

### After the War in Bosnia: Radmila's Life Under Handbrake

By Olivera Simić\*

#### A. Writing Justice

“Ljudski rod ne mrzi toliko one koji čine zlo, ni samo zlo, koliko onog ko imenuje zlo.”<sup>1</sup>

Writer Radmila Karlaš<sup>2</sup> lives and works in Banja Luka, the political and economic center of Bosnia and Herzegovina's (BiH) entity Republika Srpska (RS).<sup>3</sup> Four years ago, Radmila left journalism because, in her own words, journalism had been “reduced to serve only the centers of power in BiH.”<sup>4</sup> Since then she has published two novels, *Four Leaf Clover* and *The Silence of Mestizos*.<sup>5</sup> Both works deal with the direct experience of war in BiH, with the phenomenon of evil in human nature, and attempt to demystify the process that has led her homeland into the situation in which it now finds itself. The novels also analyze the war crimes committed against the non-Serb population in Radmila's hometown, Banjaluka, and in Prijedor, a town in the northern-western part of BiH.<sup>6</sup>

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\* Dr. Olivera Simić is a lecturer with the Griffith University Law School. Email: o.simic@griffith.edu.au. The author would like to thank Maria Tumarkin, Dr. Faye D'Evie, Dr. Zala Volcic, the editors, and anonymous reviewers for their useful comments on the previous drafts of this paper.

<sup>1</sup> “The human race does not hate him who do the harm, nor evil itself, but him who name the evil.” Giacomo Leopardi, *quoted in* RADMILA KARLAŠ, ČETVOROLISNA DJETELINA [FOUR LEAF CLOVER] (2009) (author's translation).

<sup>2</sup> Radmila Karlaš is a writer from Bosnia and Herzegovina. Email: karlas@teol.net.

<sup>3</sup> Republika Srpska is one of two main political entities of Bosnia and Herzegovina, the other being the Federation of Bosnia and Herzegovina. Although there has been no census since the end of war, according to some statistics, almost 90% of the population in RS are Serbs. See Republika Srpska, <http://republikasrpska.webs.com/srbi.htm> (last visited Apr. 29, 2012).

<sup>4</sup> The statements in this paper come from personal interviews conducted in Banjaluka, Bosnia, and Herzegovina, during November and December 2011. The interview was conducted in Bosnian/Serbian/Croatian and the statements have been translated into English by the author.

<sup>5</sup> Both novels are published in the local languages. Radmila is looking for grants to translate her books into English.

<sup>6</sup> Prijedor became notorious during the war as a result of the ethnic cleansing of the non-Serb population and the establishment of the concentration camps, Omarska, Karaterm, and Trnopolje, in its municipality. See U.N. Security Council, *The Prijedor Report: The Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992)*, U.N. Doc S/1994/674/Add.2 (Vol. I) (Dec. 28, 1994).

In 2009, Radmila published her first novel *Four Leaf Clover* which quickly gained popularity in BiH and throughout the Balkan region. Between September and December of the same year, the novel was placed in the top four of an influential readers' list in BiH. Still, Radmila told me that the feedback she received from the readership was that her books arrived "too early, because almost nobody wants to face the truth about past." Her second novel traces how the former Yugoslavia fell apart and how the collapse mutilated BiH, which is now, she argues, "a deeply divided country with a terrible political oligarchy and religious shackles." Radmila's books are often praised by the Bosniak community and condemned by Serbs, who she has called on to account for the crimes they committed. She has been named as "the first person in Republika Srpska who talks and writes about the war crimes in her own home city,"<sup>7</sup> and her novel *Four Leaf Clover* "the first novel from RS which talks about the crimes committed in this entity."<sup>8</sup> Radmila is well known locally and to lesser extent to an international audience. Although, due to her writing, as she puts it, "the ring around me is completely closed," Radmila has managed to find ways to travel and promote her books. She launched her first novel in BiH, as well as in Scandinavia and at Harvard Kennedy School in Boston. However, for her second novel, Radmila has yet to leave the borders of her former homeland.

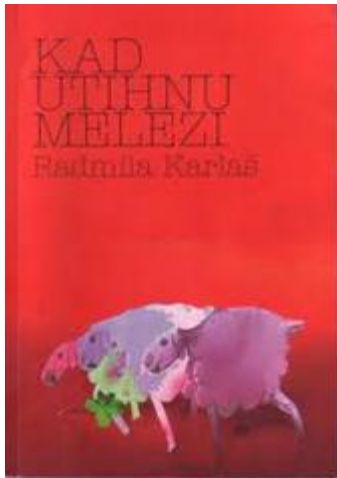


**Figure 1: Book cover of 'Four Leaf Clover' (original title 'Četvorolisna djetelina')**

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<sup>7</sup> Elvir Padalovic, *Radmila Karlaš, "Četvorolisna djetelina,"* BUKA, Feb. 8, 2010, available at <http://blusrcu.ba/index.php?page=news&op=readNews&id=442&title=Radmila-Karla%9A-%26%23268%3Betverolisna-djetelina> (last visited Apr. 29, 2012).

<sup>8</sup> Filip David, *quoted in KARLAS, supra* note 1, at 93.



**Figure 2: Book cover 'The Silence of Mestizos' (original title 'Kad utihnu melezi')**

Everything she has earned from selling the books, Radmila has invested in future editions of the novels.<sup>9</sup> She has been paying off the print run of her second novel over the last two years and still has a debt of 150 euros. However, she says she cannot complain about the poor sales of her books, if, as she puts it, “we take into account the general (non) culture and quasi-cultural trends in BiH.” As a result, according to Radmila, “when Banjaluka bookstores sell 20 books a month, that is a success.”

Before the war, Radmila worked as a freelance journalist for a number of media outlets across the former Yugoslavia. At the beginning of the war, she found an alternative magazine in BiH, *Novi Prelom*, aimed at tolerance, coexistence, and fighting against racial, religious, and any other intolerance. She was the first person from RS to visit Sarajevo after the signing of the Dayton Agreement<sup>10</sup> on the invitation of the Forum for Democratic Initiative. Also, she was among the first to participate in seminars and give lectures on her assessment of the situation in the country, including before parliament in Vienna in September 1996 and later on before the governments of Austria, France and the United

<sup>9</sup> *Četvorolisna djetelina* has had three printings so far. The first two had 500, and the third had 1,000 copies.

<sup>10</sup> The General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement), which officially put an end to the war in BiH, was formally signed in Dayton on December 14, 1995. General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement), Dec. 14, 1995, 35 I.L.M. 75 (1996).

States. She has been working closely with likeminded people and not-for-profit organizations across the former Yugoslavia on projects related to reconciliation and dealing with the past. Between 1998 and 2004, she was a coordinator of Amnesty International in BiH. During the same period she also worked as a correspondent for the Serbian service of BBC for the RS. Today, Radmila is jobless and lives with her parents on their modest pension.

### B. Doing Justice

After reading Radmila's novels, I felt an urge to meet with her and talk to her about her life and how it felt to live in BiH sixteen years after the Dayton Accord was signed. This paper is based on conversations I had with Radmila in November and December 2011, which offer a perspective on the life of an intellectual who thinks outside the mainstream nationalism that dominates discourse in BiH. I met Radmila several times over coffee in Banjaluka, our home city, to talk about her books, her life, and the difficulties of survival in BiH. I was intrigued by the courage and guts of this woman. Although we both write about transitional justice and the legacies of past that still haunt our homeland, the difference between us is that Radmila lives and works in Banjaluka, where of its 200,000 inhabitants, almost 90% are Serbs. In a city that is the heart and mind of RS, she dares to write and publicly speak about the crimes committed against the non-Serb population during the recent war. I, on the other hand, live and work in a country where my life is not in danger because of my research and critical writing.

This paper brings into perspective the life of a local who diligently works on transitional justice issues yet lives on the margins of society as a result of her work. This paper argues that it is important to view local people, such as Radmila, as stakeholders and active agents of change, and embrace their experiences and opinions. Failure to do so can lead to a poor understanding of the ripples of transitional justice "on the ground," and of the creative energy for transition that comes "from below."<sup>11</sup> The UN has also acknowledged the importance of consultation and the meaningful participation of national stakeholders, civil society, and traditionally excluded groups, such as women to assess issues in relation to transitional justice.<sup>12</sup> According to the UN, the local people should be able to define local problems, conceptualize them, and design programs to address difficulties they define.<sup>13</sup> Radmila publically speaks about the local problems in her community and the ongoing

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<sup>11</sup> See Colm Campbell & Fionnuala Ní Aoláinn, *Local Meets Global: Transitional Justice in Northern Ireland*, 26 *FORDHAM INT'L L.J.* 871, (2003).

<sup>12</sup> U.N. Secretary-General, *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies: Rep. of the Secretary-General*, para. 15, U.N. Doc. S/2004/616 (Aug. 23, 2004).

<sup>13</sup> See Patricia Lundy & Mark McGovern, *The Role of Community in Participatory Transitional Justice*, in *TRANSITIONAL JUSTICE FROM BELOW: GRASSROOTS ACTIVISM AND THE STRUGGLE FOR CHANGE* 109 (Kieran McEvoy & Lorna McGregor eds., 2008).

struggle for survival in impoverished BiH where, although the war officially ended in 1995, it never ended in the hearts and minds of many people in the different ethnic groups.

According to Van Der Merwe, “doing justice” can take many forms, the most obvious being criminal prosecutions, but other measures such as public truth telling also occasionally form a part of a justice process.<sup>14</sup> Radmila is a representative of people in post-conflict BiH who dare to speak the truth while bearing the risk of being ostracized and pushed to the margins by the mainstream. By using a method of country case study and interviews, this paper seeks to illuminate more fully the impacts transitional justice policy and its different mechanisms have on society.<sup>15</sup> It argues that local justice activity can be embodied in work of individuals whose lives are not well documented and theorized in the literature. “The local,” as Shaw and Waldorf argue, is the reality of a nuanced understanding of what justice, redress, and social reconstruction look like from place-based standpoints.<sup>16</sup> Without taking into account this reality, transitional justice cannot be effective or legitimate.<sup>17</sup>

This paper brings into perspective the life of an individual with a public face in a struggle, whose work is a focal point of local justice mechanisms, yet who is unknown in international circles. It draws attention to the realities of the life on the ground and the gap between the assumptions and idealized goals of transitional justice. As Weinstein et al. argue, these assumptions must be tested and our ability to hear what the beneficiaries of justice believe to be important challenged.<sup>18</sup>

Drawing on her own experiences as a middle-aged, Serbian, single woman, who writes and publicly calls for the truth and accountability for the crimes committed in BiH during the war, Radmila tells a poignant story of life in constant physical, psychological, and what she calls “existential” danger. She is one of a few “lone warriors,”<sup>19</sup> a Bosnian woman in transition, who keeps searching for the truth about the past and demanding justice.

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<sup>14</sup> Hugo van der Merwe, *Delivering Justice During Transition: Research Challenges*, in *ASSESSING THE IMPACT OF TRANSITIONAL JUSTICE: CHALLENGES FOR EMPIRICAL RESEARCH* 115, 115 (Hugo van der Merwe, Victoria Baxter & Audrey R. Chapman eds., 2009)

<sup>15</sup> Neil Kritz, *Policy Implications of Empirical Research on Transitional Justice*, in *ASSESSING THE IMPACT OF TRANSITIONAL JUSTICE*, *supra* note 14, at 15.

<sup>16</sup> Rosalind Shaw & Lars Waldorf, *Introduction: Localizing Transitional Justice*, in *LOCALIZING TRANSITIONAL JUSTICE: INTERVENTIONS AND PRIORITIES AFTER MASS VIOLENCE* 3, 6 (Rosalind Shaw & Lars Waldorf eds., 2010).

<sup>17</sup> *Id.*

<sup>18</sup> Harvey M. Weinstein et al., *Stay the Hand of Justice: Whose Priorities Take Priority?*, in *LOCALIZING TRANSITIONAL JUSTICE*, *supra* note 16, at 48.

<sup>19</sup> I would like to thank Maria Tumarkin for allowing me to use this term.

### C. Life in Bosnian “Peace”

“The people have been taken away, day and night, in unknown directions, which have become known in the international media as the scenes of evil.”<sup>20</sup>

For the last twenty years, not much has changed in BiH. The country is ruled by the political parties that promote politics of division and hatred, while, as Radmila points out, BiH in its current and on-going transitional period has been “corrupted, looted, torn, and impoverished.” Radmila and the other people I talked to in BiH refer to this seemingly endless period of transition as “the first accumulation of capital, present in its most primitive and criminal stage.” In such poverty, as she puts it, “it is easy to rule masses of people and keep them in a state of fear and amenable to control.” It is in this context—where government and national justice systems are themselves corrupted and ineffective—that victims, survivors, and others have been the engines of change.<sup>21</sup> Radmila is one of them.

BiH is a country in which the character of recent war is still not defined: All ethnic groups claim that they “defended” themselves from the “others.” They each have their own truth about war and may call the recent war “a civil war,” “a defensive war,” or “an offensive war” depending on the ethnic group they belong to. Because of these contested truths about war, it is of significant importance, as Nikolic-Ristanovic and Hanak argue, to insist on “discovering the truth on crimes committed by all sides and connecting them into ‘one truth’ in order to understand what happened and to overcome denial.”<sup>22</sup>

Until this happens, Radmila argues that people like herself, people who dare to speak against the mainstream about war crimes committed by their “own group,” will continue to live in a country where the rule of law is absent. The establishment of the rule of law is one of the most challenging and important tasks in transition. The rule of law was first recognized by the General Assembly in 1993 as “an essential factor in the protection of human rights.” In accordance with this acknowledgment at the national level, international donors contributed large sums of money to “Rule of Law” programs designed to transform national justice systems.<sup>23</sup>

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<sup>20</sup> KARLAS, *supra* note 1, at 46 (author’s translation).

<sup>21</sup> McEvoy & McGregor, *supra* note 11.

<sup>22</sup> Vesna Nikolic-Ristanovic & Natasa Hanak, *Truth, Reconciliation, and the Serbian Victimology Society*, 18 PEACE REV. 379, 383 (2006).

<sup>23</sup> Rosa Ehrenreich Brooks, *The New Imperialism: Violence, Norms, and the “Rule of Law”*, 101 MICH. L. REV. 2275, 2278 (2003).

In BiH, the UN Mission (UNMIBH) had a mandate to contribute to the establishment of the rule of law by assisting in reforming and restructuring the local police and assessing the functioning of the existing judicial system.<sup>24</sup> However, even though transitional justice mechanisms may be deployed with the best intentions, they almost always have unintentional outcomes as a result of “frictions” between local realities and global mechanism; between the universal ideals of transitional justice and the complex realities on the ground.<sup>25</sup> Thus, even though both Milosevic and Tudjman died, as Radmila puts it, their “ghosts are still present here”:

These are the people who directly, with military and paramilitary troops, intervened in the internal affairs of BiH; who tried to enslave and divide it. There is also the responsibility of the former BiH president Alija Izetbegovic, who in the 1990s offered his vision of BiH: ‘One nation-one party, three people or three-parties and three territories, and if this cannot be accepted as an option, then what should follow is a one-party and one nation, and this will be Muslim nation, now Bosniak.’ This was a disastrous option for then BiH.

While only Milosevic was prosecuted in The Hague,<sup>26</sup> Svetlana Broz observes that responsibility for the wars in Yugoslavia also lies on people who have not been prosecuted by the International Criminal Tribunal for the Former Yugoslavia (ICTY). She maintains that all three former leaders, Slobodan Milosevic, Alija Izetbegovic, and Franjo Tudjman, are responsible for war crimes. Indictments were prepared against Izetbegovic and Tudjman,

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<sup>24</sup> See generally *Bosnia and Herzegovina – UNMIBH – Background*, U.N. DEP’T PUB. INFO., <http://www.un.org/en/peacekeeping/missions/past/unmibh/background.html> (last visited Apr. 29, 2012).

<sup>25</sup> Alexander Laban Hinton, *Introduction: Toward an Anthropology of Transitional Justice*, in *TRANSITIONAL JUSTICE: GLOBAL MECHANISMS AND LOCAL REALITIES AFTER GENOCIDE AND MASS VIOLENCE* 1, 9 (Alexander Laban Hinton ed., 2010).

<sup>26</sup> Milosevic, though, escaped a verdict due to his death in a Hague prison in March 2006.

but were never brought because they both died.<sup>27</sup> Still, Broz maintains that this fact “does not release them from the accountability for the crimes they committed.”<sup>28</sup>

The war in BiH has broken generations of people who were once proud to be called Yugoslavs. As Radmila explains,

The war in the former Yugoslavia, especially in Bosnia, is something that marked me deeply, wounded and nearly killed me. It drove me to immerse in the issues and questions of our being, human nature and the like. I have not had to see Sarajevo to be hurt, everything around me was bleeding. My writings reflect the need to penetrate into the essence of things, and to circumvent a skillfully laid trap of illusion.

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<sup>27</sup> The ICTY indictment of Croatian General Ante Gotovina lists Tudjman as a key participant in a “joint criminal enterprise.” Judge Jean-Claude Antonetti stated that “Mr. Tudjman was not charged because he is dead, but alive, he would be here on the accused bench.” Dževad Sabljaković, *Maratosnko svjedočenje Slobodana Praljka*, DEUTSCHE WELLE (May 12, 2009), <http://www.dw.de/dw/article/0,,4244864,00.html?maca=bos-rss-bos-all-1475-rdf> (last visited May 5, 2012) (quotation has been translated). See LAJCO KLAIN, *THE PAST IN PRESENT TIMES: THE YUGOSLAV SAGA* 282 (2007). The ICTY investigation of Izetbegovic started, but all legal proceedings against him were dropped when he died. ICTY Weekly Press Briefing, Florence Hartmann, Spokeswoman, Office of Prosecutor, (Oct. 22, 2003), *available at* <http://web.archive.org/web/20090409114136/http://www.un.org/icty/briefing/2003/PB221003.htm> (last visited Apr. 30, 2012).

<sup>28</sup> Svetlana Broz, *Nekad bilo* (Radio-Televizija Republike Srpske television broadcast Nov. 27, 2011).





**Figure 3: Radmila in Bihac participating in the gathering of anti-fascists by the non-profit organization Josip Broz Tito, 14 August 2011.**

With the dissolution of Yugoslavia, BiH lost the multi-ethnicity of which it was once proud, and gained, according to Radmila, “three nations, three herds of sheep.” BiH as it was, multi-ethnic, with guaranteed social security and close ties among people, is, according to Radmila, “gone forever.” Yet, to function as a democratic state and secure candidacy for accession to the European Union (EU), BiH would have to stop classifying its citizens according to their ethnic origin and instead treat them all equally as Bosnians.<sup>29</sup> The social-demographic structure of people has also changed and urbicide saw the cities destroyed. As Radmila puts it, “[w]e can build a new bridge in Mostar, but Mostar will never be the same. It is a deeply divided city and it is an image of division that prevails in BiH.” Divided between Croats and Bosniaks, the bridge serves as a partition line which cuts between the Western and Eastern part of the city. Once a symbol of unique beauty and admiration, the bridge now serves as a new ethnic divider and a symbol of the deep ethnic animosity that prevails in the city. Mostar has been treated by the international community as a barometer of the political conditions in BiH ever since war began in 1992. It is also,

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<sup>29</sup> SARAH E. WAGNER, *TO KNOW WHERE HE LIES: DNA TECHNOLOGY AND THE SEARCH FOR SREBRENICA’S MISSING* 37 (2008).

according to Calame and Charlesworth, an image of deeply divided BiH with two paralleled and crippled urban public revenues that had previously been one.<sup>30</sup>

After four years of war, in today's "dirty peace,"<sup>31</sup> Radmila, like many of her fellow citizens, is threatened by what she calls "the existential collapse." She is one of the few people in RS who—from the very beginning of the war in the former Yugoslavia—was publicly outspoken, condemning nationalist politics, persecution on ethnic grounds and similar crimes. Radmila told me that she was aware that by doing what is "the essence of her being"—writing and speaking the truth—she would "have to pay the price." And she is paying the price now for not allowing nationalists to mould her thinking, and for following her own ideology and principles; she has found herself "on a windswept island, alone." Radmila described this loneliness in her novel *Four Leaf Clover*, and told me that, "it is terrible to be in the tunnel, yet continue to believe that there is a light."

Radmila is not only an outcast in her community, but her own life and the life of her family are under a constant threat. Recently, her dog Toto Vuk was attacked and almost killed because of her writing and speaking out. Luckily, he survived.

Toto Vuk is a special dog in many ways, and I never doubted that he would win over this human malice. Veterinarians say, that in their practice, they have not had a case where a dog survived, even much more minor injuries. But he did. I have no idea who attacked him. People are constantly telling me to shut my mouth. Before this attack, in passing, someone told me to take care of what I was saying, because they will kill Toto Vuk. But we move on. They won't beat us.

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<sup>30</sup> JON CALAME & ESTHER CHARLESWORTH, *DIVIDED CITIES: BELFAST, BEIRUT, JERUSALEM, MOSTAR, AND NICOSIA* 117, 199 (2009).

<sup>31</sup> Bosnians call the peace they live in "dirty," "unsustainable," "poor," "weak," "intoxicated with ethnic hatred" or "bad."



**Figure 4: Radmila with her dog after the attack. Banjaluka, October 2011.**

Everything Radmila does, she does on her own: The distribution of books, finding people willing to organize promotions, fundraising money for printing and selling. She also pays for the printing of her books out of her own pocket. She tried to do some casual work to mitigate this existential collapse, but could not find any. Despite the ongoing threat of murder, monitoring, and stalking, Radmila has not given up on her life motto, which is “fostering individuality and breaking out of the herd.” Today, more than sixteen years after the Dayton Agreement was signed, Radmila lives modestly with her parents who are pensioners. Radmila’s dog Toto Vuk also lives with them; all on 300 euros a month. It is hard for outsiders to understand how people in BiH can survive on such a low income since the cost of living, especially food, is the same as in highly developed countries.

When I asked Radmila how she survives on such a small amount of money, she told me:

I do not know how to explain how I survive when someone asks me that question. Simply, you give up everything or almost everything: Going to a regular review of mammograms becomes impossible, holidays too, your immune system weakens because the diet is monotonous, and so forth...but you survive. Sometimes I think that I cannot continue, and then not knowing how, I start to breathe again.

Radmila told me that she has been asked many times during book promotion events whether she faces problems in her own environment. She explains that there are "more subtle and perfidious ways than physical attacks, in which powerful people, namely thieves could bury you." Such people can make it impossible for Radmila to survive by slurring her with what she describes as, "a particular type of denunciation, which is seemingly invisible," but which follows her every move. At a time when the process of BiH regaining its conscience and rising above nationalist frenzy is still slow, such criticism is inevitable. These denunciations come mainly from those for whom this war was "a brother"<sup>32</sup> and who fought, as Radmila puts it, "until the last of someone else's son." These people on the basis of "their Serbhood" gained tremendous status and material wealth.

According to her, the situation in BiH was better immediately after the war when there was:

A hope that it would be better, but this hope is lost. Once you see and understand the reality you live in, it is more difficult to bear a reality which is bleak. In order to survive in such an environment, you have to have your own microcosm. There is no sign that we will move outside of this situation with Dodik<sup>33</sup> and his war rhetoric. People are hungry, live below the poverty line, and collective apathy prevails.

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<sup>32</sup> There is a saying in Bosnia that this war was "someone's brother" meaning that some people gained money and power through corruption and other criminal activities. To these people, war was "a brother," not "a war" as it was to the rest of population.

<sup>33</sup> Milorad Dodik is the President of the Republika Srpska and the President of the Alliance of Independent Social Democrats (SNSD) political party.

Radmila feels betrayed, not only by her fellow BiH citizens, but also by colleagues from neighboring Serbia. She has received various promises from acquaintances in Serbia to translate her novels in English, but they have been in vain. She did not hide her disappointment:

For Serbia, Republika Srpska is a colony, and for my colleagues in Belgrade who like to represent themselves as opponents to the regime and who are well-paid, I am someone who should be bypassed. Why is this so? Perhaps we simply have different mentalities. Serbs from Bosnia and Serbs from Serbia are as different as the day and night, with honorable exceptions. When the government terrorizes someone, that is something you can understand, but when you are ignored by alleged supporters, it is more serious and difficult to understand.

The lack of support and understanding from her colleagues from Serbia seems to hurt Radmila even more than from her RS fellows. The RS and its citizens have been gradually losing support from Serbia since the Serbian government made it a priority to work toward integrating Serbia into EU. Namely, one of the key prerequisites for Serbia to join the EU was for it to distance itself from RS internal affairs. It comes as no surprise, that over time, RS and its people have felt increasingly isolated from its "friends."<sup>34</sup> This has been Radmila's experience too.

#### **D. A Traitor**

"Dad, last night Sarajevo hurt me. I dreamt there was a fog in Sarajevo. I could not see anything. All of Bosnia had drowned into it."<sup>35</sup>

Because of her work, Radmila continues to be criticized, as she puts it, as "a traitor of her own people," accused of attacking "only" Serbs and of being paid by someone to say the things she is saying. This assessment of Radmila is not surprising since those who criticize the Serb government and its politics for being rooted in denial of crimes committed, are often accused of being "traitors" and "Western spies." As Sonja Biserko argues, "Western agents" have been all those who advocate for the respect of human rights, in particular, women who raise the question of war crimes; they have been "criticized, hated and

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<sup>34</sup> JELENA SUBOTIC, *HJACKED JUSTICE: DEALING WITH THE PAST IN THE BALKANS* 128 (2009).

<sup>35</sup> KARLAS, *supra* note 1, at 78 (author's translation).

attacked.”<sup>36</sup> Despite on-going threats and attacks, Radmila refuses to be “put in a box” with the masses who allowed war crimes to be done on their behalf. She regrets that,

There is no clear and large-scale confrontation with what has happened and what has been committed in the name of the people, in this case, Serbs, not because I am some special Serb, but because it is known who exactly is guilty for crimes, persecution, ethnic cleansing. These people have names. If the rest of the Serbs do not want to see that, then they bear collective responsibility. I, as a Serb, cannot close my eyes and pardon all the bad that Serbs have done in the name of Milosevic, Seselj, Karadzic, Ratko Mladic, and so forth. I will not wear the obligation to bear responsibility for Srebrenica, Omarska, and Prijedor. I'm not going to be ashamed because of evildoers. I will always and everywhere publicly condemn these crimes.

The authorities in RS have for a long time denied having knowledge of the presence of any Serb indictee on RS territory.<sup>37</sup> They also deny that genocide happened in Srebrenica, even though the ICTY passed its first genocide conviction in 2001, in the case against Serb commander Radoslav Krstic.<sup>38</sup> While the RS authorities do not deny that “crimes happened in Srebrenica” they fail to qualify these as genocide.<sup>39</sup> For Radmila, it is crucial to make sense of the past, to seek justice, and to demand accountability for the crimes committed. However,

There are only a few people who stayed here, in the region, who want to understand what had happened. Many honest and intelligent people had to leave when the country began to cultivate primitivism and war. Despite the lost wars of Slobodan Milosevic, despite the killings, poverty, despite everything, many of the

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<sup>36</sup> Conference Report, *Women in Black: Serbia and Montenegro: Women, Peace, Security* (Oct. 31, 2005), <http://www.wluml.org/node/2637> (last visited May 5, 2012) (quoting from the contribution of Sonja Biserko of the Helsinki Committee for Human Rights in Serbia).

<sup>37</sup> SUBOTIC, *supra* note 34, at 127.

<sup>38</sup> *Prosecutor v. Krstic*, Case No. IT-98-33-A, Judgment, ¶ 3 (Int'l Crim. Trib. for the Former Yugoslavia Apr. 9, 2004).

<sup>39</sup> *Bosnian Serb Leader Denies Srebrenica Was Genocide*, BALKAN INSIGHT (July 12, 2010), <http://www.balkaninsight.com/en/article/bosnian-serb-leader-denies-srebrenica-was-genocide> (last visited May 5, 2012) (paid subscription).

people still do not want to see. Those leaders who took them to destruction and disaster are heroes, and we who try to say that we can live a better life but with our eyes open: We are traitors.

As Radmila argues, people in BiH struggle for survival “with their eyes closed,” especially in Banjaluka. Indeed, many people, in particular those who hold social and political power want to escape responsibility and preserve the *status quo*, in material and other ways.<sup>40</sup> Among the Serb population there has been continuing resistance to acknowledge Serb-committed war crimes and a lack of a critical approach to figures such as Mladic and Karadzic. According to Logar and Bogosavljevic, surveys conducted among the Serb population have highlighted three segments of society: The first uncritically believes that all blame lies with the “other side,” and that Mladic, Karadzic and Milosevic are victims of a global anti-Serb conspiracy.<sup>41</sup> The second group believes that crimes were committed by the Serbs, and that the nation has to confront them. The third group thinks that the blame lies with the international community, rather than Milosevic. People in the third group are undecided about what happened, what the truth is, and what the Serb involvement in all of this is.<sup>42</sup> This culture of denial is reflected in mainstream political discourse where denial of war crimes is promoted as a normative and acceptable way of dealing with the legacy of the Serb past.<sup>43</sup>

The culture of denial is prevalent among RS citizens too. Banjaluka, Radmila’s hometown, has become the place where she often, as she puts it, has “no one to talk to,” but instead must turn to writing and “write to unconsciousness” because “writing is saving her life.” Radmila’s first novel emerged from this “loneliness, pain, and a painful life” which was marked by the destruction of the country which, as she puts it, “destroyed me too.” To write about the crimes committed by her own people in the course of this destruction is of crucial importance to her:

When it comes to crimes against non-Serbs, the way I saw them, I put it in a literary context. I believe that living with lies and deception is not a good lifestyle.

<sup>40</sup> Nebojša Petrović, *Human Potential for Restorative Justice in the Balkans*, in FORUM FOR TRANSITIONAL JUSTICE 96 (Denisa Kostovicova ed., 2009).

<sup>41</sup> Svetlana Logar & Srdjan Bogosavljevic, *Vidjenje istine u Srbiji*, REC 62(8) 15 (2001), available at [http://www.b92.net/casopis\\_rec/62.8/pdf/005-034.pdf](http://www.b92.net/casopis_rec/62.8/pdf/005-034.pdf) (last visited Apr. 30, 2012).

<sup>42</sup> *Id.* at 32.

<sup>43</sup> Jelena Obradović-Wochnik, *Strategies of Denial: Resistance to ICTY Cooperation in Serbia*, in WAR CRIMES, CONDITIONALITY AND EU INTEGRATION IN THE WESTERN BALKANS 29, 34 (Judy Batt & Jelena Obradović-Wochnik eds., 2009), available at <http://www.iss.europa.eu/uploads/media/cp116.pdf> (last visited Apr. 30, 2012).

The truth is something I cherish and I feel good when I dig away everything that suppresses and hides it. When we face the truth and see it clearly, then despite the difficulty of what we see, at least we can take the next step in dealing with it. However, when you live in the dark, you will inevitably stumble. I write in my name, and I want to be worthy, truthful to myself. I do not want to disappoint my inner self. Whether my novel will turn on the light in Banjaluka, or anywhere, is difficult to believe. Without the process of denazification, the changes will be difficult.

Radmila believes that it is not enough just to remove military leaders from the political scene. It is crucial, she points out, as Jean-Paul Sartre argued in his book *The Ghost of Stalin*, to “uproot the intoxicated ideology that persists in the minds of those who have formed and institutionalized the political freaks that have been ruling the country.” The whole society—its culture, press, and politics—needs to be rid of ultra-right nationalist ideology. Until then—with an institutionalized ethnic identity, an ineffective and corrupt government, and continued discrimination and “soft” ethnic cleansing that prevents the meaningful return of economic development—BiH remains a de facto deeply divided and dysfunctional state.<sup>44</sup>

In her second novel, *The Silence of Mestizos*, Radmila documents the facts and analyzes the causes of the war. This novel talks to the reader, who according to her, “undoubtedly must have foreknowledge and resistance to monstrous ideologies, specifically the reader who sees through such ideologies.” Radmila knows that there are only a handful of such readers in BiH, since a large number of young and educated people left the country at the beginning of the war.

This “brain drain” did not decrease in the postwar period because there is barely any future for young people in BiH. BiH has an army of young, well-educated, yet unemployed people with no prospect of employment in the near future. According to some statistics, almost 80% of Bosnian youth would leave their country for work.<sup>45</sup> In 2004 the unemployment rate in the Federation of BiH was 40% and in RS around 50%, but according to Fischer, the “unofficial” unemployment rate lies between 56–75%.<sup>46</sup> This data is utterly

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<sup>44</sup> PAUL R. WILLIAMS & MICHAEL P. SCHARF, PEACE WITH JUSTICE?: WAR CRIMES AND ACCOUNTABILITY IN THE FORMER YUGOSLAVIA 250 (2002).

<sup>45</sup> See *Bosnia Faces Brain Drain* (Al Jazeera English television broadcast Jan. 26, 2009); see also Simon Runkel, *Brain Drain in Bosnia and Herzegovina—Boon or Bane?* 21–25 (Ctr. for Coordination Sci., Working Paper No. 8, 2008).

<sup>46</sup> Martina Fischer, *Youth Development as a Potential and Challenge for the Peace Process in Bosnia and Herzegovina* 3 (Berghof Research Ctr. For Constructive Conflict Mgmt., Working Paper No. 1, 2004).



disappointing bearing in mind that the international community moved quickly to support reconstruction in BiH after the war. A post-war reconstruction package of \$5.1 billion was pledged and funds were quickly committed and disbursed. Despite the enthusiastic reports that the “overall reconstruction effort was highly successful,” a self-sustaining economy has yet to take hold in BiH.<sup>47</sup> Impatient to see a better future, many young people and intellectuals continue to search the ways to leave the country.

Radmila believes that these people, like herself, are *Mestizos* and represent anti-fascists, the cosmopolitan and the vanguard of an open mind that cannot be ruled by “ideological fairy tales.” Such people live and breathe outside of ethnic herds, and belong to none of them. To Radmila, *Mestizos* are an open minded people and “the essence of the prettiest perfume that comes from the BiH diverse flowers.” These are also the people who believe that “accountability for the gross violations of human rights that took place during the conflict is of concern to all humanity but ultimately remains the responsibility of the people of Bosnia.”<sup>48</sup> According to her,

The avant-garde have always pulled forward. Crossbred, conscious, intelligent and cosmopolitan-oriented individuals existed since the beginning of time. But they were passing between *Scila* and *Haribda*.<sup>49</sup> This is the fate of the few who see further and better than others and as such, they run the risk of various systems cutting their heads off.

BiH is considered by Radmila as “a failed international project” since the country is neither “a state nor protectorate” with a number of cantons, languages and ministries. It is a country of no interest to the international community anymore, but rather, according to her, it is “a story that has been told, with bad politicians left in power to run the country.” According to Wagner, the reality in which BiH exists today is the result of an interventionist strategy designed to shape this country as “a functional democratic state” through an internationally sponsored process of nation-building.<sup>50</sup> As with other post-conflict nations,

<sup>47</sup> World Bank Operations Evaluation Dep’t, BOSNIA AND HERZEGOVINA: POST-CONFLICT RECONSTRUCTION AND A TRANSITION TO A MARKET ECONOMY: AN OED EVALUATION OF WORLD BANK SUPPORT, at xi (2004), available at <http://www.oecd.org/dataoecd/22/62/35282080.pdf> (last visited Apr. 30, 2012).

<sup>48</sup> Office of the High Representative, *War Crimes Chamber Project: Project Implementation Plan Registry Progress Report 4* (2004), available at <http://www.ohr.int/ohr-dept/rule-of-law-pillar/pdf/wcc-project-plan-201004-eng.pdf> (last visited Apr. 30, 2012).

<sup>49</sup> According to Greek mythology *Scila* are *Haribda* sea monsters, with *Haribda* sitting at the bottom of the ocean creating an enormous whirlpool. To be between *Scila* and *Haribda* is a metaphor that illustrates a hopeless situation, *i.e.*, that between two evils, one must choose one evil.

<sup>50</sup> Sarah Wagner, *Identifying Srebrenica Missing: The “Shaky Balance” of Universalism and Particularism*, in TRANSITIONAL JUSTICE, *supra* note 25, at 33.

there was an assumption that all societies have to progress through “Western” stages of state and social development and that “weak incomplete states have to be developed into ‘proper’ Western-style states.”<sup>51</sup> Yet, BiH’s simultaneous transformation from war to peace, from socialism to capitalism, from state controlled to market economy, from authoritarian rule to democracy has reach an impasse.<sup>52</sup> Sixteen years after the Dayton Agreement, despite billions of dollars invested in its reconstruction and reconciliation programs, BiH is still on its way to find a “positive peace”<sup>53</sup> and respect for the rule of law.

Radmila, like her country, feels forgotten and abandoned by the international community and her former colleagues who are, according to her, “aware of the conditions under which she lives and works.” She told me that she has not received any support from the international media houses she once worked for. She has also “been avoided by local media too, except Bosniak journalists” who occasionally carry out interviews with Radmila. Still, she is aware that she is not the only one who suffers due to her work, and that likeminded people in the other entity of BiH are in a similar situation: Denounced and ignored.

#### E. Conclusion

At our final meeting, before I had to leave to return to the safety and comforts of Australia, Radmila updated me on her latest efforts to find someone to translate her books into English. A few well-known BiH interpreters had rejected the project. The reasons they gave were odd: They told Radmila that it was not possible to translate the original local language and its meanings into English. Obviously frustrated and disappointed, Radmila commented, “even translation is politicized.” I told her, “everything is . . . even our meetings are. Me having regular coffees with you is a political statement to the city we live in.” We made a few jokes after realizing that we had been meeting in the same cafe at exactly the same time throughout my stay in Banjaluka. Meeting and talking to Radmila in a city where she has more enemies than friends, left me unsettled but also eager to voice her story to native English speakers.

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<sup>51</sup> Volker Boge, *Traditional Approaches to Conflict Transformation: Potential and Limits*, in BERGHOF HANDBOOK FOR CONFLICT TRANSFORMATION 18 (2006), available at [http://www.berghof-handbook.net/documents/publications/boege\\_handbook.pdf](http://www.berghof-handbook.net/documents/publications/boege_handbook.pdf) (last visited Apr. 30, 2012).

<sup>52</sup> Timothy Donais & Andreas Pickel, *The International Engineering of a Multiethnic State in Bosnia: Bound to Fail, Yet Likely to Persist 2* (Canadian Pol. Sci. Ass’n Annual Conference, 2003), available at <http://www.cpsa-acsp.ca/paper-2003/pickel.pdf> (last visited Apr. 30, 2012).

<sup>53</sup> Johan Galtung introduced the concept of *negative peace* in which peace must be more than simply an absence of overt violence. *Positive peace*, on the other hand, is an absence of structural violence and, instead, the presence of social institutions, an equitable distribution of sources, and positively defined social conditions such as social justice equality and human well-being.

Radmila's story—a portrayal of a woman who refuses to think along mainstream lines and who dares to say what she thinks—is one of many similar stories of transition. She “talks and walks” her ideology, and as a consequence, lives below the poverty line and in constant fear for her own life and life of her family. Radmila's account is a living example of the risks that work on transitional justice carries in societies where competitive truths about the past still co-exist. Her story serves as an example of, as Nettelfield argues, the “transitional justice going on in Bosnia that falls outside of the field-accepted definition.”<sup>54</sup> As such, it is not part of the landscape, because, it is not a truth commission, nor trial, nor a lustration proceeding.<sup>55</sup> Initiatives, such as Radmila's, are largely missing from the field discourse perhaps because researchers lack the time or ability to document them.<sup>56</sup> They also may lack access to local sites, contact with local people, or the local language skills required to document such initiatives.<sup>57</sup> This paper is a contribution to documenting local justice initiatives that occur in post-conflict settings that are still underresearched and undertheorized.

**\*\* Postscript \*\***

On 9 January 2012, RS was celebrating the Day of Republic. On this day, I received an email from Radmila telling me that the citizens of RS were greeted early in the morning by the Prime Minister Milorad Dodik and a number of his close friends and allies, including prosecuted war criminal Biljana Plavsic.<sup>58</sup> Radovan Karadzic was televised directly from The Hague, congratulating the RS citizens on their holiday. In a celebratory mood, Dodik made a speech in which he reminded Serbs how they had suffered “under the Turks” from the Ottoman Empire<sup>59</sup> until today; how they had no rights in BiH and how they have to do more for their national heroes that led the civil war and built today's Republic. He described RS as “a testament to fallen heroes who gave their lives,”<sup>60</sup> while blaming Croatia and Slovenia for the secession and dissolution of Yugoslavia.

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<sup>54</sup> LARA J. NETTELFIELD, *COURTING DEMOCRACY IN BOSNIA AND HERZEGOVINA: THE HAGUE TRIBUNAL'S IMPACT IN A POSTWAR STATE* 279 (2010).

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> Olivera Simić & Kathleen Daly, “*One pair of Shoes, One Life*”: *Steps towards Accountability for Genocide in Srebrenica*, 5 *INT'L J. TRANSITIONAL JUST.* 477, 491 (2011).

<sup>58</sup> Biljana Plavsic served an eleven year sentence in a prison in Sweden for the war crimes. She was liberated in 2009 and currently lives in the center of Belgrade.

<sup>59</sup> Dodik alludes to Bosniaks in his speech. Bosniaks are often derogatively called “Turks” by the Serbs.

<sup>60</sup> Gordana Katana, *U povodu obilježavanja Dana RS-a, Dodik porucio: RS je slobodan i Trajan*, OSLOBODENJE, Jan. 8, 2012, <http://www.oslobodjenje.ba/index.php?id=21797> (last visited Apr. 30, 2012).

On the same day, 9 January 2012, on top of a van driven by the government, placards of Karadzic and Dodik stood next to each other. This was of no real surprise since Dodik in his celebratory speech stated that, “thankfully due to the vision and strong war and political leadership of Radovan Karadzic . . . the path to international recognition of RS through the Dayton Agreement was made.”<sup>61</sup>

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<sup>61</sup> *Id.*