now accept that everyone should have been together and that from a practical standpoint the cemetery is beautiful and well cared for at all times. Some parents felt that when they die the graves in other cemeteries may not be well attended. He did not provide any names. He agreed with this view but at the same time stated he was aware of some who regretted having decided on the common burial. Again, he gave no number or names. The cost of exhumation and re-burial, however, is prohibitive for most people. It is understood that the Municipality, who paid all original costs, would not now pay additional costs for exhumation and re-burial plus gravestones. I said to Father Jozić that some families had stated to me that burial expenses and gravestones were provided by the Municipality for those families who chose to use the common burial site, and that the costs and gravestones were also available for payment to those families who chose to use other cemeteries. However, some families have claimed that these costs were not met. Father Jozić did not know anything about this.

Finally, in commenting on his own future, he saw Bosnia as his homeland and he had hope for the future. Nationalism and politics have caused many problems for the country, he said, and he believed that anyone who lives within the territory of Bosnia should see themselves purely as Bosnians. He believed that most of his own people felt the same as he did. The current political leaders of the country, he believed, were not the right people to be there.

Second interview on Monday 27 June 2005, 11.30 a.m.

This interview was held in the Catholic Church in Breške, where Father Jozić is now the local priest. Some minor additional comments were provided at this interview. At the end of the interview Father Jozić requested that my interview notes be completed and translated for him before he could sign the Consent Form. My translated notes were faxed to him the following day, and I also suggested that he might wish to write his own statement of what we talked about for signing purposes, if that would make him feel more comfortable. He confirmed by phone that he was satisfied with the translated notes and that he would sign the consent form. However, he was going to be away for some time and as Breške was some distance from Tuzla I was not able to meet with him again prior to my own departure for New Zealand.

Comment:

The first interview was a lengthy one in which Father Jozić provided extensive details of what happened following the incident in Kapija Square in 1995. He attended the various meetings and officiated for the Catholic burials and shared in the grief of all others. What was surprising was his manner at the second interview. He became pedantic over phrases in the Information Sheet asking that they be removed. He was not prepared to sign the Consent Form until he saw my write-up on these interviews, which had to be translated into Bosnian. He expressed concern that he did not want to find himself being called as a witness before a Court for anything he had said. He constantly tried in the second interview to answer for the Catholic community rather than give only his own



personal views. He wanted to express the sentiments he believed his congregation would give. He seemed paranoid about being held accountable in some way for events in Tuzla during 1992-95. His answers became 'I don't know' or 'Speak to Father Zrvko' the current Catholic priest in Tuzla. I found his changed manner very uncomfortable to deal with as the information he provided was similar to statements already obtained from others. I had asked him if he could refer anyone to me for the purposes of my research. His response was not that he would approach anyone to ask them but that he knew they would not want to speak to me. This was very controlling behaviour and very disappointing to find.

## **5.2 Conclusion**

These interviews were undertaken with key community and religious leaders, most of whom were in Tuzla during 1992-95. Their statements give an account of what happened on 25 May 1995, and the opposition that had to be overcome to allow those killed to be buried together. Their support of the families who wished to do that was instrumental to it being achieved, and at the same time reflected their solidarity as a community. No Orthodox priest lived in Tuzla during that time, and my interview with Father Milan Topić together with the article referring to Bishop Kačavenda, show the divisions that continue to exist in the country. Having said that, the views held by Mišo Božić and Milan Topić reveal fundamental differences within the same ethnic group on the political future for the country. And, a unified Bosnian identity is not going to be possible when Muslims now call themselves Bosniaks (meaning they are both Bosnian and Muslim), as this precludes non-Muslims who live in Bosnia from using this term of citizenship and identity. This has hijacked the term, which under the Ottomans was used by all the population.

The several interviews I held with both Mišo Božić and Mohammed *ef.* Lugavić provided opportunities for on-going feedback and comment on my research, as well as providing openings to others in the community who would be helpful to my research. What did not happen with any of these community and religious leaders were referrals of families

for interviews with me, whom they claimed to know. This partly came about because of my involvement with the Families' Association to arrange these. This arrangement with the Families' Association, however, was not entirely satisfactory and I went back to these local leaders asking them to make direct referrals to me. Fra Zdrvko did refer one person directly to me, but he was the exception. Notwithstanding my disappointment at this lack of response I have to acknowledge the support and information that they all provided, without which a fuller understanding of what had happened could not have been possible. They provided the political context to the data I was collecting in my fieldwork.

The interviews I conducted with the Catholic and Orthodox priests were undertaken within a more formal dialogue, which was less comfortable. They nonetheless provided very valuable information for the research. The statistics they quoted for their respective current populations were unreliable and it was not until I obtained the latest demographic data from the Office for Displaced Persons and Refugees in Tuzla (July 2005) that a more accurate assessment of the population and people-movement could be made. The fact that no inter-faith dialogue existed in Tuzla speaks volumes, in my mind, on the role of religion in the conflict during 1992-95, which I believe was politicized to support nationalistic objectives, to varying degrees, in all groups. From my own observation and attendance at services within all religions each congregation was predominantly of older generations. I sensed that religion did not resonate with younger generations because of what had happened during the war, therefore religion may not have the same influence that it once had. Tuzla, by contrast, had a tradition of multi-ethnic tolerance and unity which has given what happened on 25 May 1995 its unique response to external political and religious opposition. In these interviews, this tradition was upheld in the statements made by Selim Bešliagić, Mišo Božić, Mohammed *ef.* Lugavić and Ljuben Jurak. And even Mladan Jozić saw himself as a Bosnian, first and foremost, without specifically referring to Tuzla's 'tradition'. What happened in Kapija Square on 25 May 1995 was

investigated by UNPROFOR<sup>16</sup>. Its report concluded that it was a criminal act, and that those guilty of this act should be prosecuted (See Appendix 13).

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<sup>16</sup> United Nations Protection Force

## **CHAPTER SIX**

### **INTERVIEWS WITH SIGNIFICANT OTHERS**

The statements obtained in this chapter arose from both interviews and accounts obtained from various sources. The people who spoke to me or who are referred to in the following statements were significant to the research inasmuch that they represent the wider context in which the shelling of Kapija Square impacted the community. The list includes 16 people who were interviewed and an additional 11 accounts that were obtained either from records, public meetings, or statements made to me by community and religious leaders. The accounts refer to someone who was killed on 25 May 1995 where I was unable to locate a family member, but where information was available from other sources about these families.

In total, the information indicated not only the impact of what happened on the wider community in Tuzla but also that it revealed other relevant factors about ethnicity, those serving in the army at that time, possible whereabouts of some people, and related events to other towns. Some of these accounts provided professional opinions and insights into the consequences of what had happened, the design of the memorial cemetery, demographic data, even the composition of a piece of music that was dedicated to those killed and injured. Other more personal interviews, with those who were wounded, for example, or with those who had known someone who had been killed or wounded, the memories and trauma of the event had not been resolved in all cases.

#### **6.1 List of Interviewees**

There are 23 names listed below – people from the community who I interviewed or obtained information on from various sources. In total, 27 people were accounted for as two interviews were conducted as a group (the Vive Žene Therapy Centre and the Isic

brothers). In cases that refer to someone who was killed in Kapija Square and I was unable to locate a family member my comments are drawn from published records that refer to those killed. The list is marked with an asterisk where such reference has been made - a single asterisk \* to indicate the person is buried in the memorial cemetery and a double asterisk \*\* where buried elsewhere. To illustrate the multi-ethnic composition of Tuzla's population, the ethnicity of the victim or the victim's family has been given, if known. In relying upon other sources that infer the ethnicity of a particular family I cannot verify that the information is correct. In obtaining such statements from religious leaders and the Families' Association, for example, I found contradictions of each other at times or ambiguity where the paternal lineage may indicate one ethnic group whereas in fact inter-marriage had occurred. As a result, I have indicated ethnicity based on probability. In the case of the Therapy Centre, the Office for Displaced Persons and Refugees, and Mercy Corps I have shown ethnicity to be multi-ethnic in these organizations, which I found to be the case.

The names are listed in alphabetical order by family name:

	Name	Status	Ethnicity
1.	Admir Alispahić *	killed	Muslim
2.	Almir Borogovac	wounded	Muslim
3.	Almir Brkić	wounded	Muslim
4.	Dr Yael Danielli	American psychologist	Not applicable
5.	Edin Gulamović	wounded	Muslim
6.	Hamdija Hakić *	killed	Croat/Muslim
7.	Asim Horozić	composer	Muslim
8.	Dr Nešad Hotić	paediatric surgeon	Muslim/Serb
9.	Teufika Ibrahimefendić	trauma therapist	Muslim
10.	Esma Ibrišimović	ODPR <sup>17</sup>	Multi-ethnic
11.	Admir Ikinić	Families' Association	Muslim
12.	Ahmed and Muhamed Isić	wounded	Muslim

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<sup>17</sup> Office for Displaced Persons and Refugees in Tuzla

13.	Jelena Jezidžić-Stojičić **	killed	Serb/Muslim
14.	Sulejman Mehanović *	killed	Muslim
15.	Zehra Morankić	town architect	Multi-ethnic
16.	Jasminko Mujačić (aka Rosić) *	killed	Croat/Muslim
17.	Šaban Mustačević *	killed	Muslim
18.	Fahrudin Ramić *	killed	Muslim
19.	Alenka Savić	Mercy Corps	Multi-ethnic
20.	Savo Stjepanović *	killed	Serb
21.	Ilinka Tadić **	killed	Serb/Croat
22.	Staff of Vive Žene (4)	Therapy Centre	Multi-ethnic
23.	Mustafa Vuković **	killed	Serb/Muslim

(1) \* ADMIR ALISPAHIĆ - killed.

Accounts I obtained referring to this family showed that they were from Srebrenica. This indicates both by family name and location that they were Bosniaks/Muslims. Mr and Mrs Alispahić had two sons and two daughters. Admir, aged 24, was the eldest of the two sons. He was killed in Kapija Square on 25 May 1995. He was married with a young son. The younger son, Azmir, was aged 18 at that time.

On checking the list now published of those killed at Srebrenica on 11 July 1995 I found the name of Azmir Alispahić. An earlier account I obtained showed that Mr Alispahić had been killed in 1993. Mrs Alispahić did not know of the death of her eldest son, Admir, until two months after the event, when at that time she was living in Tuzla. This suggests that she was expelled from Srebrenica on 11 July 1995 with other women and children and arrived in Tuzla. Some 30,000 mainly Muslim displaced persons were housed in Tuzla during this period. At that time she did not know what had happened to her younger son, Azmir.

It was not possible to locate Mrs Alispahić. Her daughters were recorded as being in Germany. I do not know whether she now knew that her younger son was killed at Srebrenica on 11 July 1995. I can only assume that she does. The names of those killed were only recently published (2005), but she would have known of the massacre of 7,800 Muslim men and boys by the Serbs on that date and clearly Azmir would have been known to be missing. Also, it was not possible to locate the wife of Admir Alispahic. In this case Mrs Alispahić senior's husband and two sons were killed during the war.

(2) ALMIR BOROGOVAC – wounded.

Interview Thursday, 16 June 2005, 10 a.m.

Mr Borogovac was injured in Kapija Square on 25 May 1995. Shrapnel from the explosion damaged both of his legs and arms. He was hospitalized for one month before being sent to Ireland for rehabilitation. His father accompanied him there but they were unable to save his right leg. He was fitted with an artificial limb. They did not want to tell his mother until they returned to Bosnia.

At the time, Mr Borogovac was 19. He was visiting the town square with two friends when the shell exploded. Both friends were also injured. At that time he was serving in the Bosnian Army. He received compensation as a war veteran as a result. Today, Mr Borogovac was married with a 2 year-old son. His wife had also known people who had been killed and wounded. He was employed under a scheme where employers were subsidized to take people who were handicapped. His wife was also working.

Mr Borogovac's parents and younger sister were very distressed with what happened to him. His sister was now married with a young child, and this was giving all families some new hope and a beginning of a happier future. Mr Bororgovac initially received psychiatric assistance to overcome the trauma of what had happened to him and the others. All medication ceased two years ago. There were still, however, times when a particular noise or news item could 'trigger' bad memories.

The whole family was Bosniak.

He was a member of the Families' Association and its primary objective, he stated, was to bring a prosecution against those who perpetrated this crime before The Hague. He believed they should be held accountable, as he found it incomprehensible that this attack should have been made on civilians.

He believed that those parents who had their sons and daughters buried at the memorial cemetery made the right decision, and that the cemetery tells the world for all time what happened. He believed some people now regretted not having agreed to have their son or daughter buried there.

Mr Borogovac still felt a lot of hatred for the people who committed this crime. He hoped that in time this feeling might change. He believed that inter-ethnic relations in Tuzla were still good, even though the ethnic make-up of the population had changed dramatically. There were now people living in Tuzla though who were never brought up within the 'tradition' of the town, he said. He could not believe that conflict would come to Bosnia. He had volunteered at 18 (1994) to go into the Army to defend his country. He saw action on the battlefield. He believed that the conflict was designed by the Serbs to expel Muslims from Bosnia.

The lesson he had drawn from all of this was that he personally now avoided conflict because he said it only brings disaster. He found it hard to have people whom he had known and grown-up with turn against him because he was a Muslim. He stated that he had no trust in the current political system, and was not optimistic about the political future of the country.



Comment:

Mr Borogovac, like many others, had been traumatized by the incident in Kapija Square. There were times when these memories re-surfaced to haunt him. His bitterness had not yet been fully resolved, and he still felt hatred for the perpetrators. A successful prosecution against the perpetrators might help in this respect. His personal life, however, was happier in that he was now married with a young son. His sister was also now married with a young child. This brought a lot of joy to them and their parents, and they believed it helped to heal their scars. Also, because Mr Borogovac and his wife were both working, they were able to manage the normal necessities of everyday life.

**(3) ALMIR BRKIĆ – wounded.**

Interview Thursday, 16 June 2005, 11 a.m.

Mr Brkić was visiting Kapija Square on the evening of 25 May 1995 with three friends (Franc Kantor, Elvis Alagić, Damir Bojkić). He should have been on night-shift that evening at the Salt Factory, but his shift had been changed to 24 May. As a result he was free on the evening of May 25<sup>th</sup> to go out with his friends.

Earlier that evening shells had been fired into the town at 7 p.m. and 8 p.m. The sirens had been sounded. The blast from the explosion in Kapija Square at 8.58 p.m. knocked him to the ground. He remembers seeing corpses around him. He tried to get up but he had been hit by shrapnel in his right leg and left side. He had lost a lot of blood and as a result lost consciousness. He was taken to the hospital in a car with two others who had been injured, and had to wait for a couple of hours before he received any attention. The scene at the hospital he recalled as chaotic. Eventually he had surgery on his leg without any anaesthetic. The artery had been cut and he was transferred to the Military Hospital. He remained in hospital overnight before being discharged but returned to the hospital to have his dressings changed. Some small particles of shrapnel remained lodged in the muscle of his leg, and this can caused him discomfort from time to time. Sometimes this

was affected by changes in the weather. The three friends with whom he had gone to the town square were all killed.

The reaction to his injuries and what he had seen in the aftermath of the explosion and at the hospital came later, when for a long time he found it difficult to sleep, due both to the severe pain and the memories. He would not tell others who were asking him after his release from hospital whether he had seen any of their relatives and if he knew whether they were dead. He felt that it was not appropriate for him to make any statement; that the doctors should tell the family first. He stated that he had no on-going problems. Mr Brkić was 25 at the time. An older sister had already left Bosnia during the war to live in Germany. His mother died in 1990. He continued to live with his father until he died in 2003. He now lived on his own. The whole family were Bosniaks/Muslims.

Mr Brkić greatly admired the families who had their sons and daughters buried together at the memorial cemetery. He believed it was a place of respect, for it showed that this incident should never be forgotten or repeated. He also believed that the cemetery was a non-political statement.

Mr Brkić served in the former Yugoslav National Army (JNA) during 1991-92, at which time he found no discrimination against anyone on grounds of nationality or religion. He could see, however, that by the time the war started on 15 May 1992 it had become mono-national; that is, that the conflict was planned within the JNA with orders from Belgrade. Those within the JNA who formed the Bosnian Serb Army were provided with equipment and supplies from the JNA. These people and units became 'proxies' for Serbian aggression against Bosnia. Mr Brkić was adamant that what happened in Bosnia was not a civil war, as the propaganda would have people believe. This propaganda, he stated, was promoted by political and religious leaders in Serbia. The objective, he stated, was Serbian nationalism and an expansion of territory. Muslims were to be expelled.

He believed, the attack on Kapija Square was planned in advance by Bosnian Serb officers who had previously served in the JNA. A previous attack on the town square in 1993 had not caused any casualties. He believed that the act and the date were deliberately chosen to coincide with the former Yugoslavian National Youth Day.

Mr Brkić believed that the perpetrators should be brought to account at The Hague, together with their leaders (Milosević, Mladić and Karadžić). He believed that they should feel some of the pain that those injured at Kapija Square had suffered and the loss families of those killed had endured. He believed the reasons for this shelling of the town square and the consequences on its population he believes should be known and made public.

Mr Brkić believed that inter-ethnic relations in Tuzla had not changed for the most part. Some protest had occurred with the changed demographic make-up of the population. He believed however that people must live together. He felt no apology was needed for what happened. They just needed to go forward together again. In his view, the Families' Association was formed so that what happened would not be forgotten and to provide assistance to its members. As stated by its Board of Management, the primary objective of the Families' Association was to prosecute those responsible for what happened.

Finally, he believed the future would be very difficult, and that economic development would greatly assist recovery, as there was so much unemployment.

Comment:

Mr Brkić saw friends killed at Kapija Square and he was injured. Both of his parents had also died, so he had lost a lot of important people in his life. Nonetheless, he put forward a view that the future could only be better if people learned to live together again. He did seek revenge against those who caused the shelling in the town square, but he believed that the perpetrators should be held accountable before the Courts. He served in the Yugoslav National Army (JNA) prior to Bosnia-Herzegovina becoming an independent

state, and could eventually see propaganda being promoted among the Serbs to achieve political ambitions in Bosnia at the expense of the Muslim and other non-Serb population. He was now 35, and he wanted to move on with his life without bitterness.

(4) DR Yael Danielli – American psychologist.

Friday, 8.July 2005, 7 p.m.

Dr Danielli is a renowned international psychologist with specialist experience in trans-generational trauma. She was invited to Tuzla as guest speaker at the Roundtable to mark the 10<sup>th</sup> anniversary of the Srebrenica massacre of 11 July 1995. I attended this meeting at the Tuzla Hotel and the following is an extract from her address:

By way of introduction she illustrated the multi-generational nature of trauma, describing the former Yugoslavia under Communism, of which Bosnia-Herzegovina was a part, as a 'blanket' that once removed allowed previous hatreds to come back for, in her opinion, it opened wounds of the past that had never healed and created wounds for the future.

Dr Danielli illustrated traumatised victim behaviour with reference to her first work which she carried out with survivors of the Holocaust during 1939-45. She is an American Jew. The major finding of this early work, which she described as "a psychology of hope" was that the survivors did not speak about what had happened. They were, she found, waiting for someone to listen to them. Her conclusion was that victims are not listened to, and she came to classifying this phenomenon as a 'conspiracy of silence'; that is, the victims did not speak about what had happened to them and as a result there was no one listening to them. After liberation from the Holocaust and from extensive study of survivors over a subsequent period of time, she classified three categories of trauma that followed the experience of the Holocaust in concentration camps such as Auschwitz, Belsen and others. This is generally known now to be post-traumatic stress disorder (PTSD) although that was not known as such at first. Described as 'wounds' to be healed, these three categories of trauma are:

- (1) The genocide that happened itself (torture, rape, killings, expulsions).
- (2) Conspiracy of silence: People, who should have empathised with them and cared for them, avoided them. They did not listen to them and their stories.

In these first two categories the victim/survivor is not in control of the situation, but they are in control of the third category:

(3) The victim accepts and internalises the conspiracy of silence and this affects their behaviour accordingly. This is commonly characterised by isolation, loss of trust and inability to mourn. The victim/survivor has internalised the indifference of others to what they have suffered. This poisons their desire to live. Such people are then left isolated with their grief and only their own family. They are not allowed to express their rage publicly and they remain with their inner fears.

The results of this are:

- (i) Most trauma occurs immediately after the incident that has caused it (for example, the concentration camp in which they were placed) and they respond as a victim. In this stage these people are not easy to live with.
- (ii) They act as if it is still happening; they are numb and behave similarly to someone in a shocked state. Usually the most serious trauma to overcome is the loss of a child.
- (iii) A third manifestation of the trauma can be those who behave as though nothing had happened. They never talk about it. They feel that they have 'made it'. In fact, it is in this category that can be found the highest rates of remorse and suicide. Dr Danielli stated that in this particular category denial does not help when you make it your lifestyle. From her experience, silence is not only unhelpful but also it hurts. What can follow from this is that in old age the victim can be attacked by memories that they had denied, for at this stage in life they are

being confronted by their own mortality. Old age, then, in itself, can be traumatic.

Assistance:

Dr Danielli explained that healing means re-integrating the trauma into one's life so that it has meaning. To have this happen you need a supportive environment in which people can empathize with what happened to you, rather than remain silent. Through talking, drawing, writing, and play a person's mental health can get better. This permits integration and sharing. But, importantly, they have to have a listener. This is the key.

On matters of genocide, Dr Danielli stated that to understand genocide (in reference to Srebrenica) you have to understand the perpetrator, as genocide is an issue for the whole community. To kill someone, she explained, the perpetrator has to forget that the person has a family, parents and so on. Military pilots, for example, cannot see their victims. They just drop their bombs on a target. It is a 'target' not a human being. The reverse is what stops genocide: empathy for others. Described by Hannah Arendt (1963) as the 'banality of evil', people like Hitler, Milošević, Karadžić and Mladić can on one hand execute 'final solutions' or ethnic-cleansing programmes, and at the same time go home to normal family scenes looking after the children, playing with the dog, and so on.

Dr Danielli quoted a survivor from the holocaust who had said to her that what cannot be talked about, cannot be put to rest – and if not, the wound, unable to be healed, will fester from generation to generation. Dr Danielli then gave examples of treating grandchildren of Holocaust survivors.

Comment:

I had previously met Dr Danielli in New Zealand in 1989 and was therefore aware of her work. Her address was illustrative of the present social situation in Bosnia-Herzegovina, where post-conflict trauma in many cases is unresolved. It was opportune for me that Dr

Danielli was in Tuzla whilst I was undertaking my fieldwork as she confirmed what I was finding in some of my results; particularly examples of what she described as a conspiracy of silence. Referrals to me were blocked in some cases because it was felt that it was too painful for these families to speak to me. These decisions were being made by community leaders and the Families' Association without, I suspected, any direct communication with the victims in some cases and without any understanding of the consequences of trauma behaviour; that is, that serious trauma if left unattended can lead to trans-generational trauma, which Dr Danielli believes can result in unresolved anger and violence resurfacing in later generations, as much as forty years on.

(5) EDIN GULAMOVIĆ - wounded.

Interview Wednesday, 4 May 2005, 1 p.m.

Edin Gulamović was in Kapija Square with a friend on 25 May 1995. He experienced some kind of premonition that he was in a dangerous situation and started to move away from the town square. He described how he then saw the shell coming into the square and exploding. He believes he momentarily lost consciousness as he fell to the ground from the explosion but he recalled seeing everything in an orange and yellow light. He said that there were bodies all around him and that everything initially was silent. Then people started screaming and crying out for parents, God, friends. He said that there was blood everywhere. He could see his friend standing up screaming obscenities. He felt numb in his legs. Shrapnel from the blast had entered his left thigh, going through to his lower back. Other pieces of shrapnel had peppered his chest area and left arm. He was losing a lot of blood. He was taken to Tuzla hospital where he had to wait some time before he received surgical attention. He said that in this interim period he experienced an 'out of body' sensation in which he was looking down from above his own body. The larger piece of shrapnel that had entered through the thigh was lodged just below his spine. Surgeons removed this shrapnel to save his life. Some very small pieces of shrapnel were left in his body; one piece was too close to his heart to be removed. He

remained in hospital for one month and had been left with damage to the nerves in his left arm. He took painkillers for a long time, but was free of medication and treatment now.

Mr Gulamović was 17 when he was injured. He was now married with a 2 year old son and studying criminology at Sarajevo University. He planned to graduate in 2006.

This incident was an horrific experience for him. He knew around thirty-five people who were killed and still suffered from flashbacks and nightmares of the scene that night. The shock of this event left him going through a difficult time; first with a period of hospitalisation then finding solace in alcohol in an attempt to remove the memory of that night, mixed with anger, fear and frustration. Often in his nightmares he believed he had lost both legs. He overcame this period with support from his family and his religious faith (Islam). At the time he was a voluntary ambulance officer and therefore realised now that he was suffering PTSD.

In terms of his own identity he called himself a Muslim, but within his family there had been a number of 'mixed marriages'.

He believed that the decision by the families of those killed to have them buried together was the right decision. He said that most of those killed were all friends; that this was a part of the tradition in Tuzla, to remain united. He believed that it was the politicians and religious leaders that were separating people. He could not find words to describe the people who shelled the town square. He wanted to kill them at the time as he considered them animals, and believed that they should be humiliated as their punishment. Now, he said all of them should be brought before the Courts to be held accountable. He thought that the Families' Association would be helpful in gathering evidence, and that in time justice would prevail. He did not hate anyone and was not seeking revenge. He believed that the only obstructions to finding a resolution to this case would come from politicians.



The conflict, he stated, was about ambitions in Serbia for a 'Greater Serbia' and to do this it was necessary to suppress the non-Serb population in Bosnia. They wanted the land only for Serbs therefore Muslims, in particular, but also Croats, would have to be expelled. The JNA (former national army of Yugoslavia), he said, was receiving instructions from Belgrade and not defending all populations in Bosnia. It was not a civil war, he stated. Muslims and other non-Serbs were trying to defend themselves from this aggression and only wanted to protect their own country.

He thought that inter-ethnic relationships in Tuzla now were satisfactory. Serbs whom he knew were it seems uneasy and apprehensive around him. He thought that it could be that they knew what he went through and who had done this to him. And maybe that they felt some guilt for what happened, or that they thought that he thought badly of them.

The future, he said, could not be seen as being too hopeful at present, with earnings for most, if in employment, around only 400 KM per month.

Comment:

Mr Gulamović was articulate and spoke openly about what had happened to him. He was young and wanted a more hopeful future for the country. He was very supportive of the Families' Association and I hope that he plays a more significant leadership role in time in this organization. His university study should be helpful in this connection. Although he had gone through a difficult time he appeared now to have a strong, positive attitude in making something of his life. The 'out of body' experience was a profound life-changing experience for him.

(6) \* HAMDIJA HAKIĆ - killed.

I was not able to locate or interview anyone from this family, the reason being clear when reading the following accounts that I was able to obtain from various sources. Mr Hakić was born in Srebrenica in 1947. He had been married with three sons and four daughters. He retired in 1988 due to a heart attack. In 1993 he was taken seriously ill and transported to Tuzla Hospital for treatment. At this time the country was at war and after treatment he was sent to a camp for displaced persons in Mihatovići. I could not obtain any information to show why he was not able to return to his family in Srebrenica. He remained in Tuzla selling cigarettes on the streets and was in Kapija Square on the evening it was shelled. He was killed in the explosion.

As this family was shown to be from Srebrenica, I checked the published list of those killed there on 11 July 1995 to make a connection with Mr Hakić. The following three names are shown with the name of Hamdija as the last first name of their first names, which is the usual Muslim practice to indicate a family connection through the father's name:

Fahrudin Hamdija Hakić	d.o.b. 1.2.69
Nurudin Hamdija Hakić	d.o.b. 1.1.73
Almir Hamdija Hakić	d.o.b. 8.8.79

The ages of these three men are within a range that could indicate Hamidja Hakić was their father. If these three men were in fact the sons of Hamidja Hakić then all three were killed seventeen days after their father's death. There were no accounts of where Mrs Hakić or any of their daughters might be. All women and children were expelled from Srebrenica by Bosnian Serb forces and could have arrived in Tuzla at some stage. 30,000 displaced persons, mainly Muslim, were placed in camps in Tuzla. If these three men were the sons of Hamdija Hakić and massacred at Srebrenica this would indicate that the family was Muslim. However, when the names of those killed at Kapija Square were analysed for me by local community leaders the name of Hakić was indicated as being

Catholic/Croat. It could be the case of a 'mixed-marriage' with Mr and Mrs Hakić being from different ethnic backgrounds, or even that either one of them was from a 'mixed-marriage'.

The name of the father of Mr Hakić is shown as Ramiz and as is the custom this name shows as the last name given to Hamdija Hakić; that is, Hamdija Ramiz Hakić. On checking again the published list of those killed in Srebrenica on 11 July 1995, there are five other names showing the last name of Ramiz. This suggests that the following, therefore, are the brothers of Hamdija Hakić:

Hajro Ramiz Hakić	d.o.b. 01.03.45
Vejsil Ramiz Hakić	d.o.b. 11.12.55
Sead Ramiz Hakić	d.o.b. 20.05.61
Medo Ramiz Hakić	d.o.b. 17.06.62
Senad Ramiz Hakić	d.o.b. 28.01.65

Hamdija Hakić was born in 1947 making him the second eldest son of Ramiz Hakić. The ages of these brothers at death range between 30 and 50. Further checking of the list shows Nurdin Hajro Hakić (d.o.b. 22.2.65) was killed and Elvir Vejsil Hakić (d.o.b. 8.11.75). These would be the sons of two of those named above. There are only ten names of Hakić on the list of those killed in Srebrenica on 11 July 1995, all of which I believe are related; that is, fathers/sons/brothers/cousins. I could not find any accounts or means of locating any of the women related to these families. As there was no record of the father of the older generation of six brothers having been killed on 11 July 1995 it may be assumed that he was by that time deceased (he would have been a man in his 70's).

Comment:

Hamdija Hakić was killed on 25 May 1995 in Kapija Square. It appears that the rest of the male members of this family were killed in Srebrenica on 11 July 1995. This

account illustrates the extent to which a policy of ethnic-cleansing can impact on one single family. From the records I obtained and the interviews I conducted this case was the most extreme result, in that all male descendents (11) of the family patriarch were killed.

(7) ASIM HOROZIĆ – composer.

Interview Friday, 22 July 2005, 2 p.m.

Asim Horozić was a composer and for the 10<sup>th</sup> anniversary of the shelling of Kapija Square the Peace Flame House in Tuzla (non-government organization funded by a Dutch philanthropist) produced a documentary to mark this event for which he composed the title work 'Kapija'. It was first performed in Sarajevo in 1997. Born in Tuzla Mr Horozić taught at the Music Departments of Tuzla and Mostar Universities, and was associated with the Sarajevo Philharmonia orchestra.

Mr Horozić was a Bosniak and married with two children. They lived in the town centre and following the explosion in the town square on 25<sup>th</sup> May 1995 he went there to see whether he could help in any way. He described the chaos, the dead and the injured people, the screaming. None of his own family were killed or injured but he knew many of the people who were.

He stated that he composed the piece two days after the incident. As those killed and injured were mainly young people he intended to compose something joyful, not sad. However, he found that what he was creating was coming from anger. 1995 saw the war ending in Bosnia after more than three years of suffering. Only seven weeks after the shelling of Kapija Square 7,800 Muslim men and boys were massacred at Srebrenica. The war ended in November 1995.

The piece was written as a clarinet concerto. The whole composition lasts only ten minutes. He chose the clarinet because of the excellence of the clarinettist of the

Sarajevo Philharmonia orchestra with whom he was associated. He also chose the clarinet as the solo instrument out of personal respect and admiration for this clarinettist, as he remained in Sarajevo throughout the whole siege of the city during the war. The music was created from his own emotions. He drew on both European and Turkish musical traditions. He liked the music of Mozart and Rossini in particular. These rhythms come through in the music. The music is his memory of Kapija Square on the night of 25 May 1995 and the whole war that brought so much suffering and destruction. It is very personal. The piece was dedicated to the seventy-one killed, one hundred and seventy-two seriously injured, and others there that night. It was further developed for an opera Mr Horozić composed called 'Hasanaginica', the story of an 18<sup>th</sup> century noblewoman who dies heartbroken after learning of the death of her lover.

Comment:

I interviewed Mr Horozić at the Tuzla Tennis Club and in the middle of our interview he decided to play the piano in the clubroom to illustrate some of the points he was making. That was a delightful moment. The piece, I believe, gave him some personal gratification in memorialising what happened in Bosnia during 1992-95. In this special way he was making his own statement and contribution to his fellow countrymen and women. He presented as a very affable and modest man. I think that the dead and injured he saw in Kapija Square had a profound impact on him. He presented me with a CD copy of the music he had composed, which is provided with this study (see p.iv).

(8) DR NEŠAD HOTIĆ - paediatric surgeon.

Interview Sunday, 24 April 2005, 10 a.m.

I interviewed Dr Nešad Hotić, paediatric surgeon, at Tuzla Hospital. Dr Hotić undertook his medical training in both Bosnia and the United States (University of Cincinnati). During 1992-95 he worked both at Tuzla Hospital (3 days per month) and a field hospital in Gradačac (27 days per month). He spoke fluent English. On 25 May 1995 he was off-duty that evening at home in Tuzla, situated in the town centre. Just before 9 p.m. he

heard an explosion but did not realise at that exact moment what had happened. Within fifteen minutes he received an urgent call from the senior doctor at Tuzla Hospital to report immediately to the hospital as many people had been killed and injured in Kapija Square.

Dr Hotić described the scene at the hospital as chaotic. People and bodies were being brought to the hospital in whatever transport was available. In addition to those injured and/or dying many relatives were thronging into the hospital to find out who had been injured. The hospital's normal capacity is 150 beds, 7 general operating theatres and 16 other specialist theatres. It is now known that 71 people were killed, 172 seriously injured and an estimated 200 people with minor injuries. All hospital staff were brought in as quickly as possible. Many of those injured suffered multiple fractures and needed advanced surgery and post-operation treatment. This required operations in different theatres for some of those injured because they required different specialist attention. Teams of four or five surgical staff operated non-stop for the first 24 hours, assisting wherever required. The infra-structure for medical services and supplies was already minimal due to the war. Salaries were not paid during most of this period. Power cuts and water rationing (if any) were in place. Some supplies were coming through from the Red Cross to supplement severe shortages. Some patients, after emergency treatment, were transferred on to Germany, Sweden and other European hospitals for more advanced surgery and/or post-operative care. Tuzla hospital was unable to deal with the volume of work and care needed to attend to such large numbers of casualties in an emergency situation. Dr Hotić worked at the hospital for three days and then had to return to his duties at the field hospital in Gradačac.

The stress on medical staff, he stated, was overwhelming. This incident occurred towards the end of the conflict in Bosnia-Herzegovina by which time staff were already war-fatigued and exhausted. He commented that the senior surgeon died three years later from the stress of the workload during the war and the incident in Kapija Square.

Dr Hotić had two friends killed at Kapija Square that night. During the war he lost 20kgs in weight due to stress, workload and lack of food. Notwithstanding these very difficult conditions he recalled that period as showing the best qualities in people: they shared what they had; they went about their lives and work calmly; they were 'happy'. Some assistance was available during this period to the elderly mainly from international donors and the Red Cross. He stated that during that period associations between people were better and happier than they were now.

As to what the conflict was all about, he stated it was aggression (from Serbia); that it was not a civil war; that the West failed to help Bosnia; and that he was angry about all of this at the time. However, now ten years on, he was offering friendship to Serbs. This reflects, it seems, the long-held tradition of tolerance in multi-ethnic relations that Tuzla prides itself on. He believed most people in Tuzla had similar views on this.

The future he saw being carried forward by young people (like himself) to be part of a better society. He realised that problems still existed with those who continued to hold extreme nationalist views. These people generally speaking, he believed, were the older generations. He had to deal with some of the remaining 'fixed' views people of older generations had in his profession and workplace, for example. He was a specialist paediatric surgeon and there were some older surgeons at the hospital who felt his work should be supervised and that his procedures should follow their advice and opinions. This was a surgeon with specialist training obtained in America with the latest knowledge and equipment being used. I found a similar hierarchical structure and often out-dated knowledge at the Faculty of Criminology in Sarajevo during the time I worked there in 1998-99.

In addressing his ethnic background, he stated that his father was Muslim and his mother Orthodox, born in Serbia. His wife's father was Muslim and her mother Catholic, born in Croatia. Their son was aged 9. The family joke was that since both he and his wife were each fifty per cent Muslim then their son must be a whole Muslim. His wife was also a doctor. Dr Hotić considered himself a Muslim for matters of religious faith, but

that as a nationality he called himself a Bosnian. His first name and family name were both Muslim and would be recognized as such by other Bosnian groups.

Comment:

Dr Hotić was a dedicated surgeon working with children, holding liberal and rational views. By the very nature of his profession he cared for his fellow beings. He believed in a tolerant multi-ethnic society that has pluralistic values and diversity. He believed the Dayton peace agreement served Bosnia badly. For all that has happened he had a warm personality and sense of humour. He gave generously of his time for this interview, which was at times interrupted due to him being 'on call', and he had surgery to perform later in the afternoon. Having undertaken some of his advanced medical training in the United States he had seen a better standard of work and life. He held modern views for the future training of young doctors and the work environment that should be in place to support a more collegiate relationship. The present system may continue to frustrate him unless it changes. Bosnia needs people like Dr Hotić.

(9) TEUFİKA İBRAHİMEFENDİC – trauma therapist.

Interview Monday, 10 May 2004, 1 p.m.

Teufika İbrahimefendić is the Director of Vive Žene (Therapy Centre for Women). She was a psycho-therapist and first of all outlined the work of the centre:

It was opened in 1994 as a German funded organization for refugees and displaced persons. It was now an NGO funded by Switzerland and the European Union providing psycho-therapy for women who were victims of the war in Bosnia-Herzegovina. Various professionals worked at the centre and there was a multi-disciplinary approach to the work done there. This included dealing with domestic violence which itself is often a consequence of war. In July 1995 following the expulsion of 30,000 women and



children from Srebrenica the centre was flooded with work. This group was put on buses by Bosnian Serb soldiers and sent to Tuzla.

She described her work by giving the example of one woman working at the centre, aged around forty. She was expelled from Srebrenica in 1995 with a child aged five and a baby. She lost consciousness on the bus. Her husband, father, two brothers and some of her husband's family were presumed among those massacred. The eldest child suffered psychosomatic illness from being roughly handled by the Serb soldiers. This woman was a long-term patient. She had a house she could return to in Srebrenica, but on returning there she found that all her neighbours had been expelled. She felt lonely and unsupported and returned to the Centre for company. Others now had papers saying that they could go back to their houses, but in reality the houses were destroyed, the roads mined and inaccessible. These cases illustrate degrees of secondary victimization. Serbs also came into Tuzla after being expelled from their homes by Croats. For everyone to return to their own homes is a circular problem: for A to move back to B, B must be able to move back into C and apparently this is very difficult to implement.

The recently completed memorial in Srebrenica (2003) to those who had been killed or expelled there is considered by these Muslim women now in Tuzla as a victory; for them collectively it told everyone that they belonged there.

Ms Ibrahimfendić made reference to the shelling of Kapija Square, saying that no work was being done with these families. She wanted to develop some work with them and also with those wounded on 25 May 1995. She considered Kapija Square 'one memory that overshadows the whole town and needs recovery'.

She briefly mentioned a second patient she had worked with: a mother whose son was killed at Kapija Square. The son had been working hard that day and his mother encouraged him to go out and enjoy himself. The mother now felt guilty for his death.

Second interview Friday, 1 July 2005, 10 a.m.

This interview was a follow-up to an informal meeting with Teufika Ibrahimfendić in 2004. The purpose of this meeting was to obtain professional comment on responses I had received in interviews recently conducted with families of those killed in Kapija Square and statements received for declining an interview. The reasons given for some declining to be interviewed represent a more serious problem. Statements such as 'too fragile', they cannot talk yet about the 'burden', they are said by others to be 'disturbed', or 'it is too painful to talk about it', are the cases I wanted to discuss with Ms Ibrahimfendić. She said that from theory and her own personal experience in her work this behaviour can be expected in some cases and the period of time over which this can be prolonged can vary. As of now, it was ten years since the people were killed at Kapija Square. It was explained that in these cases the person and usually the family as a group want to live in the past, not the present. They do not want to replace the past. They are fixed in time. Living for them in the present is untenable. Therefore, when asked to be interviewed or meet with a trauma therapist they believe no-one can share their grief. No words, they believe, can replace their son or daughter. So why speak to you. They have already isolated themselves. Often, in extreme cases, it was explained to me the whole family dynamic is affected; the whole family does not or cannot speak to each other on the subject. It becomes an 'unspoken' subject.

According to Ms Ibrahimfendić, the longer this lasts the more difficult it would be to deal with. Some try to numb the pain by addicting themselves to alcohol or other substances. It usually results in other children being neglected in terms of normal life instruction from their parents. Even though never discussed or mentioned, the dead person is the central focus of the family. Over a long period of time this behaviour can be transmitted to following generations (trans-generational trauma).

High and frequent use of medication, whether prescribed or bought from the local pharmacy, does not help the problem. It just briefly suppresses the emotions. It does not bring about recovery. What they need to do, according to Ms Ibrahimfendić, is talk about the dead person. Asked whether suicide is contemplated, Ms Ibrahimfendić said

that it is contemplated but usually only in a few cases is it undertaken. Usually the mother is the pivotal figure in any family. That may stop most from committing suicide if there are others to consider. But it can happen that a surviving child, feeling so neglected, and maybe not having their grief recognized or allowed to be expressed, will commit suicide. In such cases, if known, and they seek help, the whole family as a group would be counselled.

‘Mixed-marriages’, according to Ms Ibrahimfendić, are known and will not generally in Bosnian culture be talked about publicly. She was Bosniak. In private, she said, they are disapproved of. I do not know whether this could be generalised across all society in Bosnia-Herzegovina.

A Truth Commission, if set up in Bosnia-Herzegovina, could be helpful, she believed, as it would allow people to tell their own story which for them is their ‘truth’ about what happened. She felt it should be undertaken incrementally: from the individual to the family group, to the local community, and finally to the nation. The purpose of the Commission had to be transparent. The second phase which may allow reconciliation to occur would emerge naturally this way, if it is to emerge at all. The essential point to be made, however, is that people are given the opportunity to be heard and their story told.

(10) ESMA IBRISIMOVIĆ – Office for Displaced Persons and Refugees.

Meeting Friday, 1 July 2005, 8.30 a.m.

Ms Ibrišimović was the Director of the Office for Displaced Persons and Refugees in Tuzla and the following data was compiled by her office from 1992 to the present and only recently released. The team who worked on this data collection is composed of representatives of all ethnic groups.

Statistics:

The last Census was taken in 1991. At that time the total population of Tuzla Municipality was quoted as being 135,000 (Note: In a previous publication by the Municipality in 2000 it was given as 131,861). The population breakdown by ethnic group is shown as follows:

Bosniak	48%	64,800
Croat	16%	21,600
Serb	15%	20,200
Yugoslavians	16%	21,600 <sup>18</sup>
Others	5%	6,800

During the war (1992-95) 20,000 people left Tuzla and according to ODPR they were mostly Serbs, followed by Croats, and then Bosniaks. During this same period it was shown that 300,000 people moved through Tuzla for safety or because they had been expelled from their own homes (e.g. Srebrenica, Brcko, Bijeljina, Doboj, Derventa, Ugljevik). Some stayed for varying periods of time and others moved on to other destinations. ODPR assessments are that 98% of this population group (displaced persons) were Muslims and 2% were Others.

Statistics shown for 1993 give a total population of Tuzla in that year to be 110,000 plus an influx of 78,000 displaced persons. This gives a total population of 188,000. By 1995 the number of displaced persons in Tuzla was reduced to 40,500 of which 12,500 were accommodated in thirty camps that had been established to help this situation. At that time there was no food getting into the town and the town continued to be shelled. As at 2005, ODPR statistics show that 7,500 displaced persons remained in the camps. There was one large camp holding 850 people. The statistics do not clearly indicate what percentage of the 40,500 people registered as displaced persons in 1995 were now in fact registered as Tuzla citizens. It must be a significant number, as is indicated in the

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<sup>18</sup> In 1991 Bosnia-Herzegovina was part of Yugoslavia with some people identifying themselves simply as Yugoslavians, which was also used to avoid nationality and religion implied by the other groupings in the Census. Others, would include gypsies.

estimates given for the total population in 2005. By my own calculation this could be as many as 33,000 people remained in Tuzla as for various reasons they could not return to their own towns. This group may now be registered as Tuzla citizens.

The Office for Displaced Persons and Refugees estimated the current total population, including displaced persons, to be 165,000. This included 10,000 people returning to Tuzla, who had left during the war and was broken down in ethnic groups as being 80% Serbs and Croats, and 20% Bosniaks. To accommodate this increase in population since 1995 four hundred and fifty houses damaged during the war had been repaired and five hundred new houses built. The population in 1993 was shown to be 110,000 and as at 2005 only 7,500 people shown as displaced persons. During this 12 year period 10,000 former citizens had returned. Excluding displaced persons still in camps this suggests that the population, that is, those registered now as Tuzla citizens, had increased by approximately 12,000 people. From these figures housing would still be a priority need in the town. A further 10,000 former citizens of Tuzla could yet return to Tuzla which suggests that housing has to be a priority. Of this remaining group, yet to return, the ethnic breakdown is given as 50% Croat, 40% Serb and 10% Bosniak.

Population as at 2005:

Based on these estimates, provided from statistics prepared by the Office for Displaced Persons and Refugees, the population of Tuzla by ethnic group was as follows:

Bosniak (including Displaced Persons)	64%	106,000
Croat	10%	16,000
Serb	9%	15,000

In the absence of a census, the number of people classified as 'Yugoslavian'<sup>19</sup> and 'Other' cannot be known. Therefore, for the purpose of this analysis they are taken as remaining unchanged from the 1991 Census thus showing:

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<sup>19</sup> Yugoslavia no longer exists.

Yugoslavian	13%	22,000
Other	4%	6,000

Total population: 165,000.

Note: The high influx of displaced persons into Tuzla during the period 1992-95 shows them to be mainly Bosniaks. Some of this group have remained in Tuzla and I assume have been assimilated and registered as Tuzla residents. Taking these possible re-alignments of population into consideration the demographic configuration of Tuzla (as at 2005) is now different from pre-war 1991.

\* Yugoslavia no longer exists.

The Municipality's strategy, supported by Government assistance, was to have all displaced persons returned to their own homes by 2006. Displaced Persons, that is those displaced within their own country, were defined as having no land, no work, not having registered for employment, and no entitlement to health services. If registered for employment they were entitled to health services. They could lose their Displaced Person status if they were not willing to return to their own homes, if (i) they were eligible to do so, (ii) the house was habitable, and (iii) they had a Certificate of Return. The problem arising from this strategy was that many people were from areas (e.g. Srebrenica) where they were afraid to return for fear of further abuse. No employment opportunity was a further disincentive to return. Additionally, children who came to Tuzla more than ten years ago were now young adults and knew no other safe place.

The change in the demographic configuration of the population brought about by a mainly large influx of Bosniaks had brought some tensions according to ODPR, but there had been no incidents. Also, pension entitlements needed to be reviewed at Government level to apply a standard pension to all citizens. At present, there was a differentiation between the Bosnian Federation and the Republika Srpska.

Economic development and employment is much needed in the town and therefore a key objective.

The ODPR believed that inter-ethnic relations in Tuzla remained intact; that the 'tradition' of multi-cultural harmony still existed in Tuzla.

Comment:

It was difficult to make an accurate assessment of the current ethnic make-up of Tuzla without the findings of a Census. That may not be completed for some time. But based on statistics provided by ODPR there was a shift toward a higher population of Bosniaks now in Tuzla. Taking into account natural growth from 1991 of about 8% this suggests that the Bosniak population comprised at least 64% of the population. There was the complicating factor of people in the previous Census (1991) classifying themselves as Yugoslavians when at that time Bosnia-Herzegovina was part of Yugoslavia and constituted 13% of the population. What kind of ethnic breakdown this would give if recorded now cannot be known. At present, based on statistics provided by ODPR, the Serb and Croat populations are reduced by approximately 6% in each case from 1991. This can trend upwards if a high number of the 10,000 people yet to return to Tuzla are Serb and Croat, as indicated. This would bring these groups back to actual numbers showing very little difference from 1991. However, the influx of mainly Bosniak displaced persons since 1992 now reduced their percentage of the overall population. The movement of Serb and Croat populations still indicated a significant number of these groups either remaining or returning to Tuzla. For all groups employment opportunity, I believe, will decide the ultimate movement of most people.

(11) ADMIR IKINIĆ – Families' Association.  
First meeting on Saturday, 2 April 2005, 1 p.m.

At my meeting with Selim Bešlić on 14 March he informed me that since my visit to Tuzla the previous year a Families' Association<sup>20</sup> had been recently formed and he recommended that I work through its President, Admir Ikinić, to make appointments for interviews. He arranged this introductory meeting for me at the Association's premises in Srai Grad I. The Management Committee of the Association was composed of six family members of those killed and six survivors from those who had been injured.

Admir Ikinić outlined the objectives of the Families' Association which were (i) to advocate for the prosecution of those responsible for the shelling of the town square on 25 May 1995; (ii) to provide a support and counselling environment for the victims; and (iii) the promotion of a museum in the town to memorialise this incident, which was to be a repository of records, photographs and other artefacts. The Association had been formed in the absence of any significant progress towards a prosecution. Mr Ikinić agreed to assist me in my research and offered to provide the premises for the interviews and facilitate the appointment times for them. He stated that a number of the people, between eight and ten, within the families of those killed had subsequently committed suicide or were receiving psychiatric treatment in relation to this incident.

Mr Ikinić was, himself, in Kapija Square with friends on 25 May 1995. He was aged 18 at the time, and he saw five of his friends killed in front of him. He was injured from the shrapnel caused by the explosion. He had permanent scars to his left arm and nerve damage to his left hand.

Interview Monday, 16 May 2005, 3.30 p.m.

Mr Ikinić reconfirmed the details given at our meeting of 2 April on his personal injuries received during the shelling of Kapija Square. He gave additional details of the surgery and treatment he received at Tuzla Hospital before being transferred to Zagreb on 21 July

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<sup>20</sup> Name of Association: PREDsjedNIK UDRVŽENJA RANJENIKA I PORODICA NASTRAĐALE OMLADINE 25 MAJ '95 KAPIJA (approximate translation – Association of families of those killed and wounded on 25 May 1995 in Kapija Square).



for rehabilitation. He remained in Zagreb for two months. His parents and older brother heard of his injuries from a news bulletin later in the evening of 25 May.

Mr Ikinić had been traumatised by what had happened to him, his friends and others, and was diagnosed with post-traumatic stress disorder. His treatment lasted two years. He said that everything was better now; he let tears go but recalled that on the night of the shelling and at the hospital during so much chaos he could not look at dead bodies. He gave the names of the friends who were with him that evening, who were killed: Alem Hidanović, 19, Muslim; Adnan Hujdurović, 18, Muslim; Ago Hadzic, 20, Muslim; Nenad Marković, 19, from Serb/Croat 'mixed-marriage'; and Azur Jogunčić, 24, Muslim. Mr Ikinić stated that all of these friends were buried in the memorial cemetery but following a later interview I held with Mrs Marković it is the case that her son was buried in the local Orthodox cemetery. In addition, Mr Ikinić stated that he knew most of those killed in the Square.

He spoke about the Families' Association, which was approved by the Ministry of Justice on 17 November 2004 and established after the required fifty signatures that were needed had been obtained and presented to the Ministry. Mr Ikinić stated that he had collected a total of one hundred and thirty signatures, which included forty families of those killed and the remainder being people who had been injured. It took three months for him to collect the signatures. The association was supported by an annual subscription of 13 KM. Only fifteen members had paid to date as people did not have any money. In addition, the association received 3,000 KM from the Municipality and a private donation of 1,000 KM.

Mr Ikinić felt that he was too young until now to promote his idea of an association. This was precipitated at the end of last year by the fact that 25 May 2005 would be the 10<sup>th</sup> anniversary of the shelling of the town square and that no progress had been made with any prosecution of those responsible. He based his idea and model for the association on that formed by the Women of Srebrenica. In discussing the progress of the association to date he stated that it was early days and he was still building it up. He had to rely on

voluntary assistance mainly from its members. He was presently engaged in finalizing a ceremony on 19 May to be held at the Tuzla Hotel, to mark the 10<sup>th</sup> anniversary. I had been invited to attend. In terms of the objectives of the association, he stated that he was developing partnerships with the Municipality and other State agencies to find support and counselling for the victims where this was required. No firm plans had yet been developed to promote the Kapija museum, which will be a memorial to those killed and wounded; that such an incident should never happen again.

The most important objective, on which the families wanted some action as they were losing hope, was that of an investigation and prosecution to be taken against those who committed this crime. To date, this had not been taken forward. I suggested that he approach a non-government organization such as the Helsinki Committee on Human Rights based in Sarajevo, to form a partnership that would provide legal expertise and advocacy that the association would need.

Mr Ikinić stated that in his view the date of 25<sup>th</sup> May was not significant as having been deliberately chosen for being the former Yugoslavian Day of Youth. He said it was now the Day of Regrets. He stated that the memorial cemetery was now officially called *Aleja mladosti* which in translation may mean something like 'memorial to youth' who were considered civilian victims of war. He stated that this incident had not changed attitudes in Tuzla (a reference to the long-held tradition in Tuzla of multi-ethnic harmony), but that the perpetrators, whom he referred to as 'četniks', were evil and should go before the Court at The Hague (ICTY). He was disappointed and angry that nothing had been done to date to bring these people to Court.

In conclusion, I outlined some of the problems I was having in so few people being referred for interviews. I gave him a list of the people that I should interview if possible. I pointed out to him that for my research to be valid I would need to undertake significantly more interviews and that I would be wanting to verify some statements, if required. I suggested that a covering letter from Mr Bešlić might encourage people to

come forward more readily. He seemed to agree with this proposal and promised to facilitate more interviews.

Comment:

The formation of this Association was much needed as I believe the families were losing hope and trust in their local authorities. Nothing had been done in ten years. Therefore, Mr Ikinić is to be congratulated, and should be supported in this initiative. As a generalization this is a society that has no tradition of taking political action on human rights. My concern is that although Mr Ikinić may have the energy and idealism to promote this initiative I fear that he may not have the skills to develop what is needed to be successful. He appeared reluctant to find partnerships that could help him. I noticed that his approach was often autocratic. Some of his statements about families in the Association that he claimed to know, could not be verified. I became concerned in time that he may be using these families to serve his own political ambitions within the Municipality, which is something I saw in local associations I met with, during the work I undertook during 1998-99 in Sarajevo.

(12) AHMED and MUHAMED ISIĆ – wounded.

Interview Thursday, 30 June 2005, 4 p.m.

Ahmed and Muhamed Isić were twins. Both were injured in Kapija Square on 25 May 1995. At that time they were 20. Ahmed lived in Tuzla. Muhamed had been living in America since 2000. They had an older sister by three years. Their parents lived in Tuzla and the family were Bosniak. Ahmed was serving in the BiH Army (Artillery) at the time of this incident.

On the evening of the shelling the two brothers were together in the town square with four friends. Their sister was also somewhere in the town square with a friend and her friend's boyfriend, Dijana Ninić. Her own boyfriend, Nedim Rekić, was in another part

of the town square when the shell exploded. The explosion killed Dijana Ninić and Nedim Rekić. Ahmed and Muhamed's sister and her friend received minor injuries. Ahmed Isić received a shrapnel wound across his left shoulder. Muhamed Isić received shrapnel wounds through his right elbow. Of the four friends they were with that evening one was killed (Samir Musić), one had both legs amputated, one received injuries to his knee and one received minor injuries.

Muhamed Isić received immediate medical attention at the local hospital but was later transferred to a hospital in Dublin, Ireland, for specialist surgery and a period of six months rehabilitation. He was one of ten people sent to that hospital. His mother accompanied him there. Muhamed now had 60% disability in his right elbow and could not straighten out his arm. The person most distressed by what happened was their sister having had two brothers injured, her boyfriend killed, two other friends killed and three others injured.

The Isić brothers did not feel any need for revenge against those who committed this act but they were angry and did not really know where to direct their anger. The Commander of the Bosnian Serb Artillery Unit that fired the shell into the town square was known by name and at that time was known to be living in Doboj (Republika Srpska). They were angrier, however, with those in their own community who they believed were informing the Serbs on the movements of people in the town that evening. What made them angry was that as a result they do not know who those people were or whether they are still in Tuzla; they could be a neighbour or someone they know but they would never know.

Action against the perpetrators, they believed, should be through The Hague so that people could have closure. They did not have much respect or trust in the local Courts and politicians. They said people suspected them of corruption but no one would point the finger. They did not have any good feeling about the Municipality.

Muhamed was paid compensation of 30 KM per month for his disability. He felt that was an insult and refused to accept it.

They expressed some concern over the design of the memorial cemetery and the direction the graves are facing. They believed that by facing over Kapija Square the graves are facing south, in which case this would be contrary to Muslim burial practice where the body must face the East (Mecca). They believed the design was symbolic rather than following strict religious practice. They did not know whether in fact the bodies (Muslim) are placed in the grave facing East or that just the gravestones are facing south. My own examination of the concerns they raised would suggest that they may be incorrect in thinking the directions as they state them are accurate. I felt satisfied from discussions with the town architect responsible for the design of the cemetery which, she claimed, was undertaken in full consultation with the families of those concerned, that the direction that the graves were placed is correctly facing Mecca.

Both Ahmed and Muhamed believed inter-ethnic relations in Tuzla today were generally the same. They did not want to carry harsh feelings against anyone but said there was a certain level of paranoia in trusting people again.

Comment:

Both brothers said that the memory of what happened in Kapija Square would remain with them forever; the chaos and carnage they saw. Both expressed little respect or satisfaction with local politicians and the Courts. Ahmed saw very little future for young people, with no employment and little opportunity. Muhamed wanted to return to Europe so that he could be nearer the family. He recognized that it was unlikely that he could secure employment in Bosnia, but it might be possible within Europe. From this one interview were connections to three other families with someone killed and three others, including their sister, injured. This illustrates, yet again, the close-knit association of young people in Tuzla.

(13) \*\* JELENA JEZIDŽIĆ-STOJIČIĆ - killed.

The only detail I was able to find was that she was born in 1951 in Golubrinici which made her one of the older people buried in the memorial cemetery, one of three sisters. Her father left home and the three children were raised by their mother. She attended Teacher Training College in Tuzla and commenced teaching in 1973. She married her husband, Zdranko, and had a son, Zelko, born in 1978. The son had heart problems and at 18 months he was operated on in Houston in America. His parents went to America with him. At the beginning of the war (1992) Zelko, then aged 14, needed to return to America for a check-up. His father went with him. Jelena was left alone in Tuzla. She was killed by the explosion in Kapija Square. I cannot verify whether her husband and son remained in America.

(14) \* SULEJMAN MEHANOVIĆ - killed.

The only information I could find was that he was born in 1967 in Nahvioci, near Lopare, which is just north of Tuzla. He was thirty-two, therefore, when he was killed in Kapija Square. He had completed his military service in the JNA (1985-87) as Bosnia was then part of the former Yugoslavia. After military service he found work in Rijeka in Croatia. War with Serbia broke out in Croatia in 1992 and soon afterwards Bosnia was engaged also in conflict. He returned to Bosnia and voluntarily joined the BiH Army. He was wounded in the head from shrapnel and had to be invalided out of the army. Once he had recovered he was able to work again. He was with friends in Kapija Square on the evening of the shelling.

(15) ZEHRA MORANKIĆ – town architect.

Interview Thursday, 7 July 2005, 10.30 a.m.

Zehra Morankić was the town architect and responsible for the design of the cemetery complex that commemorates those killed in Kapija Square. I was especially interested in knowing what factors had to be considered in designing a cemetery representing both Muslim and Christian traditions. Ms Markonić responded by saying that the intent of the cemetery was to tell the story that Bosnian people are tolerant of each other whether classified by nationality or religion; that is Bosniak/Muslim, Croat/Catholic, Serb/Orthodox or any other.

From a cultural perspective she stated that it was important to recognize, first of all, any religious practices that have to be respected. The majority religion in this case was Islam and fundamental to this religion is that on death the body must be placed in a grave, the body on its right side, facing Mecca. Each place around the world that has a Muslim population can calculate that direction in relation to the burial site. In this burial site the grave would therefore be facing South-East. Those Christian families who agreed to the common burial had no objection to this.

Other practical considerations had to be considered for the cemetery and its future significance. It had been agreed after consultation with the families that the cemetery was to be a memorial to those killed on 25 May 1995 and a message that this was never to happen again. It was to be placed in a location with easy public access.

At all times there was consultation with the families over details of design of the gravestones. As well, Ms Morankić was sensitive to the sense of loss of these families and the necessary ambience that should be created, to give the cemetery a healing and respectful atmosphere and purpose.

The graves are coincidentally on a hillside that faces the direction of Kapija Square where these people were killed. Ms Morankić stated that this was facing South-East (confirmed myself with the map drawn up by the Town Architect in relation to other Muslim cemeteries).

The complex was not fully completed. The present cemetery was completed in May 1999. A further stage will include a memorial wall running across the north side of the cemetery (2m x 30m) with two lines of names in alphabetical order of all seventy-one people killed in Kapija Square. On the left-hand side of each name will be a small holder for placing one flower only. On the top of the wall at the centre, within an inset half-circle, will be a hollow metal ball designed to capture the wind blowing through it. It is believed this will create a musical sound. Also, behind the wall will be a gong mechanically set to strike seventy-one times at 8.55 p.m. each day. These designs had yet to be completed, with no completion date yet decided.

The graves were to be the same in design and materials used. Even these considerations were done in consultation with the families and with respect to religious traditions. The design was to be simple and the highest quality materials used. Only one script was to be used (Latin) giving only name and year of birth. An emblem could be chosen, if desired (e.g. Crescent, Rose, Lily, Book). It is not traditional in strict Muslim custom to have a photograph of the deceased inset into the headstone but it was agreed by all families that in this situation this should be done. A small photograph is set in each headstone. Ms Morankić believed that this turned out to be a very good decision.

The material was the finest white marble, which came from Macedonia. Any piece showing any imperfection was not used. Stone symbolises eternity. White symbolises purity. The cemetery is designed on green artificial grass. Green symbolises youth. The graves were to allow the centres to be filled with earth so that flowers could be planted. At first all the graves were planted with white flowers. Now, some families have replaced the plants with different colours. Space was also designed to allow a vase against each headstone for personal fresh flowers, and Silver Birch and White Chestnut trees had been planted around the cemetery.

Other general information:



Zehra Morankić was responsible as Town Architect for this project which was not yet completed. Still to be completed was an overhead pedestrian walkway over the major highway to connect the memorial park complex and the park leading to Kapija Square. The design of the cemetery was assisted by the leading architect in Bosnia, Zlatko Ugljen from Sarajevo.

It was intended that the whole area containing Aleja Mladosti, Sloda Bana (Wall of Remembrance of all those killed in Tuzla during 1992-95), the Second World War and Partisan memorials would together form a total memorial park. This did not include Peace Flame House. Peace Flame House is situated in the memorial park complex and was donated by a wealthy Dutch philanthropist. In some of the early accounts describing the memorial park it was called Peaceflame Park. I gained the impression that the local population resented the name of the park being imposed upon them by a donor organization.

Ms Morankić stated that many of those families who chose to bury their family member in other cemeteries now regret their decision. Exhumations, however, cannot now be considered as it is believed the present configuration of the cemetery now has its own harmony (spiritual sense) that should not be disturbed. She stated that parents and families understood this.

Ms Morankić stated that the expenses for this cemetery were not extended to families who chose other cemeteries for burial. No cost was passed on to families who agreed to burial in Aleja Mladosti.

She stated Bosnian Serbs were like all other Bosnians. They were not like Serbians from Serbia proper. She believed they had been manipulated by propaganda with nationalist sentiments. Also, had everyone used individual cemeteries of choice there was a fear at the time that they could have been shelled while attending the burial service. The memorial cemetery was for everyone and the burial service was conducted in the night for greater security.

Comment:

I was very impressed with the thought, sensitivity, and planning put into designing this cemetery. Also, that it was both a memorial to those killed and at the same time a message for future generations that something like this should never happen again. It was also an opportunity to have some of the detail and, at times, criticism surrounding the burial of all seventy-one people clarified.

(16) \* JASMINKO MUJAČIĆ (a.k.a.) ROSIĆ – killed.

Jasminko Rosić was known within criminal circles and had a bad reputation in the town for running protection rackets and possession of drugs. He was in trouble at times with the Police. It is known that when he was killed in Kapija Square his family had him buried elsewhere with the name of Rosić. The family was persuaded however to have him exhumed and reburied at the memorial cemetery. His name on the gravestone there is given as Jasminko Mujačić. According to the Imam it is not certain that his body is actually in the grave. The family name, Mujačić, indicated that he was a Croat. I would suspect, however, that he was probably from a 'mixed-marriage'.

(17) \* ŠABAN MUSTAČEVIĆ – killed.

He was born on in 1966, one of three children. He was aged 29 when he was killed in Kapija Square. He had served his military service in the JNA (1984-86) and afterwards worked as a skilled mechanic. In 1992 he voluntarily joined the BiH Army when Bosnia was attacked. He was in Special Forces and on the evening of the shelling he was in Kapija Square.

(18) \* FAHRUDIN RAMIĆ – killed.

He was born in 1961 in Vlasenica, the eldest of three children, and completed his schooling there. He met his wife in Vlasenica. She was from Sarajevo. Vlasenica was in a Serb controlled area of Bosnia and they were harassed and taken to concentration

camps. He was advised by his parents to escape and go to Sarajevo. Their daughter was born in 1992. In 1994 they came to Tuzla to be with his parents who had been expelled from Vlasenica. He taught at the Gymnasium and his wife found a job as a secretary. On 25 May 1995 he had finished early with his classes and later went out into Kapija Square.

(19) ALENKA SAVIĆ – Mercy Corps.

Interview Thursday, 5 May 2005, 5 p.m.

Alenka Savić was the Programme Manager for Mercy Corps in Tuzla, which operated in Bosnia-Herzegovina during the war and throughout the post-conflict period to date. It is a UK/US donor based non-government agency. This interview provided general background to the conflict from the perspective of a local agency. Alenka Savić was born in Slovenia of a 'mixed marriage' (Serb father and Catholic mother). She came to Tuzla when she was eight. She joined Mercy Corps in 1997 and spoke fluent English. The agency works on practical projects such as housing and advocacy. She married and has children but her husband (Serb) was killed in a car accident in 1989. She called herself a Slovenian but her name, to others, would indicate her Serb connection. She did not practice or subscribe to any religion. None of her family or friends were killed in Kapija Square.

One of the main topics of interest discussed was the acknowledged long-held tradition of Tuzla being a town of multi-ethnic harmony. She explained that this went back a long way over the centuries. The town's economic growth and wealth came from the local salt mines in this area. This required specialist workers and provided a lot of employment to many others, and they came from different areas of the Balkans. Under the Hapsburg Empire in particular (1886-1918) the town enjoyed a wide range of people living there as the town was a crossroad between Austria, Hungary, Serbia, Croatia and through to Turkey, the former colonial masters of the area. During the Second World War Yugoslavia was invaded by Germany. The people of Tuzla gave refuge to Jews and protected Chetniks (Serbs who were part of the partisan forces resisting Germany). The

area at that time was under the control of the self-declared fascist state of Croatia working in collaboration with Germany. These Croats were known as Uštasha. Her grandfather was held by the Gestapo (German Secret Police). This created, she believed, this tradition of Tuzla being an 'island of normality' (her words), which is noticeably different to elsewhere in Bosnia-Herzegovina.

Referring to my research, she knew many of the families I was interviewing and saw them as 'sentenced to life', meaning that they were left to deal with their grief and loss for the rest of their lives. As to the killings, she said there is a Balkan mentality of no respect for anyone or anything. Her parents taught her to be caring for all groups of people. The war and loss of her husband had left her with a cynical view of her own people. She was not afraid to be outspoken.

She was aware that little, if any, progress had been made with an investigation or prosecution of anyone in connection with the shelling of Kapija Square. She believed no one would really help these families and that they did not seem to understand that they had to take the initiative themselves. She suggested that the Families' Association should forge a partnership with the office of The Helsinki Committee for Human Rights in Sarajevo. She provided me with contact details which I followed up with a personal meeting, and they said they would be prepared to help the Families' Association.

She supported the decision of the families to hold a communal burial of those killed at Kapija Square, irrespective of ethnic group. She stated that the cemetery did not actually have an official name. To be called 'The Children's Cemetery' is inappropriate (this title is published in the Peace Flame House brochure). Local community leaders referred to it as the cemetery for the young people. I think the cemetery should be given a formal name and that it be placed at the cemetery, as the cemetery is visited as a memorial as well as a burial ground.

The lessons of the conflict, Ms Savić stated, were to develop greater sensitivity to potential trouble, recognize negative developments, and stop nationalism. She said it would take a lot of work and a few generations to reach national unity.

In concluding the interview, she translated some statistics I had obtained on Serbs returning to Tuzla Canton:

5878 had the right to return to Tuzla Canton.

4770 had obtained certificates to re-possess their property.

3819 re-possessed their properties in Tuzla.

60% of those who re-possessed their properties in Tuzla have now sold the properties and left the area (Note: Do not know reasons for this which could be because of local hostility, unemployment, or simply wanting the money to return to either the Republika Srpska or Serbia for residence).

(20) \* SAVO STJEPANOVIĆ – killed.

He was born in 1970, the eldest of three children. He had two sisters, Snježana and Dragana. At the commencement of the war he voluntarily joined the BiH Army. Later he was transferred to a Special Police Force. On 25 May 1995 he went into Kapija Square to meet his girlfriend. He was aged 25 when he was killed and is buried in the memorial cemetery. This was a Serb family that remained loyal to Bosnia and Tuzla. The Families' Association did locate his mother and sister to arrange an interview with me but both declined saying that it would be too painful for them to talk about Savo.

(21) \*\* ILINKA TADIĆ – killed.

She was born in 1942 near Lopare, and was an orphan from the Second World War at which time she had been separated from her sister. She was sent to live with her aunt

who was her only relative and raised as if she was her child. She completed medicine in High School and started work as a nurse in the Medical Centre. From her first marriage she had a son, Predzag, who was now married and living with his wife and 5 year-old daughter in Zagreb. After her divorce she married Ivo Tadić and was happily married for 17 years. To raise additional income she sold cigarettes in Kapija Square. On the evening of the shelling she was killed and her husband wounded. According to others, she treated everyone the same and helped many people. Ivo Tadić is listed as having been seriously wounded. I was unable to locate him. Her married name from her second marriage indicates that she was a Croat/Catholic but I do not know her married name from her first marriage. Her son lived in Zagreb in Croatia which may suggest that either one or both of his parents were Croat/Catholic.

#### (22) STAFF OF VIVE ŽENE (4) – Therapy Centre.

Interviewed Elmir Ibralić, Selma Bajramović, Stela Dug, and Senad Ključanin

Monday, 20 June 2005, 3 p.m.

This was a group interview with four people working with traumatised women, children and men in both group and individual sessions. The organization they worked for was Vive Žene Therapy Centre, a non-government agency being funded from Switzerland and The Netherlands which employed both paid staff and volunteers. The Centre worked with displaced persons, mainly women and children, in particular from areas around Srebrenica, who had been expelled from their towns and villages in 1995. The men and youths of these villages were executed by the Bosnian Serb Army. These people lived in various camps outside of Tuzla and were almost all Muslims. These camps were in isolated areas, therefore there was not much opportunity for normal social interaction with people outside the camp complex.

The Centre provided schooling for children aged 7 to 15, both at the Centre and in the camps. The men's groups consisted of young men now aged 18 to 26 who were children and teenagers when they were expelled from Srebrenica. The group usually consisted of

twenty to twenty-five people at any one time. Therapy, sport, family group work, education and support were all aspects of the Centre's activities. The staff included trauma therapists, psychologists (both for adults and children), teachers, counsellors and social workers.

It was stated by the whole group that these people would not likely return to their villages even though for some they had already obtained the necessary certificates and return papers to reclaim their own homes. The memories of what happened there, fear of further abuse, unemployment, no partner and their children now ten years older knowing only the security of the refugee camps, were among the reasons given for not wanting to return.

None of this staff group had any family members killed or seriously injured in Kapija Square. Senad Ključanin had one friend killed and two wounded. The group believed that this incident had had a lasting effect on the town, and on each anniversary in particular they believed that everyone felt the same grief as those families who had someone killed, or those wounded. The war in total, the incident at Kapija Square, unemployment, and the large influx of displaced persons into Tuzla had brought stress and despair to many people. In combination, these events were now indelibly part of the public consciousness and the town's history.

The whole group believed that the perpetrators should be held accountable at The Hague. That it was taking so long to implement this process was unhelpful, they stated, to many people, who wanted some closure to these events and to their own grief. It might allow them to then move on with their lives.

The group believed that inter-ethnic relations in Tuzla were changed to some degree now, due to the changing demographics of the town. This left an unclear picture to ascertain fully how social relations were being enacted in the town. They did not feel that this was in any way a problem or that it could lead to conflict. Some people did 'separate' and there was a lot of 'coming and going' of people. They admired the current Mayor's

actions to re-introduce the 'tradition' of ethnic harmony that the town has always prided itself on: for example, cultural and historical events are encouraged to embrace everyone and monuments are built to recognize everyone. Having said this, the group believed that the future of the country could go two ways: one, conflict could happen again, or, two, the country will find a political solution to creating one country only; not the present Constitution imposed by the Dayton Peace Accord that created two entities demarcating people on ethnic lines. It was their opinion that the present political structure was unacceptable and could not succeed.

Professional views expressed on behaviours relating to people who had been traumatised by the war:

- Common behaviours displayed are depression, hatred, distress.
- Older people are the most difficult group to work with, for affecting recovery.
- People do not recognize or acknowledge that they need help, and will not seek it.
- Instances of domestic violence have increased (many women though, for economic reasons, will not leave the relationship).
- Increase in marriage breakdowns (no exact data available).
- Where parents have a child killed they can neglect other children in the family, being absorbed in their own grief.
- This can lead to the surviving siblings not having their needs met and a sense of rejection.
- Trans-generational trauma passed on.
- Suicide can be common (no exact data available).
- Memorializing the event is generally helpful and therapeutic.

Other general comments:

The various terms used to identify people in Bosnia are confusing and unhelpful. They stated that the 'separation' card was played in the war to divide people by nationality with each religion being deliberately politicised to support one nationality or the other.



The group felt that religious affiliation should be a purely individual and private matter. They all realised the continuing difficulty of finding common ground to describe citizenship of Bosnia-Herzegovina that could be applied and accepted by all its people. To illustrate this problem the word 'Bosniak' translated into English means Bosnian. It is derived from the Turkish word 'Bosnjaka' which was applicable under the Ottoman occupation of Bosnia during the 15<sup>th</sup> to the 19<sup>th</sup> century. It means all citizens of Bosnia, irrespective of religion. Following the death of Marshal Tito in 1980, when Bosnia-Herzegovina was then part of the former Yugoslavia, and leading up to the war of 1992-95, separate 'nationalities' were introduced, for political reasons, to describe the people of Bosnia-Herzegovina. Terms such as 'Serb', 'Croat' and 'Muslim' were then used to make distinctions and create hostility. The problem has remained, so far, with attempts to re-introduce the term 'Bosniak' which now does not mean only that you are a Bosnian. It also means that you are a Muslim, so for any Christian (Catholic/Orthodox/Other) or equally any other religion this would imply if the term Bosniak is used that they are Muslims. Of course, they will not do this and instead are more likely to use national terms of being Croat or Serb. National terms such as Serb and Croat are likewise equally unacceptable to Bosnian Muslims as this implies loyalty to either Croatia or Serbia, and not Bosnia. No explanation was provided for what applies to Jews and others who do not wish to be classified by any religion. A further complication is the use of a definite article in the language that can be either masculine or feminine: for example, a man is 'Bosniak' and a woman is 'Bosnianska'. 'Bosniak' (male) can only be applied to mean being both a Bosnian and a Muslim. A woman cannot use this term and 'Bosnianska' means only that she is a Muslim. Final comments were given over some cultural differences in expressing grief. There is no opportunity for cremation in Bosnia-Herzegovina because it is opposed by all religions. Orthodox families will take lunch to the cemetery and embrace the deceased in conversation with the rest of the family. When Muslims go to the cemetery their essential purpose is to pray. This can include conversation with the deceased.

Comment:

This group interview was very helpful in providing general information and clarified already obtained information and observations I had made with regard to behaviours to be found in traumatised people. The Centre, I believe, played a very important role by providing support and counselling services in this way. I was left feeling that whatever number of families I interviewed I would likely find some, if not all, of the behaviours the Centre staff outlined. It was also helpful to know the prognosis for recovery that could occur and the services that were available to help people. As they indicated, it was unlikely that anyone I interviewed would have sought assistance. I am only aware of three cases where psychiatric assistance was provided and in only one of these cases was it on-going. Only medication seemed to have been administered to the families and those who were wounded, in some cases. This was, I understand, either a sedative or pain-killing drug. Although no exact data was provided, the Centre estimated a significant increase in suicides, domestic violence and psychosomatic problems consistent with behaviours to be found in people who have been severely traumatised. For the general future of the country and health of the total population, the Centre staff believed the political structure of the country had to change to allow normal social interaction. This interview also highlighted some of the issues around human rights here for all parties that need to be resolved, if there is to be any reasonable hope of moving forward together as one country. I find this situation incomprehensible at one level, but it does indicate the on-going solidifying of national interests that are entrenched in the present political structure.

(23) \*\* MUSTAFA VUKOVIĆ – killed.

Mustafa Vuković was born in 1972, the eldest child in the family. He was aged 23 when he was killed in Kapija Square. When the war started he was already serving his military service in the JNA at Zemunik. They were not allowed to leave the army camp but when they were moving to another camp he escaped with another friend as the convoy passed through Tuzla. He voluntarily joined the BiH Army. His father was in the reserve Police Force. On 25 May 1995 he had coffee with his mother and grandmother before

going out to join friends that evening in Kapija Square. He died on the way to Tuzla Hospital. His family name indicates that he is a Serb but his first name is more commonly used by Muslims. It could well be the case then that he was from a 'mixed-marriage'. He was not buried in the memorial cemetery and I assume, therefore, that he is buried in the Orthodox cemetery.

## **6.2 Conclusions**

The statements obtained in these interviews show the impact made on others in Tuzla who were affected by what happened in Kapija Square on 25 May 1995. For those who were wounded on that night in particular, and others who went to help them, the memories of death, chaos and confusion that they saw around them may never be erased. The over-riding observation that I have recognized from all the interviews that were undertaken, was not the enormity of personal loss and the grief that went with what happened, but that a population of mainly young people were targeted – a group within the population that was tightly-knit, known to each other, multi-ethnic, and supportive of each other. That, of course, was what the enemy wanted to destroy. These interviews in total showed that they failed in that objective. Even more remarkable was finding revenge or hatred not being expressed against the perpetrators. Anger, yes. Maybe even, at the time, a desire for revenge. But not now. What everyone wanted, though, was justice, and where so many responses in the interviews expressed little confidence in their own Court system and politicians, it was difficult to see how they would get the justice they needed.

The range of interviews undertaken in this chapter additionally revealed some very important information about how the memorial cemetery was designed, up-to-date statistics on the ethnic population of Tuzla, and professional explanations for the trauma the families of those killed and others have experienced. In addition, interesting information was obtained on the origins of the town's tradition of multi-ethnic tolerance and unity. The interviews revealed also the high level of inter-marriage that has occurred in Tuzla over a number of generations. That, in itself, must be seen as a

contributing factor to breaking down ethnic differences and differences of traditional customs between groups. Even so far as to say, that they constituted a peace-building mechanism within this particular community. The accounts that were obtained relating to some of the families that could not be located revealed the connection, for some, to events in nearby Srebrenica.

Teufika Ibrahimfendic made the statement that what happened in Kapija Square was one memory that overshadowed the whole town and needed recovery. Relating this to truth and reconciliation, covered in the next chapter, the essential point being made was that people ought to be given the opportunity to be heard and their story told.

## CHAPTER SEVEN

### TRUTH AND RECONCILIATION

This chapter presents an analysis of the interviews and other data that was collected for this study. The 'truth' relates to what happened in the town square of Tuzla on 25 May 1995. The reasons why this happened are to be found in the conflicts that erupted throughout this region following the collapse of the former Yugoslavia. I have used 'reconciliation' to mean that the families and community that were harmed by what happened on 25 May 1995 in Tuzla reconciled themselves to this painful past not by engaging the perpetrators of the crime in some way but by taking collective action to build a common burial site for those killed, irrespective of ethnic background. By doing so, they negated the intention of the perpetrators which was to divide their community. Their action empowered them to overcome the powerlessness often attributed to victims by denying the perpetrators their objective.

Forty-seven interviews were conducted in total within a five month period. Of these, nineteen were with surviving family members of someone killed. Eight families declined to be interviewed as the exercise was considered too painful for them. Nine of those killed were from other towns and villages and these people were buried in their own local cemeteries in order that the graves could be attended by their families. I was not able to meet with any of these families as the towns and villages in question were some distance from Tuzla. Five of the people killed were from towns from which they had been expelled therefore attempts to locate other family members was not possible. Two families now lived overseas and in one local case the only known family relative was now deceased. This accounts for forty-four families out of the total seventy-one families who had a family member killed on 25 May 1995. The number of community and religious leaders interviewed was seven. A further sixteen interviews were conducted with others in the community. For the purpose of analysis I separated the findings into three groups: (i) surviving family members of someone killed (ii) community and

religious leaders and (iii) others. In total, they represent the impact of what happened on 25 May 1995 not only for the families of those killed but also for the rest of the community. All views were given freely and with consent.

### **7.1 Account of what happened on 25 May 1995**

The account provided by Selim Bešliagić, the mayor of Tuzla, is representative of the statements I obtained from various sources and outlines the essential facts of the incident and the decision-making process that followed for the burial of those killed that day (see the full text of his interviews in chapter 1). His account reveals the difficulty and emotions that erupted at the public meeting with Mustafa *ef.* Cerić who opposed the idea of a common burial site for those killed. The common view held by the families was that those killed were friends in life and therefore should be together in death.

Some official reports are now available and these give full details of those killed and seriously wounded and show that the average age of those killed on 25 May 1995 was twenty-two. Further, other than the seventy-one killed, they show that one hundred and seventy-two people had been seriously injured and a further two hundred people estimated as having received minor injuries. In total, more than four hundred people had been killed or injured. Similarly, twenty-two was the average age of all one hundred and seventy-two who were recorded as having been seriously injured. It would be reasonable to assume that of the further two hundred people who received minor injuries from the shelling of the town square that day that they, too, would be predominantly young people. This factor in itself was an indicator to explaining the decision for a common burial site.

Analysis of the data collected for this study shows that of all seventy-one people killed in Kapija Square on 25 May 1995 forty-three were male and twenty-eight were female. Seventy-one per cent of the total group were aged between fourteen and twenty-four. One very young child, aged three years, was killed and one person was aged fifty-three. Fourteen were children as classified by the United Nations; that is, they were aged under

eighteen years. This detail was important for clarifying mainly journalistic reports in 1995 that referred to those killed only as children and designated the common burial site as the *children's cemetery*. I found this reference to those killed as being children inappropriate on finding that their average age was twenty-two. This did not reconcile with either the UN classification of being a child or any general perception of what is commonly held to be a child. Those killed were mainly young adults. On examination I found that the early references to a *children's cemetery* were due, in part, to a mistake in translation in a booklet that was produced by a local non-government organization. It was confirmed by the town architect who designed the cemetery complex that the cemetery's official name is *Aleja mladosti* which in translation into English means that it is the place where the young people are buried. This is not its literal meaning but is the nearest approximation I can give of the sense of what the burial site represents. My first reaction on seeing the completed cemetery in 2004 was almost of shock. Whereas previously I had seen these graves within a wooded area without any headstones there was now a pristine and orderly area of graves in a well-cared for clearance. On first impact, it looked too formal and lacked any sense of privacy. However, I came to understand the importance of the cemetery, following my interviews with families of some of those killed and others including the town architect who designed it.

## **7.2 The graves**

The cemetery that now holds the fifty-one graves was viewed in very positive terms by the families of those killed and others within the community, in that it is a permanent public memorial to those killed while at the same time speaking to future generations, the message being that this is the story of Tuzla where those buried there are together in death, as in life, and that this should never happen again. There is a final stage of the cemetery complex to be completed which will show all seventy-one names of those killed on 25 May 1995 on a wall to be built across the northern face of the cemetery. No completion date is yet given as it depends upon funding being made available. All costs for the cemetery and the gravestones were met by Tuzla Municipality. Of the eleven people buried in other cemeteries in Tuzla it has been indicated that many of their

surviving families now regretted not having agreed to the communal burial at the time. Some even spoke of exhumation and re-burial but whether that could now be allowed is not clear.

Pivotal to the act of agreeing to a common burial site was that the burials were irrespective of ethnic identity. My initial understanding of this decision was that I would find the graves clearly showing, in some way, that in fact all three ethnic groups were buried there and that fact visible to the public. That was not what I found. In the first place the graves were designed to be the same for everyone. The design was very simple showing full name and year of birth only. Each grave held a photograph of the deceased person and in addition on most graves a small emblem was chosen: the emblems were a crescent, a rose, a fleur-de-lys, or an open book. Two graves held no emblem. There is no stated significance as to which emblem was chosen. They were chosen from a book of emblems by the families. The emblem of a crescent, however, would, I believe, be readily understood to be a Muslim burial. The community and religious leaders that I interviewed stated that the graves did represent all ethnic groups. This was confirmed by family members but not quite as I had expected. Ethnic identity can be recognized from both the family name and given first name<sup>21</sup>. In Catholic and Orthodox cemeteries the details on the grave are shown in either Latin or Cyrillic script and in Muslim cemeteries many graves show verses from the Quran in Arabic. In addition, the designs of the graves in these cemeteries would be built with the headstone in the traditional Christian or Muslim form of a Cross or an Obelisk. None of this obvious identification was apparent in the memorial cemetery.

My findings confirmed that only some families of those killed had agreed to a common burial site; in total, fifty-one families had acted together and this had been in the face of external religious and political opposition. Nine of the remaining twenty people who had been killed in Kapija Square on 25 May 1995 were not from Tuzla and therefore their families had buried them in cemeteries in their own towns and villages. That left eleven

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<sup>21</sup> In official birth and death records for Muslim men, if following traditional practices, the entry will show a final first name being the name of the person's father. In this way, a system of connecting family genealogies can be followed.



people who were buried in other cemeteries in Tuzla, of which eight were indicated by family name to be either Orthodox or Catholic families. This suggested that a high percentage of the non-Muslim families had not agreed to a common burial. I had to consider, therefore, whether or not that was a reflection of the ethnic divisions that had characterised the conflict in Bosnia-Herzegovina during 1992-95.

### **7.3 Ethnic background**

The graves in the memorial cemetery are, as claimed, multi-ethnic in that they represent Muslim, Catholic and Orthodox families. As the ritual for burial is essentially a religious one I felt it appropriate that the terms used for identifying the deceased person should be according to their religious denomination; in this case, from Islam and two strands of Christianity. However, my findings showed that some of those killed were from 'mixed-marriages'; that is, one parent was Muslim and the other Christian. Questions arise from this inasmuch that the degree to which one or the other religion is accepted as the preferred practise may in the Bosnian context describe the person's national identity. It could well be the case that neither religious practise was followed. It is more likely, however, that one was adopted over the other, at least nominally. This may have been determined by the parental partners based upon traditional patterns of marriage rites and family name. Whatever the case, the fact that of the fifty-one people buried in the memorial cemetery eleven were indicated to me as being from non-Muslim families which on examination I found to be in the main from mixed-marriages. Of the twenty people buried in other cemeteries, both in Tuzla and elsewhere, nine were indicated as being non-Muslim families and again, some of these were considered to be from mixed-marriages. As I did not interview a family representative for every person killed on 25 May 1995 I cannot give totally accurate figures on this subject. In all cases where I did interview a family member of someone now deceased I was able to elicit their ethnic background. I also gained an indication of ethnic background of the families who were not personally interviewed from community and religious leaders in the community. The conclusion I draw from this aspect of the burial of those killed in Kapija Square on 25 May 1995 is that two-thirds of all those killed were Muslims and one third non-

Muslims. That configuration would correlate with the breakdown by ethnic make-up of the town's population at that time. This means that the majority of those killed were Muslims with a significant number of the others killed being from mixed-marriages. The interesting fact to draw from those buried in other cemeteries is that, excluding the nine people buried in their own towns, of the remaining eleven only three were Muslim families and one of these would like the body exhumed and placed in the memorial cemetery. That leaves eight families who are non-Muslim of which some were indicated as being of mixed-marriages. An interesting exception to the usual case of mixed-marriages of one parent being a Christian and the other a Muslim was one family member, who was personally interviewed, being of a mixed-marriage of Orthodox and Catholic parents. In this case the mother now expressed her wish to have the body exhumed and placed in the memorial cemetery.

I have used the term Muslim in a religious context to differentiate Islam from Christianity although in the interviews I conducted most Muslim families referred to themselves as Bosniaks. In this broader sense the people who are buried there are representative of the multi-ethnic make-up of the town. The issues and possible confusion that can arise for children of inter-ethnic relationships is a separate question. A further question that arises from this finding is to what degree, if any, ethno-national identity was compromised by the fact that some families are of mixed-marriages. This result shows that inter-marriage occurs within this town's population.

Those killed were mainly from exclusively Muslim families whether buried in the memorial cemetery, other cemeteries in Tuzla, or cemeteries in other towns; that is, both parents are Muslim. On examination of those families that indicated they were Christians (either Orthodox or Catholic families) I found that in a number of cases it was not an exclusive religious affiliation as one parent was a Christian and the other a Muslim.

All religious leaders confirmed that 'mixed-marriages' occurred and can be accommodated within their respective doctrines. This allows burial of partners from different religions to be undertaken in all cemeteries. The exception seems to be in the

case of Muslim women if strict Islamic laws are upheld in which case they are forbidden to marry a non-Muslim, yet a Muslim man can marry a non-Muslim woman. As the traditional pattern of religious affiliation is determined by patriarchal lineage a person's religion is largely indicated by the father's family name. The term 'mixed-marriage' can also be used to indicate nationality as well as, or in some cases instead of, religion, with Croat, Serb and now Bosniak being used. These terms are more often used in accounts of the conflict in Bosnia-Herzegovina and the wider Balkan region showing nationality rather than religion as being the determining measure of a person's identity and loyalty. Religion I found is largely subsumed within national identity when referring to all parties in the Bosnian war. To what degree religious practices play a part in present-day daily affairs is difficult to ascertain. The impression I gained was that younger generations in Tuzla only nominally identified themselves by religious affiliation. I attended all religious services and generally found the congregations in all cases to be mainly people of older generations. It has to be remembered that Bosnia-Herzegovina was for almost fifty years part of Yugoslavia, which had adopted a secular socialist society; therefore, for many younger generations any strict religious affiliation or practise may have been diminished to some degree. The fact that there are a significant percentage of 'mixed-marriages' in Tuzla may in part be explained by this immediate past history. It was stated to me that Tuzla was sometimes called Red Tuzla, which reflects the influence socialism must have had on the population. The cemetery, then, when claiming that it had buried those killed on 25 May 1995 irrespective of ethnic background needs to be qualified; insomuch that it is a fact that all religions (or nationalities) are represented there, but that they are represented either within an exclusive religion or from a mixed religious parental union. I found that the name shown on the grave by patriarchal lineage did not necessarily confirm an exclusive religious affiliation.

#### **7.4 Mixed-marriages**

Bringa (1995) examined inter-ethnic marriages in her ethnographic account of a Bosnian community over a period of six years between 1987 and 1993. She found ethno-national identity was paramount in the community she studied and focused on religion as the

defining characteristic of identity. The village in which Bringa undertook her research was a Muslim/Catholic community. Muslim identity she came to understand cannot be understood fully with reference to Islam only, but has to be considered in terms of the Bosnian context which implies sharing the history of the country with Bosnians of other non-Islamic religious traditions. The war in Bosnia-Herzegovina during 1992-95 would have caused the disintegration of some communities which previously were of mixed ethno-national affiliations, to an extent that the country is now politically divided into separate entities based on ethnic lines (Dayton Accord 1995). Bringa's account has of course been overtaken by these events but nonetheless her study demonstrates how family, marriage and kinship networks emerged as the repository of social values in Bosnian Muslim society, shaping and constraining wider political and social identities. She found that as with the other ethno-religious groups in the country, religious and ethnic identities shaped and constrained choices of marriage partners, residential patterns, and dress, especially for women, but they did not preclude educational and employment opportunities. These were not religiously defined in the former Yugoslavia and even within rural households she found that resistance to women continuing to higher education had gradually eroded.

Bringa's research is very important in that it is an ethnographic account of not only the community she studied in Bosnia over a period of six years but also that she was able to obtain some comparison with other areas of the country. As a result, her findings on the subject of mixed-marriages provide the most recent analysis of the subject prior to the conflict that erupted in Bosnia-Herzegovina during 1992-95. Many of the local communities she was portraying may now have disintegrated. Bringa rarely found in her study that inter-marriage from different ethno-religious backgrounds had occurred. She makes the distinction, however, between rural and urban societies; in towns, especially among the urban-educated class, inter-marriage would be quite common and would sometimes go back several generations in a single family. In the urban setting it is considered that the socio-economic strata a person belonged to is more important than his or her 'nationality'. The close-knit community found in rural areas illustrates the difference in social environment that would apply in those communities against what may

be found in an urban environment. Inter-marriage may be found to be a more liberal attitude in the urban areas but the expected behaviour that would apply in the village does not, generally, apply in the town.

The difference, Bringa concluded, is mainly understood in terms of the weaker role of religion in the cities and therefore of religious identity and ultimately of *nacija* membership (variously termed as meaning ethnic or national identity). By marrying across ethno-religious communities a person shows by implication a lack of concern for the unambiguous identity of his or her children. Since, according to village perceptions of identity, religious affiliation and *nacija* are one and the same, someone who does not have a religion does not have a determined *nacija* either. In Bringa's case study villagers would consider a child of a mixed-marriage to have no firm *nacija* identity. It was put to her that children of mixed-marriages would be neither Catholic nor Muslim.

The case in Tuzla, I believe, would suggest the contrast to be found between rural and urban societies on the subject of mixed-marriages. The town has a population of at least 120,000 therefore it is not possible for me to know precisely the views held by all of its citizens on this subject. A significant number of those killed in Kapija Square on 25 May 1995 were from mixed-marriages and in other interviews I conducted I found it was similarly the case in a number of families that the ethnic make-up of the family was mixed from inter-marrying. It did not seem to be an issue with the people I met and the 'tradition' of Tuzla may well be explained in part by this phenomenon. Having said that I did have comments made to me that suggested some of this traditional view remains but that, generally speaking, it was now tolerated. The question Bringa had put to her that the children would not have any true identity and that it would be difficult to perceive who their friends could be, does not seem to hold any validity in the case of those killed in Kapija Square. In all of the interviews I conducted it was the friendships of those killed that determined the decision taken by their families to have them buried together, not their religious or national identity. Even for those not buried in the memorial cemetery, apart from those buried in towns other than Tuzla, reference was made by

their surviving families to the friendships their sons and daughters had with all ethnic groups in the town.

I found it to be the case that a person usually defined his or her identity from the family name, whether that is Serb, Catholic or Muslim. In all three societies a patriarchal tradition prevails in which case any child of a mixed-marriage will take the family name of the father. It is usually the case that any child of a mixed-marriage will also take the father's ethno-religious identity. Questions arise from such partnerships in terms of first names to be chosen for any children they have, what religious events will be celebrated, and what inter-religious arrangements can be undertaken. The family name and the first names given to children usually indicate the ethno-religious affiliation of that child. That is how the names published of all those killed at Kapija Square were initially identified for me. That leads on to consider, therefore, whether religious practices and observances in mixed-marriages are, in fact, strictly adhered to and whether they present serious obstacles or confusion for any children of such unions.

### **7.5 The importance of each participant's 'story'**

Each participant was responding to a basic format in my questions that allowed them to explain their actions and emotions over what had happened. Each interview was unique in that all participants had a different context in which they were responding. At the same time, however, a common pattern emerged that reflected the enormity of what had happened to them. Each interview in a sense became a 'story' and these stories were given in their own words and often while exposing raw emotions. A case study approach, as stated at the beginning of this study, allows an action research component to the project. This ensures that the participants are positively involved in the research findings and it is a qualitative inquiry insomuch that it reflects by direct accounts the personal perspectives and experiences of those interviewed. As such, the details of each interview are left intact. This was a deliberate decision on my part. What happened on 25 May 1995 affected the surviving families and the wider community profoundly. They had been traumatised. Therefore each interview is respected in its own right and in

reading these accounts any reader will draw his or her own conclusions. In each case, I followed-up the interview with my own personal assessment of significant facts and noted the degree to which the participant had been impacted by what happened and also the recalling of this to me.

## **7.6 Trans-generational trauma**

The impact of these deaths has meant a long period of coming to terms with what had happened for the families concerned. For many this has meant periods of depression and medication with, for some, on-going medication and psychiatric attention being necessary. The data also revealed that some families had suffered the loss of more than one person in their family during the whole period of 1992-95. There is a further serious on-going situation, however, for those who have not been able to overcome their grief. Trans-generational trauma was a significant finding in the data collection. The most seriously affected families could be exhibiting trans-generational trauma as they have become withdrawn and isolated from normal relationships with others. Their daily existence was centred almost entirely on the dynamics of the family unit. This puts pressure on the family unit which can result in that family becoming abnormally dysfunctional to the extent that there is breakdown in the family unit. Some of the interviews revealed marriage break-ups, abusive behaviour, alcohol addiction and neglect of some family members. It was difficult to obtain professional assistance for families in this extreme category even if they expressed a wish to be helped. Such services as were available were already overstretched with high numbers of displaced persons in Tuzla estimated to be around 30,000 at present, being mainly Muslim women and children expelled from their own homes in other parts of the country. This state, if left unattended to, has the potential for transmitting the trauma from one generation to the next, and can be transmitted over a number of generations with negative results. The Families' Association claimed that eight suicides had occurred within this context but I could not obtain factual evidence of this. Some of those I interviewed revealed that they had been precariously close to committing suicide in the few years following 1995.

Other findings to emerge from the interviews showed the impact of the war on this community. I found that many people affected by wartime losses, particularly those associated with the shelling of the town square, were dependent upon medication for lengthy periods of time to help them get through their loss. This has stopped for many now, but medication was still needed for some families on anniversaries and birthdays. A small number of people declined to be interviewed for this research because they were not in a position to cope with dealing with the subject. The accounts of at least five others who were interviewed revealed serious on-going family problems. In addition, it has to be recognized that for those who were injured in the shelling of the town square and survived the explosion, the chaos and carnage of that night is a permanent memory.

### **7.7 Three basic facts/statements that arose from the interviews**

In those interviews with families of someone who had been killed three basic statements could be said to be common to all families: one, the surviving family members of those killed had been deeply traumatised; two, for those families who had decided to have their son or daughter buried in the communal cemetery their reason for taking this action was the same in all cases, it being that those killed were friends in life and should not be separated in death; and, thirdly, all of the families wanted the perpetrators to face justice.

Many of the young people killed and injured in Kapija Square knew each other from having been to school together, maybe attending the local university, from sporting activities and other family, religious or social events. Therefore, it was not only the families of those killed who felt the loss. The impact of what happened was described to me as having 'cast a shadow' over the whole town. It is likely that almost everyone in the town can say they knew at least one of the families of those killed or injured or that they went to school, university or worked with someone from that family.

### **7.8 Support of community and religious leaders for this project**



During the period of time between 2004 and 2005 when I returned to New Zealand a Families' Association was established (November 2004) to support the families of those killed and others who had been injured by the shelling of Kapija Square. The forming of this association at this time would appear to be connected with 2005 being the 10<sup>th</sup> anniversary of the shelling of the town square with on-going general frustration at the lack of progress in any prosecution being brought against the perpetrators of the crime. It was also intended to serve as a lobby group for those who had been injured and remained unemployed and/or disabled. The president of the association was, himself, seriously injured in Kapija Square on 25 May 1995 and the five friends he was with at that time were all killed. He formed the association initially as a lobby group for those who had been injured and unable to find employment. The inclusion of families with someone who had been killed in Kapija Square changed the focus and dynamic of the group to some degree. The association had been given a foundation grant from the municipality but prior to my leaving I was told that the association was under review. I am not sure what the final outcome has been.

The accounts given by all the community and religious leaders, with the exception of the current Serbian Orthodox priest (who was not in Tuzla in 1995), gave an accurate picture of what happened on the night of the shelling of the town square. They described their personal relations and involvement with the chaos of that night and the subsequent decision-making process that led to the burials of those killed, and the night time communal burial ceremony. All civic leaders were present with the chief imam and Catholic priest officiating with burial rites for their respective religions. The Catholic priest also gave the burial rites to any Serb on behalf of the Serbian Orthodox Church in the absence of an Orthodox priest. This was for all concerned a deeply traumatic event.

Prior to completing my fieldwork I held feedback sessions with these local leaders with the exception of the former mayor during the war, Selim Bešlić. He was now a Member of Parliament and therefore often away from Tuzla. As leaders of the community they expressed feelings of obligation and responsibility to take the town forward. My concern is that I could not discern any tangible evidence of any on-going

collective effort to achieve this. During the whole period I was in Tuzla during 2005 I made repeated requests to meet with the current mayor but my requests were left unanswered. As well, contrary to statements saying otherwise, I found no evidence of any inter-faith dialogue between the Christian churches and the Muslim clerics. The Serb Civil Council appears to have a strategy in place for restoring multi-ethnic relations in the area but at this stage in its development I believe this is in all probability confined to only its own populations.

The responses and views expressed by the present Orthodox priest in Tuzla gave a very negative perception of inter-ethnic relations in Tuzla. On checking some of his allegations I found them to be, at least, exaggerations. His comments were completely repudiated by the Serb Civil Council. This reveals the undercurrents that still existed in the country where it is not only the case that the conflict can be described in terms of inter-ethnic violence but that there are divisions within each ethnic background. These divisions seem to be 'camps' subscribing to different ideologies; where, for example, the Orthodox Church hierarchy supported the political ambitions of the Establishment in Serbia as opposed to those Bosnian Serbs who see themselves as being part of a multi-ethnic Bosnian society. The people killed in Kapija Square were representative of a local community that was trying to maintain a multi-ethnic tradition. The Orthodox priest's comments did, however, provide some unexpected views on the memorial cemetery and the official policy within the Orthodox Church on 'mixed-marriages'. The Orthodox cemetery in Tuzla has a designated area for burials of inter-ethnic marriage relationships whether in terms of religion or nationality. He also stated that he had no objections to Christians and Muslims being buried together as is the case with the memorial cemetery. He accepted and believed that they should be together in death as they were friends in life. Of the six names given to me as indicating they were Serbs he stated that they were all 'mixed-marriages' but that he did not know any of these families. As a result, no one was referred to me from the Orthodox Church.

## **7.9 Justice**

In all of my interviews the one statement that was repeated every time was that the perpetrators who shelled the town square should be brought to justice. To date no-one had been held accountable for this crime even though the families of those killed signed statements in 1995 with the Public Prosecutor for the matter to be brought before the International Criminal Tribunal for the former Yugoslavia at The Hague. They have never been given any formal response to their case and this has caused on-going anger. They felt that their loss is being forgotten and not a priority concern within the wider scale of what happened in Bosnia-Herzegovina during 1992-95. A further attempt to file a prosecution was intimated to me just prior to my leaving Tuzla. This, I understand, would be undertaken through the Families' Association. The importance of this action being taken, and hopefully resolved, is that it could bring some closure to this one particular incident and allow people to move forward knowing that those responsible were finally held accountable.

This situation has left people with a loss of hope for a brighter future and a general mistrust of political leaders and the local Courts. The shelling of Kapija Square was investigated by the UN Protection Force immediately after it occurred and a case was made to the ICTY in The Hague. Nothing, to date, has resulted from this and it is my opinion that this is unlikely to be resolved through that particular channel. The reasons for this are unclear and any future application to the Courts must now be to the War Crimes Chamber in Sarajevo, newly formed at the beginning of 2005. No longer do cases have to be forwarded to The Hague for prosecution. The fact that there is a poor perception of the local Courts makes the prosecution process difficult to imagine. Even more problematic could be the sentences handed down. Whilst the country remains divided along ethnic lines, having a War Crimes Chamber in Sarajevo than can prosecute any cases brought before it, cannot avoid problems of perception of bias that will arise from crimes that will be seen to be ethnically defined. A further practical problem could be the capacity of the country to incarcerate large numbers of convicted criminals. Therefore, the whole question of justice being pursued within Bosnia-Herzegovina itself presents a formidable task. Some on-going assistance, advice and support from the

international community, I believe, would be necessary to avoid serious backlogs of cases and the impartiality of the Court being undermined.

A case was made in Tuzla for prosecution of those responsible for the shelling of Kapija Square. This was put to the ICTY in The Hague and subsequently referred back to the local public prosecutor. No one seems to have been given any explanation for this. As a result, the desire of the families to have the perpetrators brought to justice was thwarted. This matter came up in all interviews and is something they wanted resolved. The fact that nothing had been done so far and that there was no indication at present of the matter proceeding added further frustration and disillusionment to the families of those killed. This added to the depression many of the families feel inasmuch that their loss and grief did not have any closure. A prosecution cannot bring back those who were killed but it could have a therapeutic value in allowing the families to see that the perpetrators were held responsible for their actions. This might then allow some of them to move forward with their lives. At present, they feel no-one cared, that nothing would be done and that, in time, those who were killed would be forgotten.

The data collected by the Information and Documentation Centre in Sarajevo showed that up to 150,000 people were killed during 1992-95, both soldiers and civilians, of all ethnic groups in Bosnia-Herzegovina. Many thousands more were expelled from their homes. Therefore, what happened in Tuzla must be seen within this context. The volume of cases that could be prosecuted suggests a lengthy period of time before all cases could be adequately processed and in all probability not all cases would be undertaken.

#### **7.10 Military service**

The study showed that some of those killed on 25 May 1995 and others who were interviewed had been engaged, either personally or had other family members, at some time in military service during 1992-95. The average age of those killed on 25 May 1995 was twenty-two, of which forty-six were males and twenty-five females. Three of these were serving in the Bosnian Army at that time. The data collected from those

interviewed showed twenty-four family members had served in military units during the war, of which four were killed. The majority of these men served in the Bosnian Army. In one mixed-marriage (Serb/Muslim) three relatives were known to have served in Serb units. In another family one family member had served in the former Yugoslav national army (JNA) prior to Bosnia-Herzegovina declaring independence, at which time he left the army and returned to Tuzla. Women were allowed to volunteer for service in military units during the war and one mother I interviewed had done so for two years at the beginning of the war. One father was shot in the spine and was now permanently disabled. Two other fathers who were interviewed were serving in the Bosnian Army at the time that Kapija Square was shelled. After the burial service and a period of compassionate leave they had to return to their units. In both cases they told of being offered the opportunity to kill some captured Serbs. Another father's brother was serving in the Bosnian Army at that time and he too wanted to avenge his nephew's death. In all three cases the fathers would not allow such acts to take place. They did not want anyone to take the law into their own hands notwithstanding the emotional devastation they were feeling at that time. This response was given in almost all of the interviews I held; that is, that no-one expressed a desire for revenge but only that the perpetrators should face justice for their acts. These examples show the family dynamics that occur when a country is at war and over the period 1992-95 many families in Tuzla had family members killed either in the army or as civilians. The public memorial wall for all those killed during the war showed 800 names. This includes both military personnel and civilians and is representative of all ethnic backgrounds.

Most of the Serb population in Tuzla left the town at the beginning of the war, including all of the Orthodox priests. The Serb population at that time (1991 Census) was 15,000. Of this number it is estimated that 6,000 remained in the town and many served alongside Muslims and Croats in the Bosnian Army. A list provided to me by the Serb Civil Council shows that sixty-one Serbs serving with the Bosnian Army were killed during the war. It is estimated that around 1,000 shells were fired on Tuzla during the period 1992-95. As over four hundred people were either killed or injured in the shelling of Kapija Square on 25 May 1995, and that they were mainly young people, I will assume that

similar family dynamics to those I found from those people I interviewed for this research would be the case. The Bosnian Army captured the artillery gun that fired on the town that night and it now stands outside the Officers' Mess in Tuzla. The investigation report undertaken by UNPROFOR (United Nations Protection Force) concluded that the shell had been fired from Mt Ozren which is 20 kilometres away from the town, and that its purpose was to cause the maximum number of casualties both in the civilian population and any military personnel who were not active in military operations. The report added that Tuzla continued to be shelled over the next three days including around the area where the incident had occurred (Kapija Square) at a time when people were in the area to express their grief. The report concluded that it was a criminal act and that those guilty should be prosecuted by the United Nations.

#### **7.11 Displaced persons**

Five of the people (all male) killed on 25 May 1995 were living in Tuzla at that time because they had been expelled from their own towns (Srebrenica, Zvornik, Vlasenic) by Serbs. Tuzla was regarded as a relatively safe area within the wider context of the conflict that occurred in Bosnia-Herzegovina during 1992-95. These were Muslims and had they remained in their own towns they may well have been killed there, particularly any male from Srebrenica where the official figure of 7,800 Muslim men and boys is now given for those massacred by Serbs on 11 July 1995.

I was able to interview the brother of one of those killed from Srebrenica. It was his older brother that had been killed in Kapija Square. His parents were living in Srebrenica at that time and eventually they reached Tuzla alive. His younger brother was killed earlier during the war and is buried in Srebrenica. All three brothers served in the Bosnian Army.

I obtained a list now published of the names of those killed in Srebrenica and I tracked one family of one man killed in Kapija Square through the traditional Muslim practise of naming children to include, as the last name, the first name of the father. The man killed

had been brought to Tuzla from Srebrenica for emergency treatment at Tuzla Hospital. His family in Srebrenica included three sons and four daughters. By checking the lists through the last names I found that his three sons, his five brothers, and two nephews had all been killed on 11 July 1995. The whereabouts of his wife and daughters I could not trace. I would have expected them to get through to Tuzla but checking with the camps of displaced persons in the area brought no response.

From data collected by the Office for Refugees and Displaced Persons the number of displaced persons, mainly Muslim women and children, estimated between twenty and thirty thousand, still remained in Tuzla. In many cases they could not return to their own towns and villages, or were afraid to do so. The present political division of the country along ethnic lines made it impossible for some families to return to their own homes.

## **7.12 Peacebuilding**

The overall conclusion of my study reveals not only the enormity of personal loss for some families but also it challenges the very tradition that Tuzla prides itself on, of being a tolerant multi-ethnic community. The decision to have a common burial for those families, who could or wanted to do this, is the underlying focus of this research. The memorial cemetery is a powerful reminder of what happened on 25 May 1995 respecting those who lost their lives that day. As well, it is seen as a lesson for future generations to never allow this to happen again. The question I consider therefore is whether this single act of solidarity on the part of those families who agreed to a common grave site is a case of peacebuilding.

What happened in Kapija Square affected not only the families of those killed and those who were injured. The incident impacted on the whole town and the interviews with a range of people illustrate this. And, further, it has to be remembered that this one incident has to be placed within the context of the wider conflict that occurred in the country. In total, eight hundred people from Tuzla were killed during 1992-95. And within seven weeks after the shelling of Kapija Square the worst crime of genocide seen

in Europe since the Second World War was carried out in the nearby town of Srebrenica with 7,800 Muslim men and boys being massacred. Many of those from that town who survived, mainly women and children, sought refuge in Tuzla. From that town alone 30,000 displaced persons remain in camps around the town. The shelling of the town square on 25 May 1995 has come to symbolize the horror of war for this community, all the more poignant because of the young ages of those who were killed. Within the context of the wider conflict in the country, the impact of this one incident shows the enormity of what happened in total during 1992-95.

The conclusion I came to while working in Bosnia during 1998-99 was that a Truth and Reconciliation Commission would have been a more appropriate mechanism for dealing with the conflict that had occurred in Bosnia-Herzegovina during 1992-95. Therefore, having previously held this view I was interested in reading a copy of the speech given to the Plenary Session of the Bosnia-Herzegovina Parliament by Richard Holbrooke on 2 October 2003. He had been part of the US delegation working in Bosnia-Herzegovina during the period of conflict, and in his address he acknowledged some of the flaws in the Dayton Peace Agreement (1995) that ended the conflict. In particular, he stated that a Truth and Reconciliation Commission should have been created at Dayton; not as a substitute for the International Criminal Tribunal in The Hague, but as a complement to it. Such a commission, he believed, would have gone a long way to creating a truly peaceful Bosnia-Herzegovina and he urged the Parliament to consider such a course of action. He stated: 'You need this, to air the truth, to offer forgiveness, that is, amnesty, to some of those who admit the evil that they have committed, to build a single nation on the path to membership in the European Union' (Holbrooke 2003:4). To date there has been no move to take this action by the Bosnia-Herzegovina Parliament and, in fact, I was informed that there were legal difficulties to having a truth commission operating when an international war crimes tribunal is in place. This is to avoid to any compromise of the legal proceedings or, more importantly, the judgement of the Tribunal, which can apply a penalty. If a truth and reconciliation commission could be designed to complement a sitting tribunal I believe it could be a very constructive and necessary mechanism for all parties to the conflict that occurred in Bosnia-Herzegovina to



participate in. It provides the opportunity for all victims, irrespective of ethnic background or national sentiment, to have their anger and hurt expressed and their need for this to be met. In some small way the common burial site created in Tuzla illustrates how a community can communicate its common suffering rather than division.

## CHAPTER EIGHT

### CONCLUSION

The following passage from Paul Harris' book *Cry, Bosnia* (1996:131) embodies the sentiments and values that have become the tradition that Tuzla upholds:

The city of Tuzla is one of the most remarkable communities in Europe whose people have stood up, throughout history, for the values of pluralism, tolerance and democracy. During the Second World War the Muslim people of Tuzla succeeded in preventing the destruction of the city's Jewish and Serbian communities by Fascist troops. At the beginning of the present war in former Yugoslavia, Tuzla's non-nationalist authority reacted by putting together a multi-ethnic Citizen's Forum of 10,000 people to resist the politics of ethnic division and keep a normal civic life alive.

.... Tuzla's struggle, and Bosnia's struggle, is our struggle. It is the struggle of the whole of Europe for peace, democracy, cultural diversity and tolerance against the evil forces of Fascism.

My study examined one community's initiative for re-building peace. What happened in Kapija Square on 25 May 1995 is what the study is specifically focused on. To fully understand this incident, however, it is important to place it within the wider context of the conflict that occurred in Bosnia-Herzegovina during 1992-95. Tuzla had a long tradition of inter-ethnic tolerance and harmony, therefore, when a policy of ethnic-cleansing was executed in the conflict that erupted in Bosnia, so that tradition was tested. The emphasis in the study is on the decision-making process that occurred in Tuzla that saw the majority of families of those killed agree upon a common burial site irrespective of ethnic background in the face of religious and political opposition. Was the action taken by these families an illustration of Tuzla's tradition of inter-ethnic tolerance? And could their action be considered to constitute an initiative for re-building peace in the community? The interviews that I conducted led me to believe that it was an act of peace-building, not that anyone used that term. But they did refer to friendship, justice not revenge, Tuzla's 'tradition' of inter-ethnic tolerance, and the hope that such conflicts

would not happen again. The underpinning sentiment of the families of those killed was that those who lived together should not be divided in death. By memorialising this incident, which is what the *Aleja mladosti* does, the families and the community at large believed it served the purpose of being a symbolic and public statement for peace.

Michael Jackson, in his book *Existential Anthropology*, explores issues of social existence and co-existence in new ways, theorising events as the interplay between the situations in which human beings find themselves, and the capacities they possess for creating viable forms of social life. The course of history, he considers, is like the course of human life, in that it comprises a succession of turbulent events interrupted by periods of comparative calm. It is in these lulls that we take stock of our situation, come to terms with what has occurred, and begin anew. Accordingly, these are also the moments when we foreshadow, in the ways we speak, think and act, the shape of things to come (Jackson 2005:1).

I agree with Jackson on this point, as how the families and local leaders reacted to what happened in Kapija Square shaped both the decision for the cemetery to be constructed to memorialise what had happened, and made a statement about how this community wanted to see its future. Also, by telling their 'story', whether to a Court, a Truth Commission, or simply in my interviews, it enabled people to transmute experiences felt to be theirs alone into forms that could be circulated and shared – the relationship Jackson postulates, between events and what we make of them.

I came to the conclusion that the long-held tradition in Tuzla of tolerant inter-ethnic relationships was deeply held; making it something very important to cherish and preserve as it characterised the 'spirit' of who you were if you came from Tuzla. Relations in the town had been damaged by what had happened and emotions were still raw for some but the over-riding view gained was that both individual families and community leaders wanted to uphold this tradition. This was a remarkable position to take as during the time I spent in Bosnia-Herzegovina, at different times since 1997, it compares dramatically with the often hostile inter-ethnic attitudes and relations I saw in

other parts of the country. How the decision was reached in Tuzla for collective action over a common burial site for all ethnic groups reveals the 'grass-roots' initiative of families and local leaders working together in the face of external opposition. I believe this allowed this community to deal with the past and face the future in a more constructive frame of mind. This does not diminish the painfulness of what happened but their collective action negated the intention of the perpetrators of this crime to divide this community into taking sides.

According to Mahmood (2003:8) the contribution that anthropology brings to the study of violence is fieldwork undertaken in conflict areas which provides insights and understanding of how human beings experience it. This includes how people come to the moment of engaging in violence; how as victims they suffer it; how societies memorialize it; and what affects the violence and counter-violence of war actually have. This is increasingly being studied by social anthropologists not only to explain the causes of the violence but more importantly in order to examine the ways in which conflicts are resolved. It was apparent from the outset in this study that the overall context in which the incident in Tuzla occurred presented a formidable problem to overcome; that is, the level of violence that occurred in Bosnia-Herzegovina during 1992-95 was on a scale not seen since the Second World War (1939-45). In order to analyse the data collected in some meaningful way I devised a breakdown of the information into manageable components based upon a stated goal and with reference to key inter-related concepts. The action taken to build a common burial site for those killed in Kapija Square irrespective of ethnic background was examined in terms of whether it was taken to restore 'ordinary relations' in Tuzla. That was the stated goal, the restoration of 'ordinary relations'. Other terms such as social cohesion could equally be used or even national unity when applied within the wider conflict that had consumed Bosnia-Herzegovina. But I have used 'ordinary relations' as the preferred term for the goal as it describes the impact of war on any society insomuch that the destruction it causes breaks down any previously maintained relationship between the protagonists in the conflict. In order to ascertain whether or how the stated goal had been achieved in Tuzla I believed it was important to consider three inter-related concepts: one, that the truth of what had

happened should be known; two, that as hostilities had ceased so peace, itself, needed to be understood; and, three, in the context of the complex ethnic make-up of the whole region of the Balkans identity was necessary to be discerned.

### **The truth of what happened in Kapija Square**

To find out the truth of what happened on 25 May 1995 I drew upon personal accounts, public records and historical information. This provided the basis of an account of what happened in Kapija Square on 25 May 1995 and the decision-making process that followed concerning the common burial site. At that level, the truth of what happened is understood but 'truth' is problematic as it can be interpreted differently, denied or exaggerated by others. This makes acknowledgement of the truth difficult to reconcile between opposing views. I make this point as a cautionary note since I did not interview anyone from the Bosnian Serb artillery unit that shelled the town square and I could not interview any Bosnian Serbs who had left Tuzla at the beginning of the war. As a result, I do not know what their explanation of what happened in Kapija Square would be.

An historical and political appreciation of the region was necessary to give some insight and understanding as to what the conflict in Bosnia was about; who the protagonists were; and how the violence had impacted upon the population. What is now well-documented is that a policy of ethnic cleansing against the non-Serb population in Bosnia-Herzegovina was carried out by the Serbian Establishment in Serbia and Bosnia-Herzegovina. One in four of the population of Bosnia was affected in some form by this in a country with a population in 1992 of around four and a half million. This is a country divided by competing nationalist ideals trying to find a way to peaceful co-existence. Its population is divided in terms of three distinct ethnic identities; these being Serb, Croat and Muslim, although since independence the Muslim population refers to itself as Bosniak.

The country's history reveals lengthy periods of invasion and occupation with various influences being either imposed or voluntary assimilated and in modern times it was part

of a socialist, sectarian state. Its citizens, as a result, are a product of a complex cultural milieu in which they have lived their daily lives, adapting and coping with the changing political realities that have occurred throughout the country's history.

As the conflict in Bosnia-Herzegovina was the result of political territorial ambitions of the neighbouring countries of Serbia and Croatia it is at times unclear whether a person referred to as being a Serb or a Croat is a citizen of Bosnia-Herzegovina or whether they give allegiance to their corresponding 'mother' countries. The whole identity question is compounded further by religious affiliations that show Serbs and Croats subscribing respectively, in most cases, to Orthodox Christianity or Catholicism. To identify someone as a Muslim is in some cases a statement of their Islamic faith. Now, however, Bosnian Muslims call themselves Bosniaks, a term largely used to mean being not only a citizen of Bosnia but also a Muslim. This immediately suggests that people with other religious affiliations are precluded from using the term. Bosniak, Serb and Croat are commonly used terms of identity at present which suggests that nationalist sentiments still prevail in the country.

The interviews I conducted in 2004 and 2005, provide the basis of the research inasmuch that they form personal documentation of the views of some of the families of those killed on 25 May 1995 in Tuzla, community and religious leaders, and others significantly related to the incident. They allowed me to confirm details of the event and provided insights into the impact of the incident on all of those interviewed. All families had been traumatised and in some cases were dealing with a number of deaths in the family. I also found that many people affected by wartime losses, particularly those associated with the shelling of Kapija Square, had been dependent upon medication for long periods with some still requiring on-going medical or psychiatric attention. There was also a small group who have not been able to overcome their grief, resulting, in some extreme cases, in withdrawal into isolation within their own family with detrimental consequences. Classified as trans-generational trauma this can place pressures on the family unit to the degree that it becomes dysfunctional. This can result in physical abuse, breakdown in relationships and communication, neglect of some family members and

even suicide, with the potential for transmitting these negative behaviours to future generations of the family. This can lead to unresolved issues from the conflict being reignited and acted upon at a later period in time.

Support is critically important for people who have been traumatised by serious violence. I believe the local political leadership should have recognized this at the time and put in place a strategy for providing this. Their response to this, however, was that so many people had suffered throughout the whole conflict that they could not give special attention to any one group. Also, they had few specialists in trauma counselling available to them. Eight hundred people in total were killed in Tuzla during 1992-95 and many more injured. In addition, there are an estimated 20,000 to 30,000 displaced persons living in camps around Tuzla. These people have been expelled from their own homes in other parts of the country.

One of the problems for any neutral observer trying to understand what happened in Bosnia-Herzegovina during 1992-95 is describing the exact nature of the conflict. I came in the end to seeing that what happened in Bosnia was dictated by external aggression from Serbia and that Serbian aggression was underpinned by ultra-nationalist sentiments promoted both within Serbia and within the Bosnian Serb population in Bosnia-Herzegovina. Serbia's objective was to seek hegemony over the region by achieving a long-held ambition for a 'greater Serbia'. What was termed a policy of ethnic-cleansing directed against the non-Serb population indicates the level of violence that was to be executed. The international community did not intervene, choosing to see the conflict as a civil war as not only did the Bosnian Serbs turn on the Bosnian Muslims but also many Bosnian Croats did so, too. The Muslim population contends that they were simply fighting for their own survival. By the end of the conflict at which time Serbia had lost its influence over the Bosnian Serbs I believe the conflict in Bosnia-Herzegovina could be characterised as a civil war. There has been much contention surrounding this conflict. The six countries that from 1945 had made up the federation of Yugoslavia within a secular, socialist ideology fragmented into independent states, one after the other, from 1991. In Croatia and Bosnia-Herzegovina this erupted in conflict in

both cases with Serbia. Serbia had tried to halt the fragmentation that was happening by asserting itself politically to fill the power vacuum left by Tito's death, ostensibly to keep Yugoslavia intact. Norman Naimark (2001:198) in *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe* has shown how political elites are able to use the ideology of integral nationalism as a way to achieve power and maintain it against any rivals. In the process, they exploit the popular media to create historical images of national humiliation and suffering on the one hand and pride and revenge on the other. In the case of Serbia and its people the humiliation of their country originates from defeat by the Turks in the 15<sup>th</sup> century. The last President of the Republika Srpska, Biljena Plavšić, surrendered herself to the International Criminal Tribunal at The Hague and is presently serving a prison sentence. She acknowledged that the policies the Bosnian Serbs were pursuing were wrong and she apologised for this wrongdoing (see Appendix 8). Not all Bosnian Serbs will have agreed with her action but her statements at The Hague acknowledges the course of action taken by Serbia against the non-Serb population in Bosnia-Herzegovina.

It is important to remember that Bosnia-Herzegovina is a country newly independent, emerging from a secular socialist federation and a long history of occupation by other countries, having, as a result, little experience of independence or democracy. The country has a weak civil society with a fragile constitutional arrangement. It has a struggling economy and high unemployment.

The conflict in Bosnia-Herzegovina during 1992-95 was ended by an international agreement which resulted in the country being divided into two separate entities along ethnic lines. Executive political authority was centralised in an international overseeing body, supported by an international peacekeeping force. In my view, this peace accord stopped the fighting but essentially reinforced ethnic division and it is considered by many to be unjust. In this wider context I would hold that the peace that exists in Bosnia-Herzegovina today is a *negative* peace as described in chapter three, being narrowly focussed on security and order in the absence of violence. This solution presented the country with an ambiguous set of relationships within its borders that are neither one thing or another – “not war, not peace” (Nordstrom: 2004).



## **The nature of the peace**

Addressing the proposition that peace can be understood in its own right introduces ideas of justice, freedom and human rights as intrinsic to peace. My own findings concluded that there is a greater need for justice. This was the fundamental desire of all the participants interviewed in this study, notwithstanding the work of the International Criminal Tribunal for the former Yugoslavia (ICTY) at The Hague. Referred to simply as 'The Hague' this was for many people the standard of justice to be applied to what happened in Kapija Square. They had little faith in their own Courts. There appeared also to be a general disillusionment with politicians and the political structure in the country. That is, there was a lack of strategy for dealing with the post-conflict situation. The current leadership was not well regarded. This has some bearing on whether any top-down strategy could be viewed with any confidence. One consequence is that local 'grass roots' initiatives could come up against suffocating bureaucracies and entrenched political positions.

Justice can be either retributive or restorative. Retributive justice allows the matter to be heard before a Court based on evidence, the criminal code, and the penalties stipulated by law that the Court can impose whether, in the case of Bosnia-Herzegovina, it is the International Criminal Court for the former Yugoslavia (ICTY) set up by the United Nations at The Hague or in local courts in Bosnia-Herzegovina. Restorative justice by contrast can allow disputes to be heard directly by both victims and perpetrators without, in principle, the intervention of the State. Examples of restorative justice have been widely used in Truth Commissions around the world where there has been internal conflict. They call for accountability to be acknowledged and reparation to be made to the victims. In some cases this can lead to reconciliation if only in non-violent ways such as co-operation, confidence and trust building or mutual understanding. A cautionary note should be sounded, however, in proposing this process as the conflict that occurred in Bosnia-Herzegovina during 1992-95 saw actions of extreme violence resulting in charges of genocide and crimes against humanity being levelled at the

perpetrators. International law in such matters takes precedence in these cases requiring that they be heard in a criminal court. Although this legal point is acknowledged and such procedures are in place in Bosnia-Herzegovina I believe the decision taken in Tuzla to create the *Aleja mladosti* cemetery in the face of political and religious opposition from outside the town is an example of a 'grass-roots' action taken by the local community. As such, it reflects some of the restorative principles to be found when searching for a way to reconcile the past by re-building trust and unity. At the same time, it is important that the families of those killed in Kapija Square see that those who perpetrated this crime are held accountable. The most important aspect to the action taken by the families and the local community in building a memorial cemetery was that it negated the intention of those who committed the crime to divide the community.

### **The question of identity**

Those buried in the memorial cemetery are representative of families that are either exclusively of one religion/nationality or another or are from families where inter-marriage has occurred. In a broader sense, therefore, the people who are buried there are representative of the multi-ethnic make-up of the town. Their common burial was opposed by external political and religious factions, yet these objections were rejected. Fry (2006:252) in *The Human Potential for Peace: An Anthropological Challenge to Assumptions about War and Peace* argues that relationships that link groups tend to reduce inter-group violence. Termed 'crosscutting ties' inter-marriage relationships are not the only relationships to be considered; reduction in inter-group violence can be achieved by friendships or a common group identity. Such relationships can contribute to maintaining peace in society as they promote social and economic co-operation. I believe such ties exist in Tuzla; reflected not only in the high percentage of mixed-marriages but also in the number of community groups found in the town. The families of those killed in Kapija Square were dealing with their own personal emotions at the time, yet nonetheless they responded to the idea of a common burial site. Their decision can be seen to add to the crosscutting ties already present amongst those who were killed. Their families considered them to have been friends and therefore that they should not be

separated under the circumstances. The cemetery represents a physical reminder to all the families that those buried there are still together. That is very important to them. Credit must also be given to the community and religious leaders who not only supported these families through this difficult time but also supported the idea of a common burial site and made the resources available for it to happen. There is a tradition in Tuzla that enshrines inter-ethnic relations for the betterment of the whole town, and the sentiments expressed over the construction of the memorial cemetery reflect this tradition. The cemetery is part of the town's collective identity and consciousness. Many others in the town were injured on 25 May 1995 and they would have known many of those killed; therefore it is helpful for them to have this tangible public record of what happened as well as being a place for reflection. Contrary to holding the view that the peace to be seen throughout the whole country is a *negative* peace, I find the actions of those in Tuzla to build a common burial site irrespective of ethnic background contribute to a *positive* peace outcome. A deeply instilled culture of multi-ethnic tolerance seems to have prevailed in Tuzla in contrast to the extreme hostility which occurred in other parts of the country. The ethnic make-up of the town has changed since 1995 with a very large group of displaced persons now living there. These newcomers are mainly Muslims expelled from their own homes and having been subjected to or witnessed extreme violence. It is to be hoped that this fact does not diminish the inter-ethnic tolerance that Tuzla has nurtured over a long period of time.

The whole area of the Balkans is in transition and in my assessment at a critical juncture. I have visited Bosnia five times since 1997 spending a total of eighteen months in the country. It is a very complicated political and social situation to work within and this cannot be underestimated. The over-riding impression I have is of three groups of people divided along ethnic lines and I am not sure that they all want to see themselves as being of one country. In the case of Tuzla, as Jackson found in post-conflict Sierra Leone, identity is defined less in being than in belonging. That sense of a unified belonging across the whole of Bosnia-Herzegovina is what is needed if the country is to succeed in building a truly peaceful future for all of its citizens.

## APPENDIX 1

### PROJECT: INFORMATION SHEET

**Researcher:** Bernard Jervis, 79 Underhill Road, Featherston, New Zealand, Telephone 64 6 308 8527, Email [bjervis@paradise.net.nz](mailto:bjervis@paradise.net.nz)

**Chief Supervisor:** Dr Jeff Sluka, School of People, Environment and Planning, Massey University, Private Bag 11 222, Palmerston North, New Zealand, Telephone 64 6 350 5799, Email [J.Sluka@massey.ac.nz](mailto:J.Sluka@massey.ac.nz)

**Supervisor:** Dr Keith Ridler, School of People, Environment and Planning, Massey University, Private Bag 11 222, Palmerston North, New Zealand, Telephone 64 6 350 5799, Email [K.Ridler@massey.ac.nz](mailto:K.Ridler@massey.ac.nz)

On 25 May 1995 seventy-one people, both Muslims and Christians, were killed by an artillery shell in Kapija Square, Tuzla. My research examines the decision taken by some of their families to have them buried together in the face of external religious and political opposition. My fieldwork will be undertaken in Bosnia as part of my course requirement to complete a PhD degree in social anthropology.

I worked in Bosnia during 1998-99 and was made aware of this incident on one of my visits to Tuzla.

The participants invited to assist in this project will include family members of those killed, local community and religious leaders, and other members of the community in such cases of direct relevance to the study being undertaken. They will be approached to comment on the decision to have a common burial site. I fully realise that any participation in this study may result in sadness and discomfort in recalling this incident. Other information may be obtained from any official records and reports that are available.

### **(1) Family Members**

Family members will be approached through either Selim Bešliagić, Muhamed ef. Lugavić or Mišo Božić to participate in this study.

Participation will only be undertaken with your consent. To assist you in making this decision a copy of the questions that can be covered in the interview are enclosed with this Information Sheet. Also, a statement of your rights is given below. If you agree to participate in this study you will be asked to sign a consent form.

Privacy and confidentiality will be respected. To assist with this, names and addresses will not be recorded; instead a numbered coding system will be used.

A transcriber/translator will be used in interviews and will be required to sign a confidentiality agreement.

Interviews can be undertaken at any mutually agreed location, date and time, and should not last more than one hour on any one occasion. More than one interview might be possible.

All the data that is collected will be held securely.

Information can be provided on local support networks, if requested.

Should you have concerns about this study whilst on-going in Tuzla please contact Selim Bešliagić, Muhamed ef. Lugavić or Mišo Božić.

A summary of the findings will be made available should it be requested. Publications may arise from the research.

## **Statement of Rights**

You are under no obligation to participate in this study. If you do decide to participate, you have the right to:

- Decline to answer any particular question;
- Withdraw from the interview at any time;
- Ask any questions about the study at any time during participation;
- Provide information on the understanding that your name will not be used unless you give permission to the researcher;
- Ask for the audio tape (if used) to be turned off at any time during the interview.
- Read and amend the transcript of the interview.

## **Committee Approval Statement**

This project has been approved by the Massey University Human Ethics Committee, PN Application 04/126. If you have any concerns about the conduct of this research, please contact Professor Sylvia V Rumball, Chair, Massey University Human Ethics Committee Palmerston North, telephone 0064 6 350 5249, email [humanethicspn@massey.ac.nz](mailto:humanethicspn@massey.ac.nz).

## **(2) Community and Religious Leaders**

You are invited to participate in this study which will only be undertaken with your consent. To assist you making this decision a copy of the questions that can be covered in the interview are enclosed with this Information Sheet. Also, a statement of your rights is given below. Family members will be approached through you to participate in this study. Participation will only be undertaken with their consent. To assist them in making their decision a copy of the questions that can be covered in their interviews together with reference to their rights will be enclosed with the Information Sheet.

Privacy and confidentiality will be respected. To assist with this, names and addresses of the families interviewed will not be recorded; instead a numbered coding system will be used. Confidentiality may not be guaranteed at all times because of the nature of your roles in the community.

A transcriber/translator will be used in interviews and will be required to sign a confidentiality agreement.

Interviews can be undertaken at any mutually agreed location, date and time, and should not last more than one hour on any one occasion. More than one interview might be required.

All the data that is collected will be held securely.

It has been indicated to family members that should they have any concerns about this study whilst it is on-going in Tuzla they may wish to contact you.

A summary of the findings will be made available should it be requested. Publications may arise from the research.

### **Statement of Rights**

You are under no obligation to participate in this study. If you do decide to participate, you have the right to:

- Decline to answer any particular question;
- Withdraw from the interview at any time;
- Ask any questions about the study at any time during participation;
- Provide information on the understanding that your name will not be used unless you give permission to the researcher;
- Ask for the audio tape (if used) to be turned off at any time during the interview.
- Read and amend the transcript of the interview.

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### **(3) Significant Other Persons**

Participation in this study will only be undertaken with your consent. To assist you in making this decision a copy of the questions that can be covered in the interview are enclosed with this Information Sheet. Also, a statement of your rights is given below.

Privacy and confidentiality will be respected. To assist with this, names and addresses will not be recorded; instead a numbered coding system will be used.

A transcriber/translator will be used in interviews and will be required to sign a confidentiality agreement.

Interviews can be undertaken at any mutually agreed location, date and time, and should not last more than one hour on any one occasion. More than one interview might be possible.

All the data that is collected will be held securely.

Information can be provided on local support networks, if requested.

Should you have concerns about this study whilst on-going in Tuzla please contact either Selim Bešliagić, Muhamed ef. Lugavić or Mišo Božić.



A summary of the findings will be made available should it be requested. Publications may arise from the research.

### **Statement of Rights**

You are under no obligation to participate in this study. If you do decide to participate, you have the right to:

- Decline to answer any particular question;
- Withdraw from the interview at any time;
- Ask any questions about the study at any time during participation;
- Provide information on the understanding that your name will not be used unless you give permission to the researcher;
- Ask for the audio tape (if used) to be turned off at any time during the interview;
- Read and amend the transcript of the interview.

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## APPENDIX 2

### PROJECT:PARTICIPANTS CONSENT FORM

This consent form will be held for a period of five (5) years

I have read the Information Sheet and have had the details of the study explained to me.  
My questions have been answered to my satisfaction and I understand that I may ask further questions at any time.

I agree/do not agree to the interview being audio taped (*if applicable*)

I wish/do not wish to have my tapes returned to me (*if applicable*)

I wish/do not wish to have data placed in an official archive (*if applicable*)

I agree to participate in this study under the conditions set out in the Information Sheet.

Signature .....

Date .....

Full Name (Printed) .....

## APPENDIX 3

### INTERVIEW QUESTIONS

The following list indicates the nature of the questions that can be part of an interview:

#### **Family Members**

- Relationship to person killed in Kapija Square.
- Composition of family.
- Position of deceased in the family structure.
- Others known to family who were killed or injured in Kapija Square.
- Ethnic identity (including religion).
- Agreed to communal burial. Reasons for this decision.
- Did not agree to communal burial. Reasons for this decision.
- How has this death affected the dynamic of the total family unit?
- Has any support/counselling been given to the family? By whom?
- Do you give any practical or emotional support to other families connected to this incident?
- Has anyone in the family needed medication or hospitalization following this incident?
- What are your feelings for those who caused the death of your family member?
- Should anyone be held accountable for what happened? What should happen to them?
- How has the total conflict in Bosnia during 1992-95 affected your family?
- How would you describe inter-ethnic relations now? Is this different from pre-war relationships?
- Does your family feel secure?
- What does your family see as their future?
- What lessons do you see for future generations?

## Community and Religious Leaders

- Were any of your family killed or injured in Kapija Square on 25 May 1995?
- As a community or religious leader what action were you called on to undertake in relation to this incident?
- What process occurred that allowed the families of those killed to have them buried together?
- How was opposition to this dealt with?
- Under such dangerous conditions at the time how was the burial service arranged?
- The shelling of the town square occurred just before 9 p.m. What form, and when, did the burial service take place? Who attended?
- Did any of those with critical injuries die at a later date? If so, where are they buried?
- Are you aware of any families who have regrets over their decision to agree or disagree with a common burial site for those killed?
- What support/counselling services are available to people traumatized by this incident and other events in Bosnia during 1992-95?
- Has this incident changed attitudes in inter-ethnic relations in Tuzla? If so, in what way?
- How has violence affected your community?
- Are any actions being taken against those who could be held accountable for what happened in Kapija Square?
- Does the post-war situation in Tuzla present a different ethnic/religious configuration of its population?
- The Dayton Peace Agreement divided Bosnia into administrative cantons based on ethnic demarcations. What views are held by this community on this solution?
- Do the people of Tuzla feel secure now?
- What lessons do you see for future generations?
- How is Tuzla moving forward?

## **Significant Other Persons**

- How has the shelling of Kapija Square on 25 May 1995 affected you?
- Were you in the town when this incident occurred? If so, can you describe what happened and/or what actions you took?
- Were you injured? If so, what happened to you?
- If not injured yourself, do you know anyone who was killed or injured that evening?
- How do you think this incident has affected the whole town?
- Should anyone be held accountable for what happened? What should happen to them?
- Do you know of any on-going support/counselling services that are available to people traumatized by what happened in Kapija Square?
- Have attitudes changed in Tuzla since 1995? If so, in what way?
- In what ways did the conflict that occurred in Bosnia during 1992-95 affect you and/or your family?
- Do you feel secure today?
- What does the future hold for you?

## APPENDIX 4

### Ethics Review of Ethics Meeting

**Date** : 1 April 2004

**Purpose** : To discuss procedural and ethical issues which may be encountered as part of PhD preliminary research fieldwork.

**Proposed Title** : A case study of one Bosnian community's initiative for re-building peace.

- The proposed research will be conducted in accordance with the guidelines presented in the Code of Ethics of the Association of Social Anthropologists of Aotearoa/New Zealand, Inc.
- A letter outlining the purpose of this research with an invitation to participate will be provided to all participants. This letter will be available in both Bosnian and English.
- Informed written consent will be obtained from all participants prior to any interview.
- Every endeavour will be made to maintain participant privacy and confidentiality however this cannot always be guaranteed. To assist with this, participants' names and addresses will not be recorded; instead a numbered coding system will be used.

- Participants have the right to decline to participate, decline to answer any particular question, withdraw from the study at any time and ask any questions about the study at any time during participation.
- An interpreter will be used in most interviews and will be required to sign a confidentiality agreement.
- All data such as tapes and transcripts will be held securely.
- The researcher reserves the right to retain data for future research; should this information be used in the future, participants' privacy and confidentiality will be carried out in accordance with point number four.
- This research is being undertaken for private and academic use only. A summary of the findings will be made available to any participant should it be requested.
- At all times the integrity of the participants and the university will be maintained.

Should ethical issues arise, these will be discussed with the Ethics review Panel with the purpose of receiving guidance and feedback.

A copy of the Ethics Section from the research proposal is attached to this report.

(Signed) Bernard Jervis Dr Jeff Sluka Dr Keith Ridler Dr Henry Barnard

## APPENDIX 5

### INTREPRETERS CONFIDENTIALITY AGREEMENT

I, ..... agree to translate conversations for Mr Bernard Jervis for the purposes of his study and to transcribe any tapes that may be provided to me.

I agree to keep confidential all the information provided to me.

I will not make any copies of any transcripts or keep any record of them, other than those required for this study.

Signature .....

Date .....

Full Name (printed) .....



## APPENDIX 6

### Summary Guidelines for Fieldwork

- (1) Be descriptive in taking field notes.
- (2) Gather a variety of information from different perspectives.
- (3) Cross-validate and triangulate by gathering different kinds of data (i.e. observations, interviews, programme documentation, recordings, photographs, etc).
- (4) Use quotations; represent programme participants in their own terms. Capture participants' views of their experiences in their own words.
- (5) Select key informants wisely and use them carefully. Draw on the wisdom of their informed perspectives, but keep in mind that their perspectives are limited.
- (6) Be aware of and sensitive to the different stages of fieldwork.
  - (a) Build trust and rapport at the entry stage. Remember that the evaluator-observer is also being observed and evaluated.
  - (b) Stay alert and disciplined during the more routine middle-phase of fieldwork.
  - (c) Focus on pulling together a useful synthesis as fieldwork draws to a close.
  - (d) Be disciplined and conscientious in taking detailed field notes at all stages of fieldwork.

- (7) Be as involved as possible in experiencing the programme as fully as possible while maintaining an analytical perspective grounded in the purpose of the fieldwork: to conduct an evaluation.
- (8) Clearly separate description from interpretation and judgement.
- (9) Provide formative feedback as part of the verification process of fieldwork. Time that feedback carefully. Observe its impact.
- (10) Include in your field notes and evaluation report your own experiences, thoughts and findings. These are also field data. (Patton 1987:105-106).

## APPENDIX 7

### RESTORATIVE FRAMEWORK

#### CORE VALUES, GUIDELINES AND PRINCIPLES

The core values of the restorative framework can be contrasted with the fundamental assumptions of the predominant retributive criminal justice model, as characterized by the following beliefs (Pranis 1996:494-496):

##### **Assumptions of the Retributive Justice Model**

1. Crime is defined as an act against the state. A crime is a violation of a law, an abstract concept.
2. The offender is accountable to the state for the crime. As a result, the state and the offender are in an adversarial relationship. The tremendous power of the state in this relationship makes it necessary to protect the offender through a system of rights.
3. The threat of punishment deters crime and the execution of punishment changes behaviour.
4. Accountability is equated to suffering. If offenders have been punished, made to suffer, they have been held accountable. The outcomes of the system are measured by how much punishment was inflicted.
5. Victims are peripheral to the process of responding to and resolving the criminal incident.

##### **Assumptions of the Restorative Justice Model**

1. Crime is defined as an act against another person and the community. Crime is an injury which violates personal and community harmony.
2. The offender is accountable to the victim and the community. The state has the responsibility to ensure that the offender is held accountable to the victim and community and that the process of accountability is fair.
3. Offenders may experience suffering in the process of taking Responsibility and repairing harm, but not as the primary means to impact their behaviour.
4. Accountability is defined as taking responsibility for behaviours and taking action to repair harm resulting from those behaviours. The outcomes of the system are measured by how much reparation was achieved.
5. Victims and community have a key role to play in the process of resolving the crime.

6. The offender is defined by deficits and the victim is defined by material and psychological losses.

7. Crime is entirely the result of individual choices with individual responsibility.

8. The criminal justice system plays a major role in controlling the level of crime.

6. Offenders are defined by their behaviour and by the capacity to take responsibility for their actions and take action to make reparation. Victims are defined by the losses and by the capacity to participate in the process of recovering losses and to begin healing.

7. Crime has both individual and social dimensions. Offenders are accountable for their individual choices and communities are accountable for supporting victims, making it possible for offenders to make reparation, and for addressing the conditions which contribute to crime.

8. The criminal justice system can respond to crime and help repair the harm done, but can have only marginal impact on the level of crime. Crime control is a shared responsibility of the individual, the community and the state and is most effectively achieved through prevention efforts which increase social connections to conventional community members, increase individual competencies and build the capacity of neighbourhood institutions to meet the needs of

residents.

## APPENDIX 8

### **Biljana Plavšić Addresses the International Criminal Court for the former Yugoslavia at The Hague 2002**

Mr President, Your Honours, Madam Prosecutor, Counsel:

I'm thankful to have this opportunity to speak today. Nearly two years ago, I came before this Tribunal, having been charged with participating in crimes against other human beings, and even against humanity itself. I came for two reasons: To confront these charges and to spare my people, for it was clear that they would pay the price of any refusal to come.

I have now had time to examine these charges and, together with my lawyers, conduct our own investigation and evaluation. I have now come to the belief and accept the fact that many thousands of innocent people were the victims of an organized, systematic effort to remove Muslims and Croats from the territory claimed by Serbs. At the time, I easily convinced myself that this was a matter of survival and self-defence. In fact, it was more. Our leadership, of which I was a necessary part, led an effort which victimised countless innocent victims.

Explanations of self-defence and survival offer no justification. By the end, it was said, even among our own people, that in this war we had lost our nobility of character. The obvious questions become, if this truth is now self-evident, why did I not see it earlier? And how could our leaders and those who followed have committed such acts?

The answer to both questions is, I believe, fear, a blinding fear that led to an obsession, especially for those of us for whom the Second World War was a living memory, that Serbs would never again allow themselves to become victims. In this, we in the leadership violated the most basic duty of every human being, the duty to restrain oneself

and to respect the human dignity of others. We were committed to do whatever was necessary to prevail.

Although I was repeatedly informed of allegations of cruel and inhuman conduct against non-Serbs, I refused to accept them or even to investigate. In fact, I immersed myself in addressing the suffering of the war's innocent Serb victims. This daily work confirmed in my mind that we were in a struggle for our very survival and that in this struggle, the international community was our enemy, and so I simply denied these charges, making no effort to investigate. I remained secure in my belief that Serbs were not capable of such acts. In this obsession of ours to never again become victims, we had allowed ourselves to become victimisers.

You have heard, both yesterday and today, the litany of suffering that this produced. I have accepted responsibility for my part in this. This responsibility is mine and mine alone. It does not extend to other leaders who have a right to defend themselves. It certainly should not extend to our Serbian people, who have already paid a terrible price for our leadership. The knowledge that I am responsible for such human suffering and for soiling the character of my people will always be with me.

There is a justice which demands a life for each innocent life, a death for each wrongful death. It is, of course, not possible for me to meet the demands of such justice. I can only do what is in my power and hope that it will be of some benefit, that having come to the truth, to speak it, and to accept responsibility. This will, I hope, help the Muslim, Croat, and even Serb innocent victims not to be overtaken with bitterness, which often becomes hatred and is in the end self-destructive.

As for my own people, I have referred to their character. I think it, therefore, important to explain what I'm speaking of. There now stands in the centre of Belgrade a great domed church still under construction begun in 1935. Our people have persevered in building this church as a monument to a man who more than any other formed the character of the Serbian people. That man was the great Saint Sava. The path he

followed was marked by self-restraint and respect for all others. A great diplomat who gained the respect of his people and the world around him, a man whose character has become deeply ingrained in the Serbian people. It is the path and example of Saint Sava that the great Serbian leaders have followed, even in our own times, demonstrating a noble endurance and dignity, even in the most difficult circumstances. One need only point to Bishop Artemije Radossavljevic, who to this very day is a voice crying out for justice in what has become for Serbs the wilderness of Kosovo.

Tragically, our leaders, including myself, abandoned this path in the last war. I think it is clear that I have separated myself from those leaders, but too late. Yet, this leadership, without shame, continues to seek the loyalty and support of our people. It is done by provoking fear and speaking half-truths in order to convince our people that the world is against us. But by now the fruits of this leadership are clear. They are graves, refuges, isolation, and bitterness against the whole world, which spurns us because of these very leaders.

I have been urged that this is not the time nor the place to speak this truth. We must wait, they say, until others also accept responsibility for their deeds. But I believe that there is no place and that there is no time where it is not appropriate to speak the truth. I believe that we must put our own house in order. Others will have to examine themselves and their own conduct. We must live in the world and not in a cave. The world is always imperfect and often unjust, but as long as we persevere and preserve our identity and our character, we have nothing to fear.

As for me, it is the members of this Trial Chamber that have been given the responsibility to judge. You must strive in your judgement to find whatever justice this world can offer, not only for me but also for the innocent victims of this war.

I will, however, make one appeal, and that is to the Tribunal itself, the Judges, Prosecutors, investigators; that you do all within your power to bring justice to all sides.

In doing this, you may be able to accomplish the mission for which this Tribunal has been created.'

Thank you.

(Mrs Biljana Plavšić)

This transcript was reproduced in full in *Bosnia Report, Series Nos. 32-34*, (2003), 19.

**NOTE:** Mrs Plavšić was sentenced to 11 years imprisonment on charges of crimes against humanity, her sentence to be served in Sweden.



## **APPENDIX 9**

### **Text of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (U.N.G.C.) resolution 260A (III) December 9, 1948.**

#### **THE CONTRACTING PARTIES,**

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

Recognizing that at all periods of history genocide has inflicted great losses on humanity; and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required:

HEREBY AGREE AS HEREINAFTER PROVIDED:

#### **Article I**

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

#### **Article II**

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group as such:

- (a) Killing members of the group.

- (b) Causing serious bodily or mental harm to members of the group.
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

### Article III

#### THE FOLLOWING ACTS SHALL BE PUNISHABLE:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

### Article IV

Persons committing genocide or any other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials, or private individuals.

### Article V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in Article III.

## Article VI

Persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

## Article VII

Genocide and the other acts enumerated in Article III shall not be considered as political crimes for the purpose of extradition.

\*\*\*

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

*Nuremberg Tribunal Charter.* (1947). Washington, DC: Office of the United States Chief Counsel for Prosecution of Axis Criminality.

## **APPENDIX 10**

### **INAUGURAL SPEECH OF PUBLIC PROSECUTOR TO WAR CRIMES CHAMBER, SARAJEVO, BOSNIA-HERZEGOVINA**

In welcoming this important event, I wish our partners, Judges and Prosecutors of the Court and its War Crimes Chamber, full success and a lot of courage, both professional and moral. I appeal to the International Community to continuously and generously support this effort, as the majority of most terrible crimes in the 1990's were committed in Bosnia-Herzegovina.

Bosnia-Herzegovina, finally, has received a legal forum at the state level to deal with war crimes, including the cases to be referred from the ICTY. Together with special Courts for war crimes in Croatia and Serbia, and subject to effective regional co-operation, the Sarajevo based War Crimes Chamber is bound to join the legal battle against impunity. My Office has for a long time supported domestic war crimes prosecutions and promoted direct co-operation between relevant states. With the resources available to me we will continue to assist this process.

The importance of the Sarajevo War Crimes Chamber is clear to all of us. Allow me to stress only a couple of issues, which, in my view, will be at the core of domestic war crimes prosecutions. First, they must be victim-oriented and victim-driven, and not to be seen as a process for the sake of the process, justice for the sake of justice. Secondly, they must be credible and seen as apolitical and depoliticised proceedings, which are of tremendous importance for the witnesses. And, thirdly, they will have to fight against deeply embedded prejudices, public misconceptions, unsettled grievances and probably political interference. Clearly, there will be numerous challenges and obstacles in the way. However, you will have the luxury of no deadlines to complete the task.

We always say that there were thousands of perpetrators of war crimes and the Tribunal was not designed to deal with all of them. Concurrent jurisdiction of the ICTY and

national courts unfortunately did not work as expected and a lot of time was wasted, much of the evidence lost with witnesses passing away and becoming increasingly reluctant to testify. However, the legacy of the ICTY and its jurisprudence will be of great assistance to you.

All of us working on war crimes are under the scrutiny of thousands of victims on different sides. Thus we must always keep in mind Martin Luther King's words: 'Injustice anywhere is a threat to justice everywhere.' Those of you working for the War Crimes Chamber in Sarajevo will be monitored not only by the international community, but even more so by your three peoples, two entities, your neighbours. The Court of BH must become a truly national court, which will mean a big step forward towards reconciliation. Enormous effort and crystal-clear fairness are needed to destroy suspicion, prejudice, and lack of confidence. It is a great challenge, not a privilege. And in many ways your task will be more difficult, as you do not have the powers of the International Tribunal. However, your power and authority are even greater since this is your country.

Since the Nuremberg and Tokyo tribunals, this is the first time that the authority to prosecute war criminals is being transferred to a national jurisdiction. It would be wrong to think that success is guaranteed. We shall all have to see how the practice and the experience of the ICTY are to be translated into trials on the national level. Recently held hearings at the ICTY in regard to the transfer of cases to national courts revealed many problems. There remain issues due to the different legal systems, issues related to command responsibility and retroactivity. We often hear unfair and unnecessary attempts commonly used to distinguish between 'defenders' and 'aggressors', us and them. My message is – there shall be no credit given to a 'defender' if he killed or ordered the killing of innocent civilians: all are equal in front of the court of law. The criteria for success should be the same and simple: the victims must be satisfied as far as possible, since there were hundreds of thousands of them; and their suffering must be addressed in the first place.

The debate on war crimes in the former Yugoslavia is not subsiding. It is present in the daily life and media, and always politicised. This is the environment you will have to work in: the public is interested only in those suspected or accused, i.e. in politically rather than judicially defined truth. I am far more concerned about the victims of war crimes and their families, and I appeal to you to make the victim aspect of any legal process a priority.

Finally, the main point: National courts are to continue our work, impunity should not be tolerated and this is our moral and professional obligation as lawyers. Rephrasing the words of the famous Russian writer, Solzhenitsyn, known for his personal ordeal thanks to the horrible injustice of Stalin's regime, we can all agree with him that without punishment of those who committed crimes we are taking away the foundations of justice from beneath new generations ... For the sake of the future generations in this country, I wish the War Crimes Chamber and the Court of BH full success in bringing criminals to justice.

*Address to the War Crimes Chamber of the Court of BiH, Sarajevo. (2005). Sarajevo, Bosnia-Herzegovina: Office of the Prosecutor (ICTY).*

## APPENDIX 11

### NAMES OF THOSE BURIED AT ALEJA MLADOSTI CEMETERY (51)

Two separate set of records giving the names of all those killed on 25 May 1995 were published:

UBISTVO SVITANJA: civilne žrtve rata u Tuzli published by Tuzla Civil Authority, 1996.

ZLOČIN published by BiH War Crimes Commission, 1995.

These records also published the names of those seriously wounded.

R1.7 R1.6 R1.5 R1.4 R1.3 R1.2 R1.1  
R2.8 R2.7 R2.6 R2.5 R2.4 R2.3 R2.2 R2.1  
R3.11 R3.10 R3.9 R3.8 R3.7 R3.6 R3.5 R3.4 R3.3 R3.2 R3.1  
R4.12 R4.11 R4.10 R4.9 R4.8 R4.7 R4.6 R4.5 R4.4 R4.3 R4.2 R4.1  
R5.13 R5.12 R5.11 R5.10 R5.9 R5.8 R5.7 R5.6 R5.5 R5.4 R5.3 R5.2 R5.1

Code	First Name(s)	Family Name	Nickname	Y.O.B.	M/F
R1.1	Sandro	KALESIC		1992	M
R1.2	Vanja	KURBEGOVIĆ		1977	F
R1.3	Adrijana	MILIC		1978	F
R1.4	Jasminko	MUJACIC	Jasko	1962	F
R1.5	Savo	STJEPANOVIC		1970	M
R1.6	Dijana	NINIC		1975	F
R1.7	Pera	MARINOVIC		1958	F
R2.1	Samir	CIRAK	Ciro	1977	M
R2.2	Almir	JAHIC	Bato	1977	M
R2.3	Vesna	KURTALIC		1979	F
R2.4	Indira	OKANOVIC		1980	F
R2.5	Amir	DAPO		1975	M
R2.6	Edin	MEHMEDOVIC		1975	M
R2.7	Edin	MUJABASIC	Mony	1973	M
R2.8	Jasminka	SARAJLIC		1971	F
R3.1	Suzan	ABDUL-ISMAIL		1980	F
R3.2	Amira	MEHINOVIC		1974	F
R3.3	Edisa	MEMIC		1976	F
R3.4	Edina	AHMETASEVIC		1974	F
R3.5	Elvis	ALAGIC	Enko	1977	M
R3.6	Admir	ALISPAHIC		1971	M
R3.7	Lejla	ATIKOVIC		1980	F

R3.8	Asmir	BAKALOVIC	Asko	1975	F
R3.9	Elvira	HURIC		1978	F
R3.10	Adnan	BEGANOVIC		1979	M
R3.11	Endira	BORIC		1958	F
R4.1	Rushmir	PONJAVIC		1974	M
R4.2	Hasan	HRUSTANOVIC		1970	M
R4.3	Nedim	HODZIC		1964	M
R4.4	Alem	HIDANOVIC		1975	M
R4.5	Senad	HASANOVIC		1969	M
R4.6	Hamdija	HAKIC		1947	M
R4.7	Ago	HADZIC		1975	M
R4.8	Muris	FATUSIC		1980	M
R4.9	Amir	DUZEL		1968	M
R4.10	Suzana	DUSIC		1981	F
R4.11	Selma	CAUSEVIC		1977	F
R4.12	Lejla	BUCUK	Lela	1978	F
R5.1	Adnan	ZAIMOVIC	Garó	1967	M
R5.2	Sulejman	MEHANOVIC	Suljo	1967	M
R5.3	Samir	MUZIC		1966	M
R5.4	Edem Envera	SARAJLIC	Edo	1975	M
R5.5	Senahid	SALAMOVIC		1969	M
R5.6	Nedim	REKIC		1967	M
R5.7	Prof. Fahrudin	RAMIC		1961	M
R5.8	Raif	RAHMANI		1972	M
R5.9	Saban	MUSTACEVIC		1966	M
R5.10	Elvir	MURSELOVIC		1972	M
R5.11	Asim	SLIJEPCEVIC	Asko	1975	M
R5.12	Azur S.	JOGUNCIC		1973	M
R5.13	Adnan	HUJDUROVIC	Kindze	1977	M

#### Analysis: -

Male	33	Names (indicating religion of family):	Both parents (Islam)	42
Female	18		Both parents (Catholic)	2
			Both parents (Orthodox)	3
Age range	3 to 48:		Father (Islam) Mother (Catholic)	3
Under 5	1		Father (Islam) Mother (Orthodox)	1
6 to 10	0			
14 to 18	16			
19 to 24	18			
25 to 34	13			
Over 35	3			

Some names can indicate either Orthodox or Catholic families.  
R5.8 the family name RAHMANI could be Albanian or Kosovar

#### Emblems on graves:

Crescent 29 (male 18/female 11); Rose 11 (female 6/male 5); Fleur de Lys 8(all male); Open Book 1 (female); Blank 2 (female 1/male 1). Note: A Crescent represents Islam therefore the deceased are Muslims; the significance of the Rose is not clear and is used by both male and female; it has been suggested that the Fleur de Lys indicates national identity with Bosnia rather than religious affiliation.



## APPENDIX 12

### NAMES OF THOSE KILLED ON 25 MAY 1995 BURIED IN OTHER CEMETERIES

1.	Damir		BOJKIC	27	M	
2.	Ilvana		BOSNJAKOVIC	17	F	
3.	Elma		BRGULJAK	20	F	
4.	Sanja		CAJIC	17	F	
5.	Amir		CEKIC	21	M	*
6.	Almasa		CERIMOVIC	19	F	*
7.	Zada		DEDIC	20	F	
8.	Razija		DJEDOVIC	19	F	*
9.	Semsa		HASICIC	20	F	*
10.	Franc		KANTOR	24	M	
11.	Damir		KURBASIC	20	M	
12.	Nenad	Neso	MARKOVIC	19	M	
13.	Neset		MUJANOVIC	20	M	*
14.	Selma		NUHANOVIC	17	F	
15.	Nihad		SISIC	19	M	*
16.	Armin		SISIC	19	M	*
17.	Jelena		JEZIDZIC-STOJICIC	44	F	
18.	Ilinka		TADIC	53	F	
19.	Azur		VANTIC	19	M	
20.	Mustafa		VUKOVIC	23	M	

NOTE: \* These people are from either Gradacac or Gracanica and assumed therefore to be buried there. 1 person chose to be buried at Vogosca (not named). All others were buried in cemeteries in Tuzla. Jasminko Rosic (Jasko) was shown on this list but on examination I found that under the name of MUJACIC he was buried at Aleja mladosti cemetery.

Analysis: Male 10; Female 10; Average age 23; Muslim 14; Catholic 2; Orthodox 0; Mixed-Marriage 4.

**APPENDIX 13**

**UNPROFOR**

**INVESTIGATION REPORT ON THE SHELLING OF KAPIJA SQUARE  
ON 25<sup>th</sup> MAY 1995**

Protection Forces  
United Nations  
Headquarters North-East Sector  
Tuzla Airport

Office of Commanding Officer  
Commanding Officer  
UNPROFOR  
Sarajevo  
Republic of Bosnia and Herzegovina  
Date: 28<sup>th</sup> of May 1995

Reference:  
Sector North-East  
UNPROFOR Investigation Report  
About Tuzla Shelling  
25<sup>th</sup> May 1995

Dear Major-General Smith,

Attached to this letter is the final report regarding the shelling of the center of Old Tuzla on 25<sup>th</sup> May 1995. The report summarizes the main findings of the investigation; all evidence having been obtained from direct sources to provide the facts on which to come to a conclusion. The report confirms the credible evidence gained directly after the shelling.

## Conclusions of Report:

At least 72 people were killed and an estimated 195 people injured in this incident. The deaths and injuries were directly caused by one 130 mm high explosive artillery shell with contact detonator (fuse) fired from H76 artillery system, that hit both army (non-active personnel) and civilians around 20:55 hours on 25<sup>th</sup> of May 1995.

Artillery unit was located west from line of fighting in the area known as Ozren base about 20 kilometres from Kapija Square, hit at 270° degrees (plus 7-10°). The location of the explosion, time of fire and type of artillery shell used indicate that the purpose was to cause a maximum number of casualties in the military (non-active) and civilian population.

It has to be pointed out despite the horror and tragedy of this incident, further shelling of Tuzla still continues. In the early morning hours of 26<sup>th</sup> May as well as on 27<sup>th</sup> May and even today on the 28<sup>th</sup> of May the shelling continues causing loss of life. This shelling has further fallen around the area where the incident occurred at a time when people are coming to this area to express their grief.

Therefore, I am forced to come to the conclusion that the shelling of Kapija Square on the night of 25<sup>th</sup> May 1995 has to be considered a criminal act which the international community and especially the United Nations should declare its aim to prosecute those who are guilty of this act, so that tragedies of this kind do not happen again.

(Signed) Hårup Haufland  
Major-General  
Commanding Officer  
Sector North-East

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