

GENOCIDE, DENIAL AND REPETITION:
RESPONSIBILITIES OF INTERNATIONAL JUSTICE REGARDING FUTURE AND PEACE

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Abstract:

For fifteen years, International Law has been working to judge the crimes committed in Croatia and Bosnia between 1991 (the siege of Vukovar by Milosevic's army helped by the Cetniks) and 1995 (the mass murder perpetrated by the Cetniks in Srebrenica). But in spite of enquiries and evidence, justice still has not been clearly worded and populations are still being mistreated and sometimes humiliated by those who represent Europe and International Law. Therefore, we must conclude there has been a strong misunderstanding. We will never help build a durable peace in this area without being more rigorous with the facts, their interpretation and judgements. In this paper, because the main difficulties in Bosnia and Herzegovina today are the consequences both of the war started by Milosevic and western democracies' way of looking at this war, I will focus on two aspects: first, what deathly consequences a lack of justice could have and why International Law should, as soon as possible and in accordance with the evidence and the documentation, conclude that the Serbian state led by Milosevic was responsible for aggression against Croatia and Bosnia in 1991, and for genocide all over this area (in this respect, I will explain why there are not only crimes against humanity or mass murders, but also, rigorously speaking, a policy of genocide); and secondly, I would like to open the real debate, I mean, how the EU and the US could and should help to build peace in Croatia, Bosnia, Serbia, Kosovo, for the young generations.

After the immense and remarkable work on memory accomplished on the Second World War, in particular in West Germany and France, one would have expected the emergence, in the West, of a new style of consciousness which could have enabled the international authorities to learn the lessons from history. Apparently – and the language barriers are, with no doubt, an obstacle – this mental process, at the level of governments in any case, is slow to occur. If a large number of people have been struck by the tragedy of the war in former Yugoslavia, just a few have understood the ideological origins and causes of this war and the mechanism which explains the repetition of genocide perpetrated by the Serbian state. Because of this, which may be put down to by cultural prejudices and lack of knowledge regarding history and memories in this specific area of Europe, many continue to propagate ideas which disturb minds, which trouble and interfere with the serene working process of International Law, instead of contributing to settle, as seems preferable, the falsifications of history and to help this justice to determine fairly and rigorously the right meaning of the proven facts, which is indispensable if we wish to help build a durable peace all over this area for younger

generations. On the other hand, it is obvious that International Law has still not done the job it was supposed to do, as populations (knowing full well what happened, even if they do not know exactly why) were waiting and hoping it would be done. And this lack of justice has many negative consequences on the local situation and could be and will probably be more negative in the future. This contribution would like to help to avoid these negative consequences in showing in what direction western democracies should help the local populations.

After eighteen years of research whose conclusions were published in Paris in 2005 and 2007, and translated in Zagreb and in Sarajevo, the present contribution will try to highlight these lessons of history that allow us to understand why, especially after genocide it is essential for the International Law system to remain clear and unambiguous, failing which the desired reconciliation might never take place¹. My approach crosses different fields I have been involved in for more than twenty years, I mean philosophy, literature, history, psychoanalysis, medical history and epistemology. As an independent scholar, I have been developing a strong criticism of the international academic approach, which claims to be objective and neutral. Of course, being scientific supposes taking into account all the data we know. But facing a policy of genocide, can we remain neutral? Anyway, my approach will be as scientific as possible, I mean both historical and clinical. Genocide may actually be considered as a social disease and the biggest symptom of discontent in civilization. In this respect, their causes must be related to culture, prejudices, and it is a priority to be aware of that and to understand the cultural roots which led people to commit this imprescriptible crime.

From western history in the twentieth century, we can draw a first lesson: it is that genocide is by definition unforgettable over generations for those who experienced it in their body, in their soul, in their families. To help people to forget and to become able to live normally, without this daily obsession and continuous nightmares, it is necessary to help them to obtain a plain recognition of this human tragedy. The genocide against the Armenians, which continues to haunt following generations, teaches us that, and especially the genocide against

¹ Natasa Kandic, founder and executive director of the Humanitarian Law Fund in Belgrade, which has been fighting for years for the judgement of the main Serbian war criminals, notes, seventeen years after the beginning of the war: "We don't use the word 'reconciliation' in the region: we use 'accountability' and 'justice'. » (Source: EurActiv, November 26 2008).

the Jews of Europe, perpetrated by the Nazis with the help of many European countries². We can therefore assume that over the coming years, discussions about what happened in Bosnia and why it happened will increase in Europe and in the rest of the world. A second history lesson: the process of recognising and accepting the facts of the past starts always with a small minority, strongly opposed by the general opinion. It seems to be a general mechanism we may observe in different historical contexts: facing genocide, the reaction, the normal reaction, is to deny it. Turkey still denies the genocide against the Armenians, some Europeans still deny genocide against the Jews and are still anti-Semitic, and a major part of western opinions deny the genocide committed by Milosevic, Mladic and Karadzic in Croatia and in Bosnia, against Croats and Muslims³. Actually, the specificity of genocide appears with the rigorous work on memory and the whole reconstruction of the events. Until this rigorous reconstruction is made, the political leaders, more exposed than others and anxious not to jeopardize their career, strongly resist recognizing what really happened. They generally take years before recognizing that a genocide policy has occurred, particularly when it has been carried out with their help – voluntary or involuntary – or without them being clearly opposed. However, the work of civil society, which is possible in democracy, even if it is difficult because it meets many obstacles and resistances opposed by many individuals and different lobbies, ends up by compelling them. To obtain this plain recognition, it is therefore essential both to be aware of the facts and to publish, to work with zeal, to testify, to translate, to understand and explain why this genocide was produced, in order to avoid its reproduction. The work on this painful memory is essential not only for the victims who will remain marked for life – and this is the least of the respect that is due to them - but also for the executioners and for the entire society, particularly for young people, because it helps to develop a new style of consciousness, allowing to withstand the pernicious effects both of

² It must be recalled that the gas chamber, emblematic tool of the Third Reich, was not the only tool of jewicide. Since 2004, father Patrick Desbois has taken on a mission to try and reveal the hundreds of mass graves where the bodies of the Ukrainians Jews were thrown. (Let us note that he discovered the method of identification of mass graves in Bosnia, where metal detectors are used.) Thus the fact clearly appears that the totalitarian regimes, installed in countries which had also collaborated in the extermination of the Jews, have so far been able to bury this criminal memory. This fact is one of the main keys to understanding what happened in Bosnia and why.

³ Regarding Muslims in Bosnia, it is important to point out two specificities: the first one is that they are a Slavic population, converted during Ottoman occupation; the second one is that Tito gave them the status of “people” in creating in 1960(?) a Muslim nationality, to weaken Croatian and Serbian nationalisms in Bosnia & Herzegovina. From this time, Muslims in Bosnia called themselves Croats. See Mirko D. Grmek and Louise L. Lambrichs, *Les Révoltés de Villefranche*, Paris, Seuil, 1998; Bosnian transl., *Buntovnici iz Villefranchea*, Armis Print, Sarajevo, 2005.

these historical myths promoted by different politicians and of negationism, when they stand out during political debates⁴. Unfortunately, in Croatia and in Bosnia, we may observe that this minimal respect of the victims isn't expressed by those who represent International Law and the international community. Acts and speeches of non respect are unfortunately numerous. One of the last one is the visit of ICTY's Prosecutor Serge Brammertz in May 2009 in Sarajevo, who explained to the victims Associations that thousands of pieces of evidence found in mass graves (pictures, IDcards, etc.) were destroyed by the Court itself⁵. This shameful decision shows both arrogance and obliviousness on the part of those who are in charge. On one hand, the massacre in Srebrenica is openly recognized as an act of genocide, and on the other hand, the Court itself destroys the last precious traces of those murdered, which seems a way to despise their tragic memory. How can the families accept this incomprehensible decision?

In order to stay rigorous and enable the full sense of history to emerge – since history written by humans through their acts and their words is not absurd, it has a deep culturally ingrained signification and it is important to bring it to light in order to awaken consciousnesses, to escape as far as possible from the mechanism of deathly repetition and build a different kind of future – it is essential not to squander the words and specify what radically distinguishes a genocide from a mass murder or from a crime against humanity.

Many people, in Bosnia, in Croatia, in Serbia, but also in Europe, speak of genocide to designate isolated facts which occurred in isolated places; for example, it is most common to speak about the “genocide of Srebrenica” which is, regarding the meaning of the word “genocide”, a kind of language abuse. Indeed, a genocide always bears the name of the victims, and never the name of a place. In western Europe, we don't speak about the “genocide of Auschwitz”. Auschwitz is a kind of metonymy to speak about jewcide. Rigorously speaking, we should apply the same logic here. Srebrenica is a metonymy regarding the genocide perpetrated by Belgrade against all non-Serb populations, first the Croats in Croatia and in Bosnia, then the Muslims who call themselves Bosniaks now. Indeed,

⁴ Regarding the negationist character of a large part of the Serbian propaganda, we can assume that if a work on memory would have been possible in Serbia in the 1960s of the last century, then the propaganda of Milosevic and the ultra nationalists would not have managed so easily to lead Serbia into war and towards this repetition of genocide. See L. L. Lambrichs, *L'effet papillon* (“The butterfly effect”), Inventaire-Invention, Paris, 2007; Bosnian transl, *Effect Leptira*, Armis Print, Sarajevo, 2007.

⁵ “Brammertz confirms destruction of Evidence”, 7 May 2009/10:10/Source: B92. “SARAJEVO -- Hague Chief Prosecutor Serge Brammertz says that around 1,000 items of evidence taken from mass graves around Srebrenica have been destroyed in The Hague. »

all international enquiries have shown that from the beginning of the war in 1991, Croats were deported to concentration camps in Serbia⁶. And we also know that in many places, Croats and Muslims were taken prisoner, tortured and killed in different camps under the control of soldiers belonging to the Yugoslavian army under Milosevic's authority or Serbian militiamen or Cetniks. Why reduce the genocide in Croatia and in Bosnia to the massacre of Srebrenica?

A misuse of this term is not only shocking (since it tends to trivialize the most serious crime there is), but it is also dangerous for the future – and that is a lesson that we can draw from the war in Yugoslavia itself. But to be aware of that, it is necessary to study not only the facts, but also the national-communist propaganda which led Serbia to start the war. It is therefore appropriate for the demonstration to be as clear as possible, documented, historically substantiated and based both on proven facts and on sound concepts.

Moreover, probably because I'm Jewish through my mother and grand-mother, and because I had relatives who were killed during WWII because they were Jewish, I think that faced with genocide, we must try to be as objective as possible, recognizing and rigorously interpreting both facts and discourses as facts of language, but we can't be neutral. Ethically speaking, relativism is unacceptable. Especially if we want to help build peace after a genocide, for future generations, which is pretty difficult. Speaking of the past, I'll actually be speaking of the future. Truth be told, I don't see Europe as now building peace in the Balkans. On the contrary, I worry because until now, European, American and Russian policy in the Balkans seems partly unconscious and to be creating ideal conditions for the repetition of violence. As a writer and independent scholar, I would like to help to build durable peace in this region for future generations. But building peace presupposes understanding what happened there and why. The true question, in this particular case, is: how was a new genocide possible in Europe, sixty years after the extermination of the Jews, in spite of UN intervention? I remind you that UN troops were there from the very beginning. In this respect, it is hard to accept the common language saying that war in former Yugoslavia was an "interethnic conflict". Looking rigorously at the facts and taking into account that French, British, Russians, Germans, Dutch, Italians, Canadians, and eventually Americans had been there from 1991 and until 1995 and after, it was more like a world war in a limited space than a local war. And

⁶ See in this regard Louise L. Lambrichs, "L'objet du déni. A propos des camps serbes" ("The object of denial. About the Serbian camps"), Interview with Zoran Sangut, Inventaire/Invention (www.inventaire-invention.com), Paris, 2008.

if you observe the facts, I mean concentration camps in Serbia since 1991, just after the fall of Vukovar and sometimes precisely in the same places as those of concentration camps during WWII, and concentration camps all over Bosnia, mass extermination, sterilization of the men, systematic rapes against women, deportations, ethnic cleansing, territorial gains by Serbian nationalists in Bosnia, destruction of Croatian and Bosnian monuments – churches, mosques, cemeteries, libraries, etc. -, you wonder why International Law still has not recognized, in spite of the evidence, Belgrade's aggression against Croatia and Bosnia. You wonder why western democracies and press agencies are still speaking about “interethnic conflict”, “civil war”, or a conflict between different communities.

To try to understand this, it seems necessary to remind you what happened at the very beginning. I mean the facts which are undeniable. In 1989, Milosevic, supported by the Orthodox Church in Serbia, announced in his discourse in Kosovo the possibility of war. For years, Serbian nationalists like Cosic and many others belonging to the Serbian Academy had been saying that Serbian people had always been victims of Croats, Muslims, etc., and they made a strong campaign in Yugoslavia but also in western democracies about what happened during WWII, according to their own version. The conclusion of both the nationalists and communists was that during WWII, the Serbian people had been victims of a “genocide”. It is important to understand this because in my interpretation, it is precisely the abuse of this term that led the Serbian state to commit a real new genocide. This propaganda was strongly made in a different part of Croatia, where Serbian people had been living since the Austro-Hungarian Empire, and in spite of Tudjman's propositions trying to transform Yugoslavia's federation into a confederation where each Republic has a kind of independence, Milosevic started the war in 1991. I say the war, because it is impossible to understand what happened in former Yugoslavia if we consider – as Europe and the United States still do – there were many wars. It is impossible to understand the deep mechanism of repetition, I mean the cultural and memory mechanism, if we deny Belgrade's aggression, which is proven, if we don't pay attention to the propaganda leading to this aggression, and if we consider the Balkans as a mosaic of people and religions equally guilty in what happened. The war started in Belgrade, with nationalist propaganda against Croats and Muslims, and peace will be built in Belgrade and with Belgrade, but we are really far from this goal. And I'd like to make you hear why. The amazing thing is this: if you think there were many wars between different people and religions, you can't understand why a real genocide happened in Bosnia. But if you look at this war paying attention to the old ideology shared by the Serbian people, to Belgrade's aggression against Croatia and Bosnia, and to the memory of the Holocaust and

the manipulation of this tragic memory by Serbian nationalists, you understand the cultural mechanism, which is a mechanism of memory, a psychic mechanism well known from the psychoanalytic clinic. I remind you that psychoanalysis is not psychology. It is a way to understand and to treat discontent in civilisation. I suppose everybody agrees, even if not familiar with psychoanalysis, with the idea that genocide is one of the worst symptoms of this discontent.

From this point of view, the work of memory accomplished on the genocide of the Jews (work that became the most emblematic historical reference in Europe), allows us to complete and to deepen Raphael Lemkin's definition given in 1946. If everyone today is in agreement in admitting that genocide is the concrete translation of the desire to exterminate a people for what it is, its confessional beliefs, its membership, its differences, stigmatized by its name, etc., the interpretations vary quite widely, among researchers, as to what must be, or not, qualified as genocide. These debates are fed by several constructions and theories and by the provisions adopted by the Convention on the Prevention and Punishment of the Crime of Genocide which, detailing the characteristics of genocide, considers that each one is, in itself and regardless of the others, a crime of genocide. Though these provisions are of good intentions, it should be noted that they do not provide an exit from the case study of war in former Yugoslavia. On the contrary, they allow Serbian nationalist discourse to perpetuate itself, instead of fighting what is wrong in it, regarding historical documents. As has been well shown both by Philip J. Cohen⁷ and by Ljubica Stefan⁸, Serbian nationalism is based on a strong mythology rebuilt after WWII on the idea that Serbs were always victims of their neighbours, and never responsible for anything. After WWII and the discovery of jewcide, followed in the western democracies by a deep work on memory (which was prevented in totalitarian regimes), the majority of Serbian people grew up identifying themselves with the Jews, without distinguishing the policy of collaboration with the Nazi Germany and the fratricidal settling of scores between nations. Moreover, nationalism being still strong in Serbian culture even if officially suppressed by Tito, they emphasised in their own collective memory the crimes committed by the Ustashas (and well known by the international

⁷ Philip J. Cohen, *Serbi's Secret War, Serbia's Secret War: Propaganda and the Deceit of History*, Texas A & M Univ. Pr., 1996.

⁸ Ljubica Stefan, *From Fairy Tale to Holocaust*, Serbia: Quisling Collaboration with the Occupier during the period of Third Reich with reference to Genocide against the Jewish people, Zagreb, 1993 ; French translation in Louise L. Lambrichs, *Nous ne verrons jamais Vukovar* (« We'll never see Vukovar »), Paris, Philippe Rey, 2005, 411-445 (Croatian transl., *Vukovar nikad necemo vidjeti*, Zagreb, Naklada Luka, 2007). Ljubica Stefan was awarded the Medal of the Righteous Among the Nations by the Holocaust Martyrs' and Heroes' Remembrance Authority, Jerusalem, Israel.

community because of the alliance between the Ustasha regime and Hitler), but in the same movement, they denied the Cetnik crimes and Serbia's collaboration with the Nazis. Therefore, they presented themselves for years as "victims of a genocide" "like the Jews"⁹, ignoring or forgetting that Serbia was in 1942 the first European country declared *judenfrei* by the Nazis. Even now, many young Serbs do not know anything about Serbia's collaboration with the Third Reich, in spite of the documents we have already published, at least in France. But I also noticed that those documents remain unknown by many English or American speaking people, which could explain the difficulty we have in obtaining a more accurate judgment. Instead of reading the whole war from the beginning to the end, western democracies decided there were many wars, one in Kosovo, one in Croatia, and one in Bosnia. But this ethno-national way of reading the events, imposed by those who represent the international community, spread confusion in people's minds instead of helping them to enlighten this tragic past. And it is also a way, for western opinions which didn't understand very well what had happened here and why, to mask the fact that the Cetniks won the war, territorially speaking, which is contrary to all European values and shameful for the UN, given their charter. I do not know if it is deliberate or unconscious, but I think that in any case, it is unconscious. Because here, in Bosnia but also in Croatia, people know very well, as I do, what happened, and they will never accept that. And if International Law continues to refuse to recognise plainly what happened, violence will start again and it will be partly western responsibility. How can we explain, knowing the UN charter, that those who are responsible for starting the war won the territory – half of Bosnia – in spite of the presence of UN troops since the beginning, I mean from 1991? How can we explain that a genocide was possible in spite of the presence of UN troops? And how can we explain that western democracies are now asking to the victims to forget the genocide? Western logic seems tragically counterproductive. The strategy that consists in splitting the war into many wars, instead of helping reconciliation between those – Croats, Serbs, Bosniaks, Albanians – who recognize what happened, is helping to spread confusion in people's minds and radicalize the populations. Likewise, in making each characteristic a constituent crime of genocide, the United Nations could contribute, not to the prevention, but to the trivialization of the concept, which becomes usable for any massacre – any population massacred in a given place may

⁹ See Vuk Draskovic, « Piscima Izraela » [to the Writers of Israel] (December 17, 1985, Belgrade), *Naša reč*, Middlesex, England, n°373, November 1986, pp. 8-9 ; also reprinted in Kostic, Lazo M., 1988, *Srbi i Jevreji* [The Serbs and the Jews]. Edited by Radiša M. Nikašinović and Ilija M. Pavlović. Southport, Australia, Serbia Press. French transl. in Louise L. Lambrichs, *L'effet papillon* [Butterfly Effect], op. cit.

consider that it is being massacred for what it is.

Are we going to rewrite European history, claiming that massacres carried out by the Germans upon the French are acts of genocide? Are we going to rewrite WWII history claiming that it was an interethnic conflict? No, of course not. That is where the position of the Jews, claiming the radical specificity of the status of jewcide regarding the massacres between various State nations, is perfectly legitimate and it allows us to clarify what happened in Yugoslavia. In the same way, we should claim the radical specificity of what happened here, and strongly differentiate between Milosevic's policy, which attacked all of Serbia's neighbours, and the crimes of those who were attacked. When one examines closely the propaganda of Milosevic and its nationalists allies, it is clearly based on a negationism concerning Serbia's responsibilities in the jewcide. This negationism is based on a confusion between the Ustacha policy of collaboration with Nazi Germany (contributing to the extermination of the Jews), and the settling of scores between Croats and the oppressive Serbs, which would have had to be attributed to revenge (parallel to the secular settling of Franco German scores). If "kill the Jews and the Serbs" was the Ustacha slogan, which probably explains why Serbian people could at first identify themselves so easily with the Jews, the weight that it received from the nationalist Serbs has helped to mask the policy of Serbian collaboration with Nazi Germany. These facts, which have since been documented, demonstrate that the Serbia of Nedic proved at least as effective in the extermination of the Jews as the Croatia of Pavelic¹⁰. This line of reading, in this particular field, is surprisingly enlightening and confirmed here by the populations. According to our analysis, this "positive negationism" – arguing a so-called secular friendship between the Serbs and the Jews¹¹, firmly contradicted by the Serbian anti-Semitic tradition – which is particularly virulent – might well have been, during this last war, the origin and cultural cause of the international unconscious denial, having generated most of the errors which led, under the eyes of the United Nations troops, to the displaced repetition which took place first in Croatia, then in Bosnia. I suppose that the concept of "displaced repetition" is not clear for many people, especially experts and academics. What is interesting is that for people living here, when you say that the last war was like a repetition of WWII, they all answer spontaneously: "naravno!"

¹⁰ See Ljubica Stefan, 'Du conte pour enfants à l'holocauste' ("From fairytale to the holocaust"), in L. L. Lambrichs, *Nous ne verrons jamais Vukovar*, op. cit., 411-445. See also, archive documents concerning the collaboration of the Orthodox Church with Nazi Germany, the documentary of Jakov Sedlar, *The untold Holocaust*.

¹¹ A point of view supported by Vuk Draskovic. See L. L. Lambrichs, *L'effet papillon* ("The Butterfly Effect"), op. cit., 39-47.

which means: obviously. But what is obvious for those who have the experience and share the same memory is not so for those who look on from the outside and do not share the same experience. Actually, western historians speak often about repetition, but instead of understanding the mechanism, they study the differences. The only discipline which explains this mechanism of memory is psychoanalysis. Clinically speaking, a true repetition is always displaced and based on an unconscious denial. And it may be identified as a true repetition, clinically speaking, only through the comparison of a series of events which follow one another like an unstoppable chain. And yet it is exactly what happened over ten years, between 1989 (Milosevic's speech in Kosovo) until 1999 (Nato's intervention), and especially between 1991 (Vukovar) and 1995 (Srebrenica)¹². After twenty years of various expert assessments, interventions and wishful thinking initiatives, the outcome of western policy in this area is two new casus belli: one in Bosnia (by accepting territorial conquest on the part of the aggressors, which is unacceptable for the victims) and one in Kosovo (which is unacceptable for Serbian people, in view of their national mythology supported by the Orthodox Church). One spark, and the "powder caig" will explode ones again. Are the western politicians ready to admit they might be wrong and to hear what people are saying? Are they ready to see the difference between what is true, regarding the facts and the documents, and what is a lie or denial?

It is probably difficult for people who still think psychoanalysis is not a science to believe that psychoanalysis, helping in highlighting the deep mechanism of repetition of this specific genocide, provides both the true meaning of this war and the way out for those who really want to build a durable peace. Despite what they believe, could it be that men are more irrational than rational? On one hand, they believe in viruses (despite the fact that most of them have never seen one), and on the other they do not believe in aggression and the repetition of genocide (despite the wealth of well documented evidence). Anyway, if we consider genocide as a social disease, and if we know its causes that lye in memory (which it is possible to bring to light reading the texts and comparing them with the facts), then we could try to cure it. But if we continue to deny the cultural causes, we will never be able to prevent new repetitions nor help to build a durable peace. Because repetition of war and genocide is unfortunately an infernal mechanism which provides money and advantages for too many men.

¹² See Louise L. Lambrichs, *Nous ne verrons jamais Vukovar* ("We'll never see Vukovar"), op. cit., 270-271.

If we want to prevent genocide, rather than to lament after the event, it seems therefore wiser to examine the way in which the perpetrators of war manipulate the historical memory, since this manipulation appears to be the major cause, clinically speaking, of the deathly repetition¹³. And it seems essential, in order to point out the different quibbles that clutter the public debates, to adopt a point of view as rigorous as it is radical, in order to relate fairly the words to the facts, since the facts generated by humans, if they are the result of a certain kind of speech, are also to be taken as a clear and effective language.

If one accepts, as the United Nations does, that a genocide includes several characteristics, and if one considers on the other hand, contrary to the United Nations, that it is the association of all these characteristics, and not the existence of only one of them, which allows one to conclude that genocide had taken place (and not only crimes against humanity or mass murders), then the analysis of the case of the former Yugoslavia becomes more precise, it becomes clearer, and allows one to sweep away any hesitations¹⁴.

In order to avoid unproductive discussions, which often divide historians and contribute to the trivialisation of genocide itself, it seems useful to focus, not only on the genocide (which, like any fact, might be a source of various interpretations), but also on the necessary conditions for its realization.

If we take as a historical reference the genocide against the Jews as it was implemented in Germany and perpetrated, from the thirties and especially between 1939 and 1945, with the collaboration of many European countries including Vichy France and Croatia *and Serbia*, the conditions for the realization of genocide are the following:

- 1) A specific ideology, culturally established for many years and admitted by most

¹³ This manipulation of memory inflating the numbers of Serb victims during WWII and designed both to mask old Serbian crimes and to excite and legitimize the rage of war and revenge had been noted in France from the very beginning of the war, but unfortunately without capturing the attention of western political leaders. See Mirko D. Grmek, "La mémoire manipulée" ("Manipulated memory"), *Le Monde*, 12 April 1991; developed in « Victimes de la Seconde Guerre mondiale en Croatie et en Bosnie-Herzégovine » ("Victims of the Second World War in Bosnia-Herzegovina"), *Le messenger européen* n°5, 1991, 31-41. Texts reprinted in M. D. Grmek, *La guerre comme maladie sociale et autres textes politiques* ("The war as a social disease and other political texts"), Paris, le Seuil, 2001. See also Philip J. Cohen, *Serbia's Secret War*, op. cit.

¹⁴ In particular the juridical fallacy which, as explained Mrs. Carla del Ponte in July 2007 in Sarajevo at the symposium on genocide organized by the IAGS, it would be necessary to prove the intention of genocide in order to issue a judgment. Indeed, on the one hand, considering the nature of this specific crime, it seems unthinkable to commit genocide by negligence. On the other hand, the acts in relation with each other, and in relation with a certain cultural tradition and history, and which are published through programmatic texts translated in French (see below, n.15), allows, them alone, to determine and give ruling, without taking into consideration the passionate negations of different parties.

people, sometimes even without measuring its criminal nature because they drank it down, if I dare say, with their mother's milk.

2) The implementation of a State policy, and the collaboration of institutions linked to this State concerning the implementation of this organized policy (which appears, in accordance with each culture, in different styles; in this sense, a genocide cannot be carried out only by individuals or a group of individuals, even if those endorsing the policy of the State may find themselves perpetrators of a genocide; left to their own devices, individuals or groups of individuals could at the worst commit crimes against humanity or mass murders, but not a genocide *stricto sensu*;

3) Deportation and/or extermination of civilian non-combatants, identified by their name, cultural, ethnic, racial or religious affiliation;

4) The desire to erase systematically the traces of crime; genocide is, in other words, not only the extinction of a living people, but also the deprivation of tombs and memory for future generations;

5) Concentration camps in which the prisoners are subjects to extremely bad treatment, a violation of the Geneva Convention, mainly concerning reproductive functions (for example sterilization of men in the reproductive age, in order to stop those people being able to reproduce);

6) the deliberate will, put into action, to destroy and erase all cultural traces of the people or peoples affected.

Let us now examine each one of these characteristics to see which shall apply, or not, to the war unleashed by Belgrade against Croatia first in 1991, then against Bosnia in 1992:

1) was there, in Serbia, a specific ideology, rooted in the culture since long ago and accepted by the majority of people, sometimes even without them giving any account of it? The answer is yes. The related historical texts, which prove this fact, were published in France in 1993, with a comment showing the continuity between this programmatic tradition and the policy carried out by Milosevic and his nationalist allies¹⁵. Remember that before this publication, which regrettably did not receive a wider impact beyond our borders, these texts had never been translated into French, and to my knowledge they have still not been translated into English, which undoubtedly explains the otherwise inexplicable procrastination

¹⁵ Mirko D. Grmek, Marc Gjidara, Neven Simac, *Le Nettoyage ethnique, Documents historiques sur une idéologie serbe* ("Ethnic cleansing, historical documents on a Serbian ideology"), Paris, Fayard, 1993; Points Histoire, Paris, Seuil, 2002.

of International Law¹⁶.

2) May we speak of a State policy and a collaboration of institutions linked to that State which allowed for the implementation of this policy? The answer is yes. Besides Florence Hartmann, former spokeswoman for ICTY chief prosecutor Carla del Ponte, relying on international investigations and the United Nations resolutions condemning Belgrade for its role in Croatia and Bosnia, declares and emphasises on *Peace and punishment* that the evidence that was given by the ICTY shows that Milosevic did pull all the strings of the Servo-Yugoslav army as well in Croatia as in Bosnia¹⁷, the fact had been well known since 1991 for most observers who, knowing the totalitarian communist system, were alarmed as soon as the war against Croatia was declared along with the weapons embargo imposed by the United Nations in 1991, giving the superiority to Belgrade¹⁸ which was in control of both the army, the former Yugoslav police and a large part of the bureaucracy¹⁹.

3) May we consider that there were deportations and/or massacres of civilian non-combatants identified by their name, cultural affiliation or religion? This fact seems to have been widely proven since the beginning of the war against Croatia, where entire villages in Slavonia were emptied of their civilian population by the forces of occupation, with the unfortunate help of the so-called humanitarian forces, and very widely in Bosnia, by, unfortunately, a fairly large number of young blue helmets;

4) May we prove the will to deliberately erase all traces of crime? Without any doubt, yes: not only by the systematic transfer of mass graves in Bosnia, but by the dismemberment of bodies and sometimes their cremation. This ten-year work on clearing and updating the historical facts is largely accomplished, is continuing rigorously, and would need to be largely spread over Serbia and Europe throughout the media;

5) were there concentration camps in which the prisoners had received ill treatment,

¹⁶ These texts, published in the countries concerned, were nevertheless theoretically accessible to diplomats.

¹⁷ Florence Hartmann, *Paix et châtime* ("Peace and punishment"), Paris, Flammarion, 2007, in particular p. 114-5. For a critical reading of this book which, instead of pointing out the main issue of Serbian negationism from the beginning of this war, and relying on the published work which contributed to enlighten French and international opinion, the ideological foundations of Milosevic's policy contributes on the contrary to discredit the international law system while subscribing to a perpetuating and ambivalent speech, see L. L. Lambrichs, "La voix du grand tribunal" ("Voice of grand tribunal"), *Inventaire/Invention* (www.inventaire-invention.com), Paris, 2007.

¹⁸ This important issue was pointed out by David Rohde, American investigative journalist for the *New York Times*, through his remarkable reconstruction of the Srebrenica tragedy. See D. Rohde, "Endgame: the Betrayal and the Fall of Srebrenica", Westview Press, 1997.

¹⁹ Which explains the determined will of the other Republics, expressed once Milosevic declared war, to regain their independence, as they had constitutionally the right to do it.

offending the Geneva Convention, mainly concerning reproductive functions (for example sterilization of men in the reproductive age, in order to stop those people being able to reproduce)? The answer is yes. The journalistic and international investigations established, very early in the course of the war, the medically proven evidence²⁰;

6) has there been a deliberate will, followed by precise actions, to destroy and erase all cultural traces of the people or peoples affected? Yes, beginning with Croatia, where the national-communist Serbian forces shelled the churches and cemeteries, which are not military targets. At the time, in order to characterise this specific policy consisting in wanting to erase any traces, any memory of a group of people, the historian Mirko D. Grmek even invented a new word: *memoricide*²¹. The bombing of the library and the mosques in Sarajevo were part of the suppression strategy of the culture. (In other words, *memoricide* – the action consisting in destroying what in Latin is called “*memoria*” – is *a part of genocide*; in this respect, it includes the concept of “*culturocide*”, recently invented by different scholars).

All these affirmative replies permit us to conclude that, on a part of Croatian territory and especially in Bosnia, not only crimes against humanity and localized massacres were taking place, but a genuine genocide policy, directed primarily against Croat and Bosnian populations (Slavic Europeans of Catholic and Muslim religion, considered as “non orthodox”²²). With this dreadful list, we can see that genocide is not only the intention but mainly the action consisting in not only exterminating a living population but also in erasing any trace of their past on earth (by erasing all traces of their culture) as well as any possible future (by sterilizing men of age to reproduce²³).

Regarding these established and extensively documented facts, regarding the publication of the referenced historical texts related to the ideology that was implemented, regarding, in

²⁰ See for example *Le livre noir de l'ex-Yougoslavie* (“The black book of the former Yugoslavia”), Paris, Arléa, 1993 ; see also, for a wider perspective, L. L. Lambrichs, « Un aspect particulier du nettoyage ethnique » (“A particular aspect of ethnic cleansing”), *Le Monde*, 30 May 1996, resumed in *Nous ne verrons jamais Vukovar*, (“We will never see Vukovar”), op. cit., 253□256. A more developed bibliography is given in this last work.

²¹ M. D. Grmek, “Un mémoricide” (“A memoricide”), *Le Figaro*, 19 December 1991; repeated in Mirko D. Grmek, *La guerre comme maladie sociale...* (“War as a social disease...”), op. cit.

²² See L. L. Lambrichs, « Comment parler de ce qui s’est passé en Bosnie ? ou De l’emploi, juste ou abusif, du mot “génocide” » (“How to speak of what happened in Bosnia, or right or abusive use of the word “genocide””), lecture given at Romainmôtier (Switzerland) on January 2008. Publication forthcoming.

²³ In this specific context, the rape of women is no longer taken as a trivial war crime; aiming, in this particular case, to make them “Serb children”, they were reduced to the state of breeding animals of “the elected people”.

addition to all these, the abundant publication of relevant analyzes, not only in France but in England, in the United States and in Canada, one can deplore that eighteen years after the beginning of this war, the official French, European, and more widely, international line, remains unclear, facing these events we have witnessed, and taking decisions which are, day after day and year after year, felt by the victims as repetitive and arrogant humiliations. However, it is likely that this lack of clarity is partly due to the fact that the central and crucial issue of Serbian negationism²⁴, although documented in France, remains yet to be heard in the international public debate. This lack of debate undoubtedly explains the ambiguity of the decisions of the International Court of Justice which, despite the official condemnations of the United Nations regarding the negationism since 2007, dismissed Bosnia of its complaint by failing to point out the Serbian negationism, by failing to take into account the fact that Serbia has never officially and publicly acknowledged its responsibilities concerning the extermination of the Jews by the Serbian state during WWII, and by blaming Serbia, during this last war, of not having prevented the genocide (limited till then, by the United Nations, to the massacre of Srebrenica²⁵). And yet, preventing the genocide was taken, at least in people's minds, as the mission of the United Nations troops who, as we may recall, had been present on the territory since 1991, creating "security zones" in which they disarmed the very people who were then abandoned and massacred.

In addition, the judgment of the ICJ is facing a logical paradox that it is necessary to highlight. If the conditions of the realization of genocide are those listed above, then we can hardly see how an army assisted by militias, who planned genocide, would suddenly prevent it. Therefore, this international judgment appears to be a defensive strategy, intended to protect the international community facing its specific responsibilities, rather than an expression of a determined will to recognize and establish the reality of these crimes and the responsibilities that must be assumed on a local level. However, when we observe the current and permanent Serbian denial²⁶, well documented and fought against by the activists in

²⁴ This central and deep issue involves a clear distinction between the "Serb question" and the "Jewish question", so far often amalgamated, contributing to a specific style of denial in former Yugoslavia.

²⁵ The fact of reducing the genocide in Bosnia to the massacre in Srebrenica has been feeding, since the end of the war, the Serbian nationalist line that does not see the difference between the large scale genocide policy conducted by Belgrade, and the isolated massacres, perpetrated in the name of revenge, by the Croats and Bosnians in different places. This comes to show us how, by dissociating the characteristics of genocide, the trivialization of the concept and a subtle kind of negationism are actually encouraged, a fact that should come to an end.

²⁶ See Sabrina P. Ramet, "The denial syndrome and its consequences: Serbian political culture since 2000", *Communist and Post-Communist Studies* 40 (2007) 41-58, available online at www.sciencedirect.com

Belgrade, this defensive strategy seems counterproductive. As was reported by Sonja Biserko, director of the Helsinki Committee for human rights in Serbia and subject in Belgrade to all sorts of attacks that give reason to fear for her safety²⁷, the same speeches as before the war continue to be spread in Serbia, in particular through the new publications of Dobrica Cosic²⁸ (who still accuses the Croats and Muslims of being responsible for the war), while the Serbian textbooks continue to teach younger generations about all the different places where the Serbs, during the war, would have suffered a genocide. And so, despite of what is meant to be believed through the current speeches, nothing has profoundly changed in Belgrade, just as nothing has profoundly changed among Serb nationalists of the Diaspora, which continue to claim, in Paris at least, that "Srebrenica was one big show". And there, it is still a small minority that recognizes the facts and the work yet to be done in order to gain full recognition, while, since the end of the war, it is also a minority which, in Paris and in Europe, has been working in the same direction, and is being fought by both the nationalists... and by the unconditional partisans of the International Law system which, protecting western states and without examining the question closer and rigorously, has established, over the last fifteen years, questionable if not abusive symmetries among the various "belligerents", permitting them to avoid the delicate question of the United Nations' local responsibilities²⁹.

It is interesting and tragic for local populations today, facing the propaganda that is also induced by the international speech, to observe how International Criminal Law, judging executioners and victims "of all sides" without featuring the specific responsibility of the

²⁷ See Pavel Domonji, "Who Defends Human Rights Defenders?", 5. October 2008, CSH (http://www.helsinki.org.yu/infocus_t09.html)

²⁸ Politician, academician and a popular Serbian writer (born 1921 in Velika Drenova, Serbia), he was the first President of the "Federal Republic of Yugoslavia" (bringing together Serbia and Montenegro) from 15 June 1992 to 1 June 1993. Champion of the Great Serbia, he is considered by his admirers as "the Father of the Serbian Nation", particularly because of his early nationalist commitments. For a more developed portrait, see L. L. Lambrichs, *Nous ne verrons jamais Vukovar* ("We will never see Vukovar"), op, cit, 119-123.

²⁹ This strategy of abusive symmetrisation induced by nationalist Serbian propaganda, goes back to the time of the war itself, and was extended in the comments of western media. For a more precise and rigorous analysis, see M. D. Grmek, « Asymétries serbo-croates » ("Servo-Croat asymmetries"), *Politique internationale* n°55, 1992, 67-80 (resumed in M. D. Grmek, *La guerre comme maladie sociale...*, op. cit.). The question here is not only the one of accurate evaluation, but also that of the historical reconstruction that it will be necessary to accomplish in order to achieve a reconciliation based on a rigorous historiography. However, it is a clear fact in Croatia and Bosnia today, that this symmetrisation presents a true obstacle and prevents a profound historical development. It is clear that the reconstruction of that war cannot be done without taking into account the impact of the international interventions, and that a purely local reconstruction prevents any understanding of the general logic of the war and its evolution, while radicalizing the positions of all parties.

States (and precisely the aggression perpetrated by the Serbian State³⁰), contributes in reality to deleting the political, ideological and historiographical question, which was at the heart of this war from the beginning, and whose detailed study alone will enable a clear reading of the events. This effacing of the political question in the Western debate, in favour of a discourse on organised crime, could well conceal a policy that peruses its objectives through different paths. If one remembers that Russian troops, traditional allies of Serbia (and from which Dobrica Cosic expected more explicit support in 1991-1995³¹) were on the territory of former Yugoslavia and were able to establish what it was common to qualify as the European impotence, if one is aware that the former USSR finds itself in a situation comparable to that of Serbia³² (totalitarianism associated with negationism, creating all sorts of manipulations of memory, supported also by the Orthodox national Church, which is traditionally anti-Semitic and anti-Muslim), one can only be alarmed by the recent announcement by *Ria Novosti* of reinforced cooperation between Russia and Serbia against the transnational crime³³: are not these new alliances sealing up the existing fractures in Europe between the West (democratic, traditionally Catholic and Protestant) and the East (formerly totalitarian, of orthodox tradition and which has abandoned nothing of its virulence against capitalist regimes)? Such political alliances, which are consolidated in the Balkans on behalf of the non-condemnation of Serbia for its crimes, and in an anti-American state of mind, appear less prepared to promote the desired union in Europe than to create divisions, not only locally but also internationally. This is an additional reason to deplore the fact that the International Law has not so far been firmer and more perceptive: a clear judgment would indeed be of great service to activists in Belgrade, and the European Union could extend a friendly hand to Serbia in a less ambiguous way. Indeed, an alliance, based on the idea that the young generation is not responsible for what has happened but still bears the weight of the past, and therefore should be supported in the perspective of a collective and transnational work on memory and consciousness, is an alliance which could bear fruit not only in all the new states of the Balkans, but all over Eastern Europe and also Western Europe.

Will the debate be launched on the occasion of the Croatian lawsuit against Serbia? In view of

³⁰ Recall that the war was entirely held, from 1991, on the Croatian and Bosnian territories, Serbia having been directly affected only in 1999, by the NATO retaliations once the Kosovo was invaded by the Serbian Army, and four years after the end of the war in Bosnia.

³¹ See Sonja Biserko, "Dobrica Cosic and the last Defense of Serb nationalism", *Elektronske Novine*, 31 October 2008, Bosnian Institute, 3 November 2008.

³² See the important article of Thierry Volton, "Lourd héritage soviétique" ("Heavy soviet heritage"), *Le Monde*, 3 September 2008.

³³ 24 November 2008.

the positions backed up until now, it is questionable, yes, but not hopeless. A flash of consciousness, associated with memories from a not so distant past, might emerge here or there. It seems indeed crucial, in view of the stagnation, the repetition or even the radicalization of negationist speeches in Serbia, Bosnia (particularly in the Republika Srpska), and sometimes even in Croatia (coming from the official leaders of Serbs in Croatia), that the International Law adopt a clearer language and position. Because the way in which International Law will express it self, will determine the writing of history and render possible, or not, a work on memory and consciousness for the young generation in Belgrade, with Zagreb, Sarajevo and Pristina, impossible in the past, due to Tito's totalitarianism. It would therefore be preferable not to be deluded: either for the International Law to acknowledge the facts we know – that is to say the crime against peace committed by Belgrade, the aggression against Croatia and Bosnia, and the unilateral genocide policy³⁴ conducted by Milosevic and his accomplices – and from there, one can hope that the trend in Belgrade will slowly be reversed, gradually allowing for the region to be allayed by marginalizing little by little the extreme nationalists, thanks to the clarification of their responsibilities, or this same law remains in its unethical and ambiguous logic, as it has been for over fifteen years³⁵, and contributes, as a result of the absence of a clear and firm position, to promote the local denial, which will lead to a paralysis of the region, and probably to a new radicalization of local nationalisms ultimately culminating in a repetition of dreadful violence.

Summarizing the situation, we are facing different paradoxes, which are possibly deathly for the populations and the future. On one hand, everyone knows that peace and reconciliation are impossible without justice; everyone knows that denial engenders repetition (even if most of them do not understand how this unconscious mechanism works exactly); on the other hand, International Law (mainly ICTY, but also ICJ), working for more then fifteen years, is based on the denial of aggression and started by condemning those who were attacked (Croats and Bosniaks). Actually, International Law is doing exactly what Tito did after WWII. Tito believed repression of nationalism was the solution for peace. But instead of a durable peace,

³⁴ The Serbian nationalist speech consisting in pretending that there has been an "ethnic cleansing" "of all sides" is a defensive response, which denies the specific responsibilities of Serbia and is part of the logical pattern of Serbian traditional negationism. According to this perspective, the impartiality of the law system consists of judging the facts, and not of spreading out the responsibilities without recognising the main responsibility of those who started the war.

³⁵ This logic has consisted in distributing the crimes next ethnic criteria, without taken as a criterion of judgment the aggression and the crime against the peace committed by Belgrade in 1991.

the outcome of this repression during half a century was the repetition of genocide. Normally, the conclusion should have been different now: after this repetition, and inspired by the work on memory in Germany and in France, western democracies and International Law should conclude that the only way to build peace is fighting Serbian and European denials, in condemning Serbian state for the aggression and asking western democracies (including United States) to open their archives. All western witnesses of this war know perfectly that Serbia aggressed Croatia and Bosnia and Herzegovina. The most amazing thing is the way language and speeches can mask an obvious reality. But knowing that masking reality and proven facts will produce nothing but repetition, we may be pessimistic. How will we help to build a durable peace if even International Law denies the main facts? How are we to help young people to understand the facts and the judgements when International Law began by condemning the weaker side, I mean those who were attacked and apparently supposed to let themselves be killed without defending their own lives? As a French citizen, I don't think French people would have understood if the Nuremberg Court had arrested and condemned Petain before Hitler, even if Petain and the quislings committed real crimes... Truth be told, Croats and Bosniaks have been really very patient with International Law these last fifteen years. But the hope to obtain justice is probably vanishing now, and European decisions along with those of International Law are more and more humiliating. For years, despite a good collaboration, ICTY has been placing obstacles to Croatia joining the EU and the tendency to help Serbia to join the EU before Bosnia and Herzegovina is perceptible in numerous assessments given by the European Stability Initiative (ESI) and in the efforts made by the Commission in Brussels. The potential to obtain visas is better now for Serbia than for Bosnia and Herzegovina³⁶. How will the populations, whose families have been decimated, interpret such decisions? Moreover, as already mentioned above, Serge Brammertz, the Hague Chief Prosecutor, came on 6 May 2009 to Sarajevo and dared to confess that around 1,000 items of evidence taken from mass graves around Srebrenica and used for the trials have been destroyed in The Hague³⁷. « The news was angrily received by Bosniak war victims' associations », says the comment. This act is so scandalous that we may wonder if the Hague's Chief Prosecutor is conscious of what the Court is doing. What is the real goal of International Law? Does ICTY want to provoke more despair and anger among people

³⁶ ESI newsletter 4/2009, <http://www.esiweb.org/> ; B92, News, Politics, « Final Serbia-EC visa meeting to take place in Brussels », 12 June 2009.

³⁷ Source: B92, <News<Crime & War crimes<Crime & War crimes, « Brammertz confirms destruction of evidence », 7 May 2009.

whose families have been systematically decimated? Destroying evidence concerning the victims of a genocide will be automatically felt for what it is, I mean a new way to destroy the Memory of the murdered. Such acts and words will obviously be taken as a kind of unacceptable denial or a provocation by the families. Is the Chief Prosecutor cynical? Is he oblivious?

The United Nations recently created a team to prevent new genocides. Prevention implies knowing the cultural causes of this crime. At work for the last eighteen years, we have published in France different texts explaining what happened and why. Eventually, even if apparently complex, genocide in Croatia and in Bosnia may be explained clearly. It is based both on an old ideology well exposed by traditional programmatic Serbian texts (translated and commented on in French but not yet in English) and by the denial concerning Serbia's responsibility in killing the Jews. Instead of sharing with all European people the responsibility of the jewcide, Serbian people grew up thinking they were themselves victims of genocide. The nationalist propaganda for starting the war was based on this denial which can be read in many texts. And the repetition, like all repetition, was displaced. This case study shows scientifically (I mean clinically) that Einstein was right when asking Freud, in 1932: Why war³⁸? The answer is in culture, which supposes a critical position regarding common knowledge. War in former Yugoslavia and genocide against Croats and Bosniaks confirms Freud's intuition and allows us to express a law for memory, at least valid in this specific Eastern European space: totalitarianism engenders negationism, and negationism engenders repetition of genocide. The logical conclusion should be asking Serbia to adopt and widely apply a law against negationism and to open its archives in order for the state to recognize its own responsibility in killing the Jews... and, fifty years after the Holocaust, for aggression and repeating a policy of genocide in killing the Croats and the Muslims. A main step for this collective recognition is the international judgement. Unfortunately, International Law wasted a lot of time: the war started eighteen years ago, in 1991, and the young generation is growing up facing many lies, especially in Serbia and Republika Srpska. Moreover, recently, American Ambassador William Montgomery proposed to permit « the Republika Srpska, the Serbian portion of the divided country, to hold a referendum on independence³⁹ ». Though I'm sure William Montgomery believes, as he writes it, he knows

³⁸ Albert Einstein and Sigmund Freud, *Pourquoi la guerre*, Paris, 1933. This text was published simultaneously in German (*Warum Krieg?*) and in English (*Why War?*).

³⁹ "The Balkan Mess Redux", *New York Times*, June 5, 2009.

'of what he speaks', I'm also sure that this proposition, based on a wrong analysis of the facts, is the best way to obtain what he fears, I mean Bosnia's implosion. How could Croats and Muslims, victims of genocide, accept the territorial victory of Mladic and Karadzic being legitimised by the international community? Moreover, I remember well the speech given here, in Potocari, in 2005, by Efendi Mustapha Ceric, Rais Ulema of Bosnia and Herzegovina. I recorded it and I remind you of his conclusion : « Unfortunately, in Europe, we don't have a model of a non-national state, but all European states are nation states. So, we cannot learn from Europe. But we can learn from something else. We, Bosnian Muslims, do not want to create Muslim or Bosnian nation state in Bosnia and Herzegovina. You take these words seriously. And you know why? Because we have read the history of the muslims in Spain, who were allowed to have their own state in Cordoba in 1492, and they have their own separate ghetto of the muslim charia, but they disappeared in 1492. We don't want to disappear in Europe, we want to stay here and live, because it is our land. And because of that, please, you... you don't have the power to change history, but you have the power to help us and our spirit in order that we, together with you, show that it is possible to have a multicultural, multinational, multireligious state of Bosnia, that we and others could be proud of. So, thank you for coming and please, *don't push us to ghetto*, don't push us to a national state of Bosnia and don't push us to a muslim state in Europe. Thank you very much. »

Was William Montgomery in Potocari at this time ? If he was there, and if he heard this wise appeal, his conclusion concerning Bosnia is, regarding the facts, incomprehensible. Indeed, giving Republika Srpska the possibility to declare its independence is precisely a way to push the Muslims of Bosnia to ghetto. Moreover, it is unacceptable, regarding the UN charter, to legitimise a territory which has been conquered through genocide. How can one claim to be ethical and, at the same time, propose such a solution ? Is it irrational ? Cynical ? William Montgomery explains his reasons: after fifteen years working in this area, 'I finally came to understand that the historical experiences in this region have implanted a mind-set very different from our own. We keep expecting the people in the Balkans to think and react as we do: It is not going to happen. » This admission of failure is most interesting. After eighteen years working on what happened in former Yugoslavia and why, and after observing that my interpretation of this war is considered as approximatively right by Croats in Croatia, by Bosnian people in Bosnia, by Serbian activists in Belgrade, and by Albanians I met in Paris, I would like to propose another alternative, based on the conviction that in all countries, men are indeed deeply influenced by the way they learn history, by their culture, and by their own Memory. If Germany eventually became a democracy, if France thanks to Paxton and many

others was also able to become more conscious about what really happened during WWII, Serbia may also become a country where people may criticise their own ideology and face their own past. In these countries, still strongly dominated by men, women are in this respect more courageous, maybe because they are spontaneously more conscious about their own responsibility regarding the children and future generations. Like these women and the men who support them, after eighteen years of working on the texts and the facts, I think that the most urgent is now the question of transmission. If many people – Croats, Bosniaks, Serbs, Albanians – feel the last war to be a kind of repetition of WWII, we should all help the young generation together, as soon as possible, to work on this tragic memory. Of course, it might be painful for Europe and International Law. But we have many documents, many movies, and many testimonies. Establishing the truth and helping the young generation to recognize what really happened is the only way to build a better future for all these populations. Instead of spending billions in denying the truth we have known for years (I mean the aggression and the genocide all over this area), the EU and the US could and should help those who are ready to recognize the facts and to learn more about what really happened and why. The more International Law and the international community deny Belgrade's responsibility in starting the war and committing genocide against the Croats and the Muslims, the more they will radicalize the populations. Republika Srpska is the outcome of a criminal policy we can't legitimise without creating a kind of Middle East situation in Europe.

European culture is at the root of American culture. Instead of making irresponsible decisions without understanding the deep logic of this new genocide, I think that the US and the EU should propose a Peace conference in Sarajevo with Croats and Serbs recognizing the facts, and open the debate with French, German, English and Italian people about how we could help the young generation face this painful past together. With the experience we have in France and in Germany, I'm sure we could help to fight negationism... and repetition. But it won't be possible if politicians aren't conscious about what happened and why, and if they refuse to hear those who belong to the civil society, who have been working hard on this question for years and publish in other languages besides English or American.

To try to conclude on a question which remains open, the hope given by the ICJ in Croatia, declaring admissible its complaint against Serbia (on 18 November 2008, symbolic date of the fall of Vukovar in 1991), exists, but it is forlorn. If we observe the facts from the point of view of this International Court and if we understand its logic, we can immediately identify the problem it will face: having acted as it has regarding Bosnia, which was the second and

main victim of the genocide carried out with the initiative of Belgrade (and the Croats of central Bosnia were, in this country, the political victims of the policy of Karadzic and Mladic as well as the Muslims), how can it decree in favour of Croatia without contradicting its own judgement? The judges will fear, without any doubt, that a judgment pronounced in favour of Croatia will (justifiably) entail a feeling of injustice for the Bosnian people, since counting the greatest number of victims of this war, they have not obtained from this court the judgment they could legitimately expect to get⁴⁰.

However, the courage of justice – and judging requires, indeed, a certain amount of courage and lucidity – should lead the judges to simply recognize the facts which we have witnessed, meaning that Croatia was attacked in 1991, and that from 1991, Croat populations were being deported to concentration camps located on Serbian territory⁴¹. It is quite surprising that the International Criminal court of law for the former Yugoslavia has not yet lent a more attentive ear to the requests of the Croatian lawyers concerning these camps. Indeed the very existence of these camps, some of which are located in the same zones⁴² as the camps for the Jews during the Second World War, testifies both to the specific responsibility of Serbia since 1991, and of the repetitive nature of this genocide policy⁴³. If the ICJ wishes today to prevent new deathly reproductions, it can follow the example of the German youth, a living proof of the possible evolution of mentalities, after the pronouncement of a clear judgment and a genuine work on memory, carried out without any compromise. In other words, we have the choice between two styles of repetition: one deathly (if the expected judgment, one

⁴⁰ BIH, however, has not renounced to claim justice. Sadly there being no shortage of new elements proving the genocide policies conducted by Milosevic, Karadzic and Mladic on the whole of the Bosnian territory, Harris Silajdzic has recently announced in the Croatian press (*Globus*, 28 November 2008) the renewal of the complaint of the BIH before the ICJ.

⁴¹ See in this regard Louise L. Lambrichs, "L'objet du déni. A propos des camps serbes" ("The purpose of denial. About the camps in Serbia), op. cit.

⁴² Banjica, in particular, was a famous camp in the Yugoslav memory (but ignored so far of by the European memory, since masked – at least in western democracies – by the servo-communist and whose archives remained inaccessible to those who did not speak Serbian). See in this regard Ljubica Stefan, "Serbia: collaboration with the occupant during the period of the third Reich and genocide against the Jewish people", in Louise L Lambrichs, *Nous ne verrons jamais Vukovar* ("We will never see Vukovar"), op. cit., 411-445, in part. 431, 432, 434, 435.

⁴³ Zoran Sanguit testifies to the fact that after 1991, at Banjica whose memory had been obscured or even denied in Serbia, a new camp was installed, intended this time for Croats and for all those who had resisted the JNA troops, manipulated by Milosevic. Remember that Serbia was in 1942 the first country in Europe declared "judenfrei" by the Nazi authorities and that this policy was actually not only of the result of the German occupation, but also of the Serbian administration, of Ljotic's militias, and a large part of Serbia from the time (see exhumed documents from the archives of Belgrade by Ljubica Stefan, op. cit.) through a series of testimonies, coming from all parts of the population (Croats, Bosnians or Bosniaks, Serbs, Albanians). See as well *L'effet papillon*, op. cit.

acknowledging the facts, is not pronounced), and the other, a virtuous one, assuming that the judges have fully understood the ideological source of this new genocide, and the problematic of memory involved. Offering the young generations in Serbia, Bosnia and Croatia access to a work of criticism on memory seems difficult, not to say impossible, without a judgment avoiding the ambiguity, and who alone could lead to a truthful reconciliation. In order to measure and establish the responsibility of the Court in this matter, we must, with no doubt, put aside the purely legal arguments, which remains enforceable, and question the historical consciousness of the judges themselves. All those who have worked for over fifteen years on this war and who have fully measured its horror, recognise this fact: the trial of Croatia against Serbia is the trial of the last chance, and we can only hope that the ICJ will take this opportunity and will recognize what has happened, that is the attack of Croatia by Belgrade, and the genocidal character of the policy conducted by Milosevic and his allies against this country, which will soon make its entrance into Europe. Such a judgment could also open up a true recognition of the facts in Bosnia and Herzegovina. If we consider that what happened in Vukovar is linked to what happened in Srebrenica, through the same perpetrators, Croats and Bosniaks should work together for the plain recognition, together with the brave activists in Belgrade who recognize Serbia's responsibility in starting the war, without being really helped by Europe and International Law. To look the old demons in the eye with courage is a necessary step in order for us to turn our backs on them. Thanks to writings and debates concerning the history (and story) of the Second World War in Europe, this historical human truth is now printed in our chairs as in our memories. Dismissing Croatia would be a way to write-off the Serbian negationism, register the denial of the aggression in Serbian history and more widely in the European history, in other words, profoundly register in our memory the falsification of history which the law system was precisely supposed to fight.

In Greek Tragedy, there is a feminine character, Cassandra, who announces the future catastrophe, and who is never listened to but rarely wrong. For years, most of my friends who know my work call me that, and it makes me perplexed. In one way, they are right, since from 1991, I have belonged to those few in France who have tried in vain to explain what Milosevic's goal was. For eighteen years now, I've been fighting French and international prejudices. And this long and painful work has helped me to become more conscious about how strong obliviousness and denial are, and about my responsibility as a simple citizen of Europe. Of course, like all speaking people – which is the human characteristic which makes us different from the other animals – my approach to this question is related to my mixed

origin (Jewish, Magyar, Austrian, Belgian, German, French), to my background (philosophy, literature, history and history of medicine, epistemology, psychoanalysis), to my experience of this war and to my work on it, and finally to the deep consciousness I've been developing thanks to this work on what happened in Croatia and in Bosnia. Now, I can feel day after day not only in my soul, in my spirit, but also in my body, how justice is the key issue of peace and why anger and violence will repeat not only here but also outside if the EU and the US and the UN ultimately don't do their job fairly as they are supposed to. We all know that peace and reconciliation are impossible without justice, and that the duty of International Law is to establish and plainly recognize the facts, which is an essential mission and a major responsibility regarding following generations. We know also that justice is worded by men and women who belong to different countries, and that the way they look at the facts is strongly influenced, sometimes unconsciously, by their own cultural prejudices fed by the way they have learned history. ICJ's judgment concerning Bosnia, for instance, is tightly related to ICTY's premises which are, regarding the facts, partly inaccurate. Indeed, looking at this war as a "civil war" (which is the communist thesis) or as "interethnic conflict" (which is the international way of speaking) is contrary to the facts we have been able to observe and reconstruct. Actually, the most accurate definition of Milosevic's policy was given in France, in 1992, just at the beginning of the war, by Annie Le Brun who qualified this policy as "national-communist". This expression summarized perfectly both nationalist ideology in Serbia, and the goal of this totalitarian regime. Moreover, going to the Vukovar cemetery, anybody may observe that some Serbs and Bosniaks were fighting with the Croats against Milosevic's army. Those facts confirm Natasa Kandic's declaration, saying that "ethnicity is irrelevant". I could add that ethnicity, unfortunately and in spite of all the evidence of genocide, still seems to suit both Serbian nationalist and International Law supported by western nations.

To conclude in a less pessimistic way, I think now that if many people in former Yugoslavia are conscious that the last war was a kind of repetition of WWII, this interpretation opens a new door. Indeed, working on this concept of repetition, in the different places in Croatia, in Bosnia, in Serbia, in Kosovo, where this repetition took place, could help young people to become conscious at least at this surprising mechanism. It could be a first step to stimulating their own curiosity, and to start fighting rigorously local and international denials, criticising both totalitarianism, negationism and ethno-national mythologies. In the meantime, the EU

should support the translation of many books and also support those in Croatia, in Bosnia and in Serbia, who fight without means for the recognition of the crimes against political local and international lies. Only strong and clever cultural support helping to build new relationships based on a common recognition of what really happened since 1991, including UN troops' responsibilities, will help to reconstruct rigorously the history of this war, helping with this shared work in rebuilding more peaceful and ultimately confident relationships between people. Of course, this common work will take years. But because it will take a long time, we should start it as soon as possible and gradually replace the soldiers by people fighting against negationism and nationalism for truth, plain recognition of genocide in Croatia and in Bosnia, and eventually peace. If this common and rigorous work could help the majority of young Serbian people to read their own myths as true poets, they maybe will finally understand that "heavenly Serbia" is a wonderful metaphor to mean a Serbia which will remain forever in the memory of humanity. Facing up to the truth, facing up to the betrayal by their own criminal leaders and their own priests, seems the best way to hold onto an unforgettable example of human courage in Europe and in the world.
