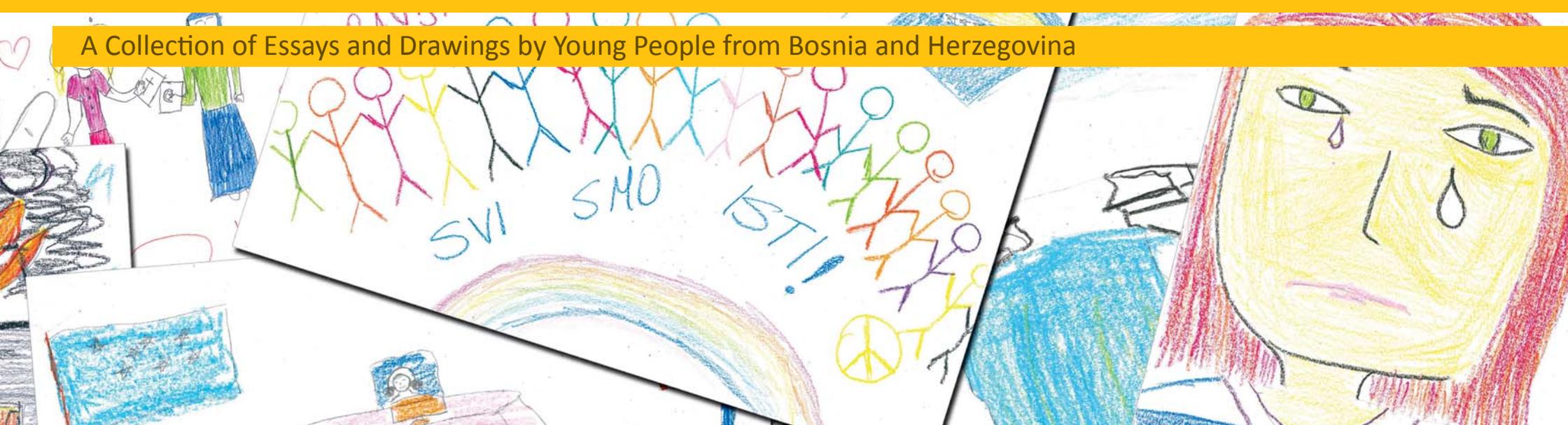




... “Unless we face the crimes and learn lessons from our recent past, I am afraid that there will be no normal life in these parts for a long time to come” ... “It is precisely for this reason that this young man believes that all trials are needed, absolutely needed, for all crimes and war crimes in particular, because they are the most serious of all” ... “Nobody will understand the gravity of what happened between 1992 and 1995 unless the most severe of sentences are imposed for crimes” ...

A Collection of Essays and Drawings by Young People from Bosnia and Herzegovina



Our Tribunal

A Collection of Essays and Drawings by Young People from Bosnia and Herzegovina

Our Tribunal: A Collection of Essays and Drawings by Young People from Bosnia and Herzegovina

A publication of the Outreach Programme, Registry, ICTY

Editor in chief: Nerma Jelačić
Contents Editor: Nenad Golčevski
Contents Manager: Rada Pejić-Sremac
Graphics Editor: Leslie Hondebrink-Hermer
Translation: Petar Dubljević
Revision: Nick Beston
Contributors: Almir Alić and Ernesa Ademagić
Circulation: 1,000

Printed in The Netherlands, November 2013.

It is a true pleasure to introduce *Our Tribunal*, a publication containing a selection of drawings created by primary school pupils and essays written by high school students from across Bosnia and Herzegovina, on the topics of war crimes trials, peace and justice.

The children's drawings were created during a workshop held in the framework of the 10th annual Sarajevo Kids Festival in June 2013. Children aged 7 to 14 were asked to express in drawings their thoughts on justice and the need for war crime trials. *How do you imagine justice? What kind of work does the Tribunal do?* These questions were posed to a group of children during the workshop and the work they produced as a result was wonderful.

Later in the year, as part of the Youth Outreach Project, we asked high school students to submit a piece to a national essay writing competition on the topic *'Should we hold trials for war crimes committed during an armed conflict?'* The response from students was overwhelming, with more than 130 of them taking part in the competition.

The essays and drawings clearly demonstrate that young people in the region of the former Yugoslavia feel a personal connection to the events which overtook their region in the 1990s and to the post-conflict efforts to achieve justice. They have strong opinions on these topics and are eager to make their voices heard. Even though the children and teenagers whose works are presented here were born after the war,

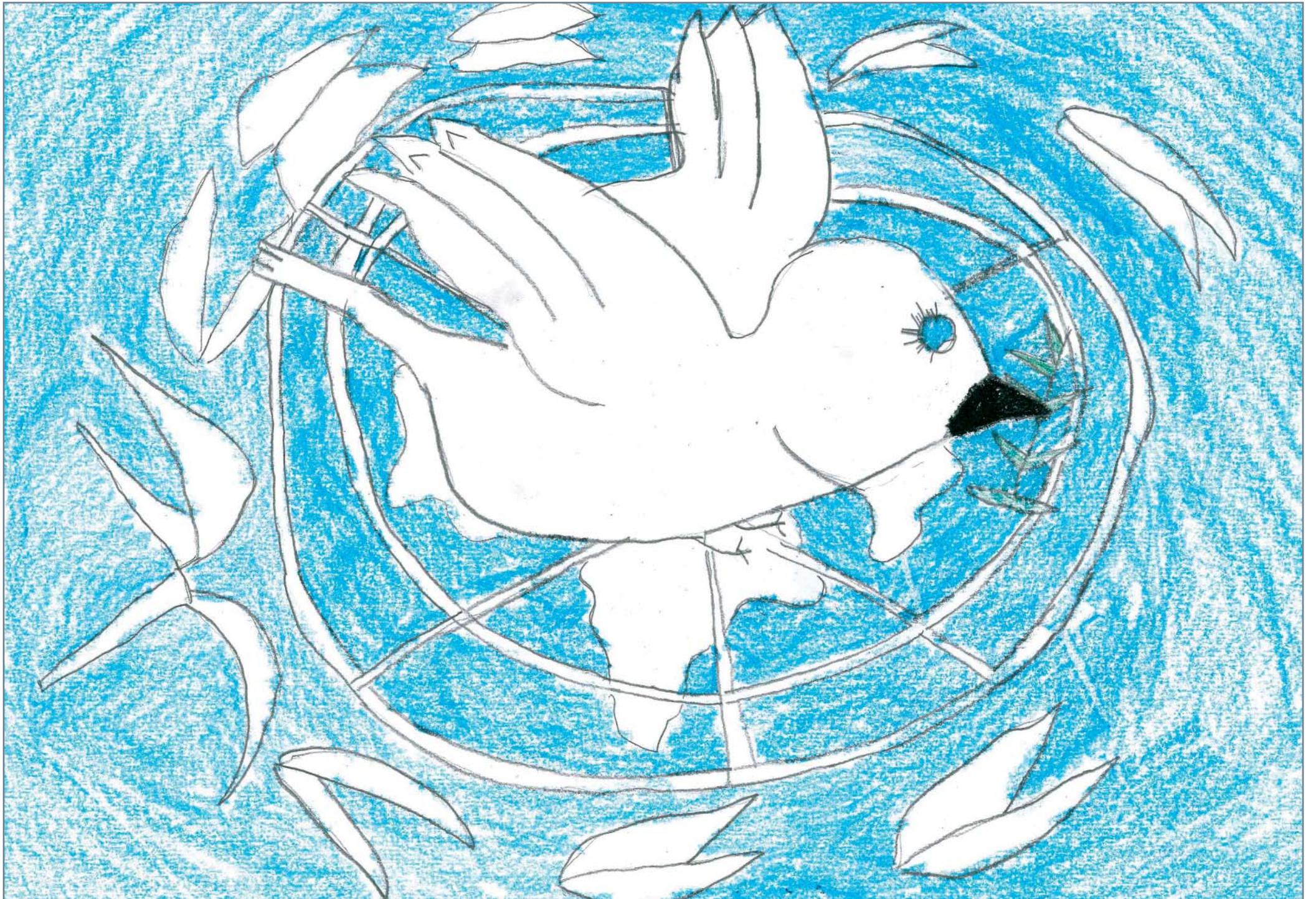
they still feel the burden of the past. This is expressed best by the high school student who wrote: *"Other people's past is our reality, and in order for us to have a normal future, we have to go through a complete catharsis as a society. The wartime past is like a weight tied to our feet, which is slowing us down in our development and on our path to a normal life."*

Throughout the years that the ICTY Outreach Programme has been engaged with young people in the former Yugoslavia, its staff have witnessed time and again that not only do the younger generations care about the issues we deal with, but also that they are passionate about them and eager to know more. Working with these future leaders and decision-makers has been, and will continue to be, one of the key elements of the ICTY Outreach Programme. Through these activities, such as the Programme's participation in the Sarajevo Kids Festival for the past two years or the implementation of the Youth Outreach Project, the Outreach Programme is helping young people in the former Yugoslavia to better understand the link between accountability today and peace tomorrow.

The following pages provide a rare insight into the views and reflections of Bosnia and Herzegovina's young people regarding the issues of war crimes trials, peace and justice.

Nenad Golčevski
Outreach Programme, ICTY







Should we hold trials for war crimes

4

Should we agree to forget? Rely on the selectivity of the human mind to remember only the good and forget the bad things so that we can stay normal in abnormal times? Maybe it is a good idea to sweep the dust under the carpet and keep the skeletons in the cupboard, after which our living space would put on a façade of carefree, everyday life in which the world begins and ends solely with us? Let us choose a blessed feeling of ignorance and fill our lives with cheap activities and shallow programmes which turn us into observers of our own lives, and leave our decisions to the centres of power that play down the scale of the crimes, equalising the blame, looking for the causes of wars in everything but ourselves! Let us turn things upside down! Let from now on truth be a lie and let victims suddenly become perpetrators of crimes. Or let us try to bring back the time when newspaper obituaries spread from the back page to front page? Let us be the main news, take the first seconds of world news from Syria. Or maybe, for a change, try to be human again.

To be human means, above all, to walk upright on the path we have paved with our own moral principles. It is a path where all people are equal and their human rights are the same as ours. To be human means to have a conscience and that makes us very different from animals. Apart from the fact that we are among the few living creatures on the planet who find that killing members of their own species makes sense. Our

entire past is, in effect, a chronicle of senseless wars in which the stronger destroyed the weaker and the victors wrote history.

My generation was born after the war. It would be logical to expect that we should not concern ourselves with something in which we did not take part. We should say, "Peace, peace – nobody's to blame!" and forget that a war raged across the whole region in the 1990s, destroying many human lives and having destructive consequences which are still felt.

That is precisely why we have to face the consequences of war. Other people's past is our present, and to have a normal future, we must go through a complete social catharsis. The past of war is like a weight tied to our legs, slowing our normal development and good life. Unless we face the crimes and learn lessons from our recent past, I am afraid that there will be no normal life in these parts for a long time to come.

That is why, for a start, war crimes trials are needed. Let us be realistic. None of the communities had enough strength to bring to justice those of its own kind responsible for the crimes committed. Criminals were hailed as heroes and victims became mere numbers, where the difference between a hundred and a thousand victims is "only one zero". That is why the Hague Tribunal was needed. Because we were not ready to take responsibility for such an important task,

the consequences of which will be lived by many future generations.

We need institutions that will openly say that the commission of war crimes is not allowed and that those who commit them will receive long prison sentences. We need trials to find out what really happened before we were born; somebody objective enough to establish the real perpetrator and recognise the victim on the basis of many documents and witnesses. They are our voice, society's cry for respect for justice and the creation of conditions for the rule of law.



"Unless we face the crimes and learn lessons from our recent past, I am afraid that there will be no normal life in these parts for a long time to come"



Courts are needed, but they are by no means enough. They cannot be some remote institutions which become an end in itself. Courts are not there only for criminals or victims. Courts are there for us. They are a social reaction to someone's unacceptable conduct. We should learn the lesson that war crimes must never be

committed during an armed conflict?

repeated: not only here, in Bosnia and Herzegovina, but also in the world at large.

That is why war crimes trials are so important for our generation - a generation that did not take part in, but lives with all the consequences of a bloody war. Few families around me have been unscathed by its destructive effect. Some lost their fathers, a part of their body or home, and others, whose houses were burned down, lost their photo albums in the fire, which were the only memories of their previous normal life. And we are all victims. If we turn a blind eye, we will all become the perpetrators of a terrible crime which is not criminally punishable, but is much more dangerous – the crime of forgetting.

Nobody has the right to forget victims of crimes. And victims are the same, regardless of their ethnic background. They share great pain and irreparable suffering. That is why we should not rub salt into their wounds, push them aside, inundated with daily bad news and economic problems. They live through the war of years ago every day in their minds and they have no end of working hours or a holiday season.

Nobody has the right to forget the perpetrators of crimes. Their names must be clearly said, as a reminder that they committed crimes in their own name, and not in the name of those of us who deeply feel the consequences of their crimes today. They will serve

their sentences in prison, and we will be punished to live with the consequences of their crimes.

We will be to blame, we will be co-perpetrators of a crime if we do not speak about it aloud. “War is bad, violating the rights of others is unacceptable.” I am absolutely sure that this short sentence sounds equally good in any language of the world.

That is why I hope that this is the last of the many wars that have raged in these parts, and that, like the Swiss, we will learn a lesson from a bloody war of long ago which will prevent us from repeating the same mistakes.

This will help the young generation restore the broken inter-ethnic links and lead the whole of society towards normalising relations. Only in this environment is it possible to develop the creativity of young generations, who will build their relations on respect and acceptance of diversity. Let us not forget that the longest journey begins with a single step. May our own facing of our past be that step on the path of reconciliation across the whole of the Balkans.



Maja Graca,
first prize winner,
Meša Selimović Gymnasium, Tuzla





Adin, 7, "Tušanj" Primary School, Tuzla.



Alisa, 10, "Prva osnovna škola" Primary School, Donji Vakuf.





Should we hold trials for war crimes

Every generation is born, grows up and comes of age burdened by matters beyond its control within its own environment. Any given individual in a given generation has not asked for nor wanted this kind of burden. Nothing this individual has done has provoked or contributed to this, and yet he or she bears this... he or she is not "called" to resolve, clarify or neutralise this... and yet he or she must bear it...

For the young people of my generation, it is the war, and events during and after the war in these parts which represent such a great burden, perhaps the greatest burden. These burdens are inescapable and unavoidable, but also inappropriate for us given how long they have endured, so they could also be called necessary. Their intensity, volume and form are the same for all of us young people, regardless of our ethnicity, gender or the town in which we live... or, better said, vegetate, in those parts of life which still remain ours alone, despite there remaining too little that is uncontaminated for us.

Those of us born during the war or at the end of the armed conflict and who grew up in the years following the war were too small for this to concern us to any great extent at the time; but, 10 or more years after the war we were sufficiently grown-up to be able to understand that we simply could not understand what was happening to the adults around us. Why

they were depressed or strident, why they talked even when being silent, why they would rail at each other, why they did not like one another and bothered one another, even when they did not see each other. When we ask someone something like this, they start talking and talking, draining themselves by saying something which says very little at all: "So-and-so is to blame for everything. If it hadn't been for that, everything would have been different. If this had happened, that would not have happened..." The worst part of it is that it would be hard for two people to agree about these claims, or even about one of them. For the next few years as we matured into young people, we expected that at least some of this, if not all, would be more comprehensible, clearer. That some form of interpretation of the events that occurred before we were born, if not a single interpretation then at least something approaching it, would be formalised and stabilised. That at least the majority would agree that so-and-so was responsible for this and such-and-such for that, that a certain incident was caused by so-and-so, and that it led to this or that consequence.

Much time has passed. We had hoped and expected that many things would have been clarified and formalised, that a line would have been drawn under much of what was disconcerting, that some powerful state lever would have ensured that events from the past stay there and that a fresher, progressive and unburdened stream of life would flow through our lands, among us.

This has not happened, and we continue to hope, to wish, to believe that we will still be young people when things reach this crossroads.

Such a situation inevitably imposes unease and dissatisfaction upon a young person, not to mention a helplessness which leads to despondency, all of which, mixed together, leads to contemplating the point of existence for each and every one of us! However if there is a way to prevent this course of events, if there is even a small chance to break this chain, then something must be done; to relieve the burden of living it is not just that something should be done, but that there must be a constant endeavour to do that something even when the outcome is, to a large extent, uncertain in every sense.



"It is precisely for this reason that this young man believes that all trials are needed, absolutely needed, for all crimes and war crimes in particular, because they are the most serious of all"



committed during an armed conflict?

It is for this reason that we invest great hope in judicial institutions; that we believe that the proceedings they conduct establish the actual facts from that time; that in their final proceedings they prove that someone did something and that everyone is responsible for his or her acts and, as such, must be punished in an appropriate manner.

And yet opinions are still divided. Some support the belief that these trials are not impartial, that they are a “set-up”. While others believe that they truly and justly unravel the web of past, fraught events. Yet others still block, slow down and challenge these trials. The position of everyone else forms a balance between those mentioned. It is because of these conflicting individual intentions that some trials never even began, while those which are underway are being drawn out inappropriately. In the face of this, those trials which have been completed have marked, to a great extent, an end, at least in terms of the events and the people involved in them. Aside from the inevitable comments immediately after completion, it would be rare for the actual events and people to be mentioned; the case judged remains in the past, behind us. It does not necessarily have to disappear into history, but the most important thing is that the same story is no longer told in various ways. It is precisely these various attempts by adults, responsible for both themselves and for the generations growing up, that not only blur our view but also serve to confuse. We have already had more than enough of these selective histories.

We believe that judicial institutions will bring an end to this burden, that they will bring truth, any kind of truth, albeit a semblance of the truth. This is the only way to calm passions and draw a line under everything that has come to pass.

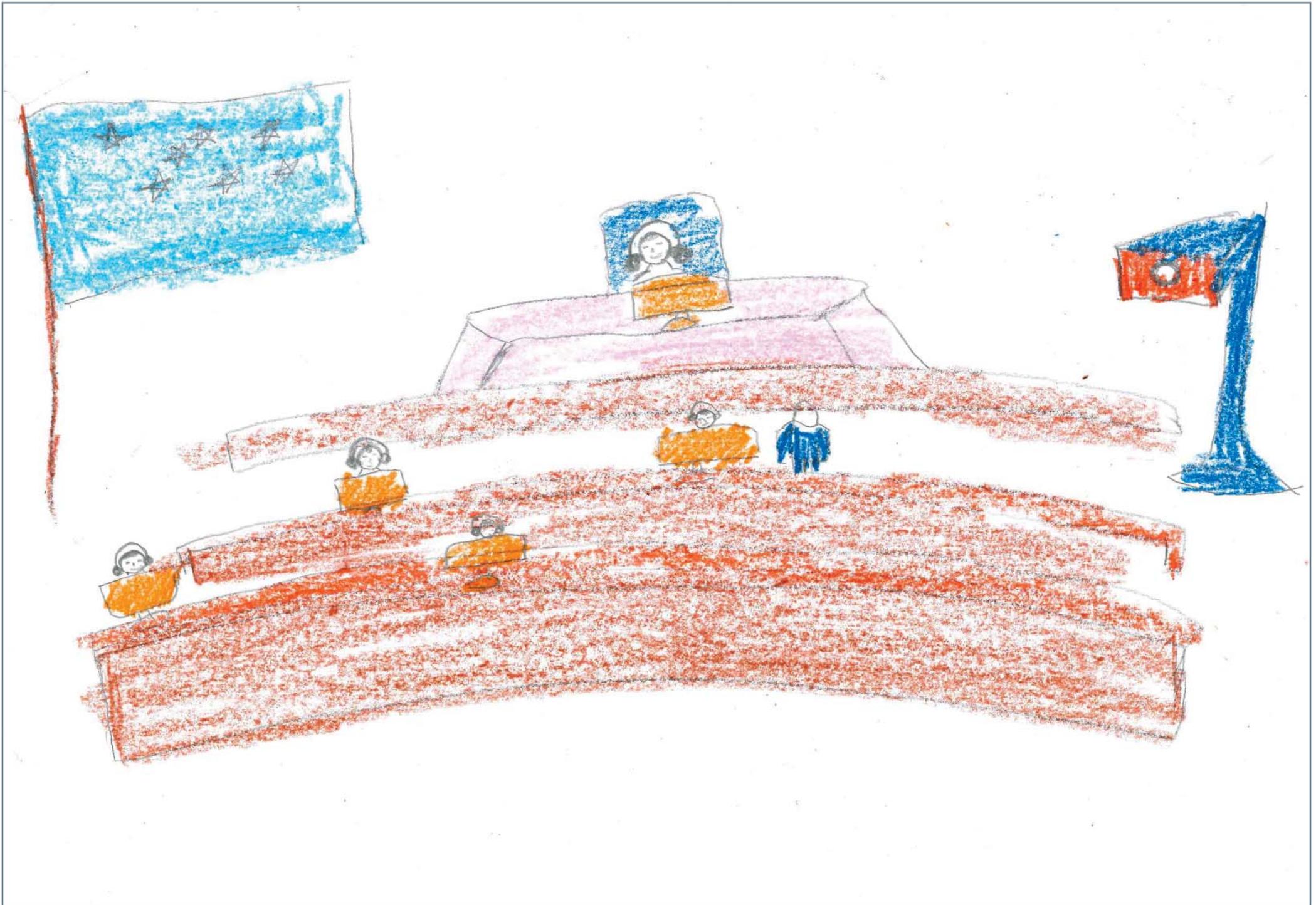
A young man, not yet required to make decisions on this sort of essential issue of state, does not possess a tool capable of changing the current flow of events, but the fact that he has been neglected does not mean that he does not favour or does not want to have an impact. However, he is currently powerless to point out the importance of the current moment or his own importance in this moment and every moment that follows it to those who rule time and space and the people in it.

It is precisely for this reason that this young man believes that all trials are needed, absolutely needed, for all crimes and war crimes in particular, because they are the most serious of all; dreadful at the moment of commission and even more dreadful in their scope and the longevity of their consequences. They create victims, both casualties and witnesses, and many pay much, as we do now. I therefore hope that this will be finished, once and for all, through these trials and convictions. I hope this will give young people today the chance to live their lives, unburdened by the ballast of someone else’s distant past.



Viktor Nikolić,
second prize winner,
Mihajlo Pupin Technical School, Bijeljina







Should we hold trials for war crimes

I live in a country where everyone judges others. Friends judge friends, neighbours are judged, or complete strangers. Each person in Bosnia and Herzegovina has this characteristic which makes him judge others, even for a most harmless thing. We look for blame in others, we argue and quarrel, especially about nonsense. But when it comes to important matters, all of that somehow disappears, people lose their opinions; it no longer matters to them. This society should direct its condemnation at the war crimes that occurred in this country, but people are trying to forget them.

People often say that you should “forget but not forgive”, but why should it be forgotten that someone assumed the right to kill innocent people?! The war that occurred in Bosnia and Herzegovina did not last four years, it is still going on. As an 18-year-old girl living in post-war Sarajevo, I still feel the consequences of that attempt to destroy a nation. Every day on the news I see people talking about reconciliation, mutual cooperation, but I know that it is not possible when those responsible for their crimes are still walking freely, or waiting for their sentences for years, and in the end receiving sentences of only a couple of years. Nobody will understand the gravity of what happened between 1992 and 1995 unless the most severe of sentences are imposed for crimes.

We no longer need to divide ourselves into this or

that group, but we should be human for once, be honest, and admit that those responsible for this situation should answer for it. The war brought a lot of evil, but I can describe today’s situation as one of mistrust. People, at least those who understand what happened, have lost faith in their state, in its institutions, because they are incapable of doing the only right thing – bringing justice to light. That is why my friends are leaving the country. They do not want to live in this country, to go to school in it,

● ● ● ● ● ● ● ● ● ● ● ● ● ● ● ●

“Nobody will understand the gravity of what happened between 1992 and 1995 unless the most severe of sentences are imposed for crimes”

● ● ● ● ● ● ● ● ● ● ● ● ● ● ● ●

to give themselves to it. This war took many lives, but it also took our youth and spirit. People have no will to fight, because few have fought to resolve the situation of intolerance that has been around for 20 years now. If it is clear to me, and I am still a child, why is it then not clear to my neighbour, who will keep saying that there was no genocide until the day he dies? He would not say that if those criminals were sentenced to a hundred years, if Mujo, Ratko

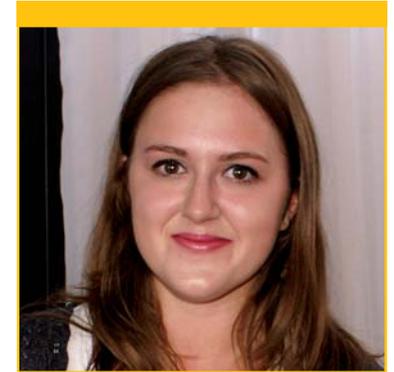
committed during an armed conflict?

and Pero did their best to hand over all the evidence they have to the relevant institutions, if everyone felt it was their responsibility and duty to tell what they know about what happened. We cannot take a new and better step into the future until a loud and clear condemnation is heard from every part of this poor country.

I condemn everywhere, I use every opportunity to say what and how people should react, especially my generation. There is a lot that we do not know because, thank God, we were not born when people were being slaughtered and killed here; but we know what it is like now, we feel the energy between us now and we should not ignore it, especially if we know its cause. If we all tell the truth, there is little chance that it will go unnoticed. The worst is to keep quiet and nod our heads while somebody from the leadership is telling us that everything is all right. Sometimes I have a feeling that people from outside laugh at us, that we appear quite incapable of resolving our own situation. Sometimes I wonder if we, Bosnians and Herzegovinians, are still on the level of those primitive communities that cannot communicate and understand each other, though I have learned in school that we all speak the same language. We have a country with inexhaustible natural resources, with beautiful people, the best food, the funniest jokes, the most emotional songs, yet we have no desire to help ourselves. I think that we do not have much time left. This will soon turn into general agony and dissatisfaction. We all

have access to all kinds of information, so we know that the people in these areas need very little to succeed, but also that a new conflict can break out in a second. The longer we wait the closer we are to new unrest, and I am sure that nobody will tolerate that any more. The fact is that there was a war, it caused many changes, but we are still here, there is still diversity in Bosnia and Herzegovina and it should stay like that forever. We should make a little effort not to condemn love, uniqueness, life, or a smile, but rather we should condemn war and lock it up in a cell and be proud of ourselves for succeeding in that together.

I do not know how much time needs to pass, how many hundreds of years before everybody understands that it would be a great relief for them if they admitted that people were killed and that it was done with clear intent. I do now know who needs to come and shout and order us to stop doing trivial things and ensure an easier life for ourselves. Then I realise that no foreigner can prove anything to us until we convince ourselves. Everybody went on with their lives after the war: some with scars, others with a conviction that they succeeded in destroying the state. It is true that we are standing on wobbly legs, but we still have strength and we can survive. New generations will be born who can revive something that has already been written off, but it can only be done with the truth. That is why each and every crime should be punished in order for us to move forward.



Sabina Poplata,
third prize winner,
Second Gymnasium, Sarajevo









Ajla, 10, "Kulin Ban" Primary School, Visoko.



Should we hold trials for war crimes

As someone who grew up after the war in Bosnia and Herzegovina, I was constantly surrounded by news of war crimes. Some of my earliest memories are television broadcasts of the trial of Slobodan Milošević. Since most of the media space after the war was given to the arrest and processing of war criminals, I could not but start having an interest in the work of the International Criminal Tribunal for Yugoslavia. At first I developed my own subjective opinions about the work of this Tribunal, and I did not believe in justice, because two key fugitives, Ratko Mladić and Radovan Karadžić, had not been arrested. To date, everybody on the ICTY list of criminals has been processed or their trials are under way. That has restored my faith in justice, and in addition to the trials for war crimes in BiH, I follow the trials for war crimes committed throughout Yugoslavia in the last decade of the 20th Century.

I find it absurd to ask whether such trials are needed or why. The reason is that the war in the former Yugoslavia caused so many problems and so much hatred that, if justice completely disappeared, the next war would soon break out. After trials for the many war crimes committed in the former Yugoslavia, the whole world has been informed and its attention has been drawn to all the troubles that the people of this area suffered. Moreover, at the same time the International Tribunal for the genocide and war crimes in Rwanda started working and it processed and sentenced the people

who committed genocide, making it clear to the whole world that such crimes simply cannot go unpunished. As I have said, people around me were sceptical about the ICTY after all the troubles they had been through. This Tribunal came of age and after so many years it won the trust of the people around me and restored their faith in justice and the system of fairness. This Tribunal reared generations like me, at the same time educating them about

“... I think that in the history of the Tribunal there have been ups and downs, many mistakes and deficiencies, but I still consider it to be a key factor of justice in the former Yugoslavia...”

the events that had taken place during the wars in the former Yugoslavia. The effect of the trials on the people has also been interesting, considering that the objective of the Tribunal was to render justice and remove historical misconceptions about the wars in Yugoslavia, but one of the objectives was also reconciliation between the peoples of

Yugoslavia, that is, the new countries that used to make up Yugoslavia. It is difficult to say whether the peoples have been reconciled with one another. In my opinion, we are deep into the reconciliation process, but we are still far from the end of that process. The ICTY convictions of war criminals have led to reconciliation somewhere, but in most cases they have created new divisions, because most people living here believe that members of their ethnic group convicted of war crimes are not criminals. We often come across opinions denying the legitimacy of the ICTY to process war crimes. In my opinion, the ICTY made just decisions and everyone, regardless of their ethnic background, must bear responsibility for their actions. One of the shining examples is the statement of the convicted war criminal Goran Jelisić during his testimony in the trial of Esad Landžo, when he said:

“One discussion was about the fact that this institution, the Tribunal, should establish a lasting peace in Bosnia and Herzegovina also through us. We later sat together and concluded that we had established peace here, but we were concerned about how they were going to do it down there.”

In my view, this is definitely one of the most important statements made in the history of this Tribunal. For these people were convicted of terrible crimes, and yet they achieved a certain rehabilitation by openly and publicly calling for peace in Bosnia and Herzegovina, the country

committed during an armed conflict?

where the bloodiest war in Europe after the Second World War took place. The Tribunal itself released this statement to the public and proved that it also has an ear for dialogue and reconciliation of people which is crucial for any further development of this region, and that it is not just a mere tribunal that follows someone's orders.

In international law, the ICTY is also one of the shining examples of the processing of war crimes. It has often been compared to the trial of German war criminals in Nuremberg. In addition to what has been said, the ICTY engaged the governments of all the countries of the former Yugoslavia in the active cooperation in the arrest of the accused and the collection of evidence of the war crimes committed. The imposition of the most serious sentences of life imprisonment on several convicted war criminals proves that the Tribunal is not lenient. Nevertheless, this Tribunal has often been, and still is, subject to criticism. I also think that some, rather specific criticism is justified. First of all, attention should be paid to the many judgements that were pronounced but somehow failed to be implemented. Why? It is because the countries that take custody of the war criminals usually release them from prison much earlier, generally after they have served two-thirds of their sentences, and after that the purpose of the sentence is completely lost. I think that the Tribunal should influence such decisions, because the victims think that the Tribunal mocks them. Cases like these should definitely be avoided. The best example of this

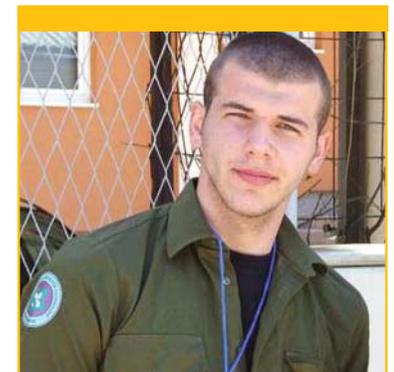
was the return of Momčilo Krajišnik a few weeks ago, when the public in BiH was shocked by the decision on his early release, and the people in Republika Srpska gave him a hero's welcome, although he had been convicted of war crimes. The greatest paradox in that was Krajišnik's statement on his return to Pale:

"I do not know why a welcome has been organised, because I am still a war criminal. Only in the review proceedings should I prove the truth."

The closing of the Tribunal has also been on the agenda for the last five years, although it has not been done. It is unnecessary to discuss this question when some key trials have not yet been completed. After all the trials are completed, which should be in about eight years at most, the ICTY will be closed, but I think that it should be succeeded by an organisation that will protect the legacy of the Tribunal, which involves preventing any forgery of the history, work on the reconciliation of the peoples of the former Yugoslavia and educating the young about the war in the former Yugoslavia to prevent similar events from happening again.

In the end, when everything is summed up, I think that in the history of the Tribunal there have been ups and downs, many mistakes and deficiencies; but, I still consider it to be a key factor of justice in the former Yugoslavia. The war crimes trials were not only needed, but they were also necessary. They brought at least some peace of mind to the victims

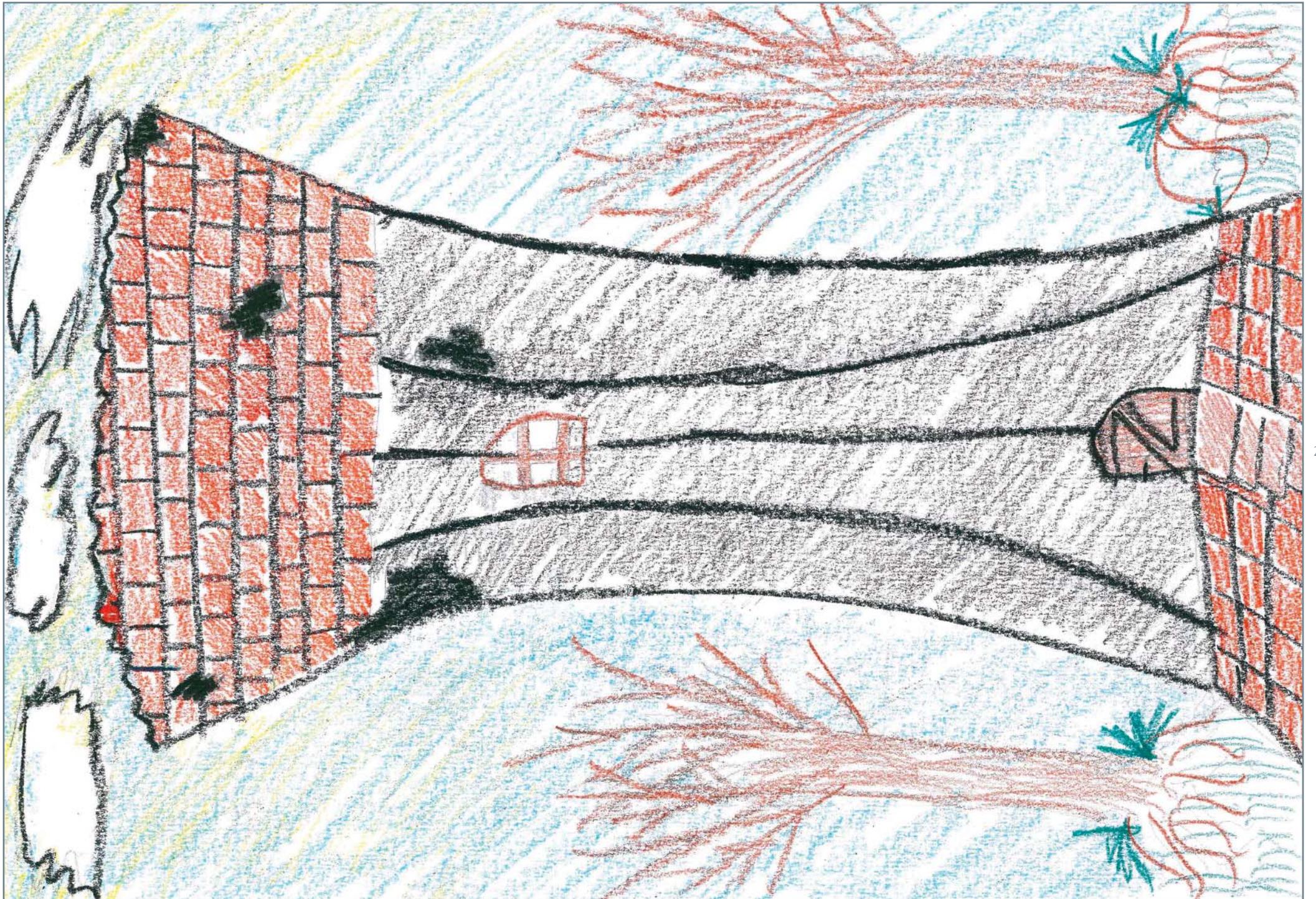
and encouraged them to go forward in the process of coexistence, tolerance and reconciliation. As has been said, the Tribunal proved that it imposes sentences, from acquittals to life imprisonment, without absolving anyone of their responsibility. It also proved through the appeal proceedings that it can correct its own mistakes. The Tribunal gave many victims the chance to speak to the whole world about their suffering and emotions. A lot of evidentiary material was submitted and shown for the first time to the public in many trials, and I would single out the disturbing footage of the execution in Trnovo in July 1995 shown during the trial of Slobodan Milošević. Yes, we definitely needed, and will need, the Hague Tribunal, and it will also remain a very important factor in the history of modern Europe, confirming the fact that justice is slow but sure.



Nedim Hafizović,
honourable mention,
Tešanj Technical School



Igor, 12, "Sveti Sava" Primary School, Istočno Sarajevo.



Should we hold trials for war crimes

While reading out loud the topic for this essay, I keep thinking of many questions and possible answers. Chaos ensues. I try to catch all these thoughts and put them down on paper. I succeed to a degree. I want to succeed. I want to put down on this piece of paper all the thoughts that are running through the head of a 17 year-old, so that our voice and our thoughts can be heard as well, those of the young people of Bosnia and Herzegovina. I think it is good to encourage young people to think about this topic and share their opinions. To have them try and give an answer to this question. Some day we will be the ones calling the shots. It is very important to build a sound position, a position that will result in our country going forward. At 17 I am not sure if every one of my thoughts and every one of my positions is correct. Can I fully comprehend the terms “trial”, “war crime” or “armed conflict”. I can be happy that I did not live through all of that. But I look around. In my house, in my street, in my town, there are so many people who are indeed familiar with these words, who feel fearful about these words, who turn their heads and look for a more cheerful topic.

They do not even have to talk about it; it is as if I can see all the horror in their eyes, all the loss. All this has been passed on to me. And rightly so! I want to empathise with them. They are the people

closest to me. I come back to the questions that I keep thinking of, and that are, in fact, the result of studying the views of all these people, listening to stories about the war and the efforts not to mention my father when I am in the company of certain friends. You see they lost their fathers in the war. I reply to a question with another question. Is there anything more valuable than a human life? Nothing is. Do we ever stop feeling a connection with the place where we were born and where we spent our childhood? We never do. How many innocent people were killed during the armed conflicts? How many people are killed now in the conflicts that continue to rage on planet Earth? How many people feel nostalgic, how many were driven out of their homeland? The number remains unknown, but it provides an answer to the question.

An armed conflict is chaos, and behind this partition are hidden crimes, wrongdoings and suffering. But the partition can only hide an image of all that. Not the painful scream. It can be heard far away, and it echoes even further away. Are trials necessary? In the search for an answer to this question, I focused on what is closest to us – the armed conflict that happened in this region, and from which people have not recovered even today, 20 years later. The International Tribunal for war crimes committed on the territory of the former Yugoslavia was established on 25 May 1993. Since then it has been operating without interruption. War criminals have been brought to justice, and many of them

have been convicted. But did this bring about any improvement in relations between the nations that found themselves on different sides in these conflicts, and if so to what extent? As a process, a trial establishes the facts in a certain case and determines whether a perpetrator is guilty or innocent, but does it do justice and find the truth? The past 20 years of the work of the Tribunal in The Hague, local courts, and courts throughout the world has shown that conducting trials for crimes committed is not enough for a society of one-time enemies to return to peace and normal coexistence. The courts did their work, justice was done, but how much is all that a solution to our problems? The three peoples in Bosnia and Herzegovina have



“And despite the stinging criticism directed against this Tribunal, and despite the comparison of this Tribunal with the Inquisition, we have to ask ourselves how would our coming to terms with the past have looked without this Tribunal?”



committed during an armed conflict?

over the past 20 years conducted themselves completely wrongly, rooting for the members of their own ethnic groups during these trials - as if it was a football match. When they “lose”, they grieve, when they “win”, they rejoice. A judgement by the Tribunal was never accepted because it was right, but only because it suited them. Of course, there were always the exceptions, those who look at the war and the events in the aftermath of the war from the proper angle.

The significance of the Tribunal in The Hague is reflected in the facts and figures. Judgements were pronounced against 134 accused, 24 are awaiting judgement by either trial chamber or appeals chamber, and the trials of the last three accused are currently underway. In order to complete the remaining 27 cases, the Hague Tribunal will need several more years. And despite the stinging criticism directed against this Tribunal, and despite the comparison of this Tribunal with the Inquisition, we have to ask ourselves how would our coming to terms with the past have looked without this Tribunal? How would we view the crimes that were committed, and would the word justice have any value in this region? Coming to terms with the past, no matter how painful it is, is crucial. It is clear that the past has come between people who so reluctantly remember it, between people who have lost and suffered. But can we look at that past as an incentive to be different in the future, as a lesson on how we must not behave and what

mistakes we must not repeat? We can and should. The trials are crucial, not only as a sign of respect towards those whose lives were cut short in the worst possible way, who were used as pawns and sacrificed for certain ideals, but also as a reminder to those who remain, that similar things must not be repeated, that crimes are punished and that they cannot hide. After everything that was said, I can only conclude that the trials are a shining light, a promise that justice can be done. The loss cannot be rectified, but the feeling that this world still remains in the hands of the PEOPLE – can.

So, are trials necessary? Yes, without any dilemma.

Will the trials solve all the problems in Bosnia and Herzegovina? No, and there is no dilemma there either. We need to understand that looking at it objectively, justice will be done and truth will prevail. But all the judgements in the world cannot offset all the losses of war, cannot heal the wounds and assuage the disappointment. Therefore, the only remedy for the disease in this region is reconciliation and forgiveness. New generations are growing up; Bosnia and Herzegovina will always have its Serbs, Croats and Bosniaks, its neighbours Croatia and Serbia. The world will not come to halt because we had a war, even though it does seem to us that it did come to a halt. We need to continue moving with the world.



Dalila Avdibegović,
honourable mention,
Musa Ćazim Ćatić Gymnasium, Kladanj







Should we hold trials for war crimes

*Human blood is dangerous
nourishment.
It has started gushing out of
your nose.¹*

In this country where streams of human blood ran until about 20 years ago, in this country in which grandfathers, fathers and sons grew up as orphans and generation after generation of women were widows, in this country where ideologies, death and crimes succeeded each other like seasons, in this country there is too much pain, suffering, sorrow and still fresh wartime memories of, I can say, fratricide, which give birth to hatred and intolerance incited and inflamed by those who take advantage of the misfortunes of others, goading the masses whom they have convinced are their people, goading them against each other, goading them to spill human blood so ruthlessly that it will have to reach their throats and start gushing out of their noses.

Wars come and go, but each and every one has the same end, at least for those who died. Children lost their parents, mothers lost their sons, wives lost their husbands, and that is why they are all brethren, because they share a common pain, sorrow and suffering. After the wars, trials that were more or less fair took place, all those who were guilty were convicted, or rather only those who were not important and capable enough to run away. Some are still ongoing, both for our unfortunate war and for other people caught by the flames of war. Some were convicted, some were acquitted and some died saving themselves from punishment in this world, some served their sentences and lived, or live, with

what they did. However, what does it mean for those to whom they did it, the children, mothers, wives? Will court sentences bring back their loved ones? They will not!!! There is no satisfaction that can relieve such pain, but court sentences can bring peace to the victims and those they left behind. The sentences should be a lesson, should show people how to think and raise future generations. Those who died must not be forgotten, in fact, they cannot be forgotten, and those who were born after



*“Fair, constructive and
purposeful trials are the
trials that will clearly point
a finger at the individuals
who beat the drums of
war with all their strength,
summoning the demons
of war and actually
committed crimes”*



them must be enlightened by humanity, armed with tolerance, girdled with understanding and united in the decision that war is a problem rather than a solution to a problem. Respecting the victims, they must build a bright, joint and, above all, peaceful future. Is it easier for a child of a fallen soldier than

committed during an armed conflict?

for a child of a martyr or fallen defender to grow up? No, it is not, it is all the same to them. No matter what we call their fathers, they are gone. All victims are simply victims, innocent and prematurely dead, whether they died in camps, fighting, shelling, or any other equally horrible way that war brings and that I can enumerate here. They do not distinguish between nation, faith or skin colour. That is why human blood will gush out of the noses of those responsible for the deaths of these people, who put cold rifle barrels into their hands, because they *could not separate their lead soldiers from the lead bullets that somebody planted in their pocket.*² They will be put on trial and they should be put on trial.

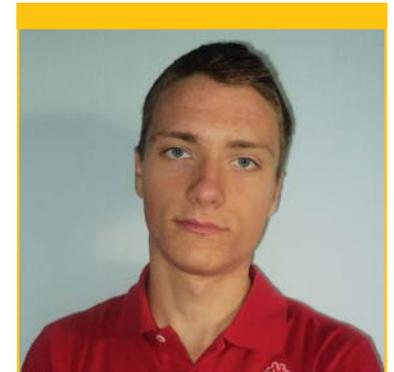
The purpose of justice and trials is to bring closure and help the normalisation of post-conflict societies. Of course, it would be too idealistic and immature to expect that courts remove all the consequences, heal all wounds, mend all those fences where a civilised society simply burst and failed to act in the face of the horror called war. Let us also look at history and listen to what the teacher of life tells us. In countless wars that have occurred to date, whether there were two or more sides, there is absolutely no side that came out of the war in a clean white shirt. All sides in war, both winners and losers, stained their clothes with blood, to a greater or lesser degree. There are no innocent winners or losers, there are only innocent victims. The burden of guilt cannot and must not be borne by ordinary, little people or the peoples

in whose name allegedly the criminals committed crimes. They were too weak and small to start a war on their own, but they became a great and powerful weapon in it – the greatest and most powerful weapon of that crazy machinery. To fulfil their purpose, the trials and courts for the crimes committed during war must view matters exactly as described above. Fair, constructive and purposeful trials are the trials that will clearly point a finger at the individuals who beat the drums of war with all their strength, summoning the demons of war and actually committed crimes. There is no collective responsibility of all participants in war; there must be a difference between those who played the drums and those who were sacrificed in that ritual. The long arm of justice may move slowly, but it will reach such individuals sooner or later. That is why war crimes tribunals have been established, including the one for our former country. It is up to them to work hard in the service of justice and it is up to us to let time be the healer.

This topic is full of suffering, sorrow and sad words, but if we glance back, there are only such words behind us and we should not let the demons of the past disturb us, nor should we wake them again. That is why we should only look ahead, because we will write the words that will be there!!!

¹ Petar Petrović Njegoš, *The Mountain Wreath* (transl. Vasa D. Mihailovich).

² Quoted from a song by Đorđe Balašević.

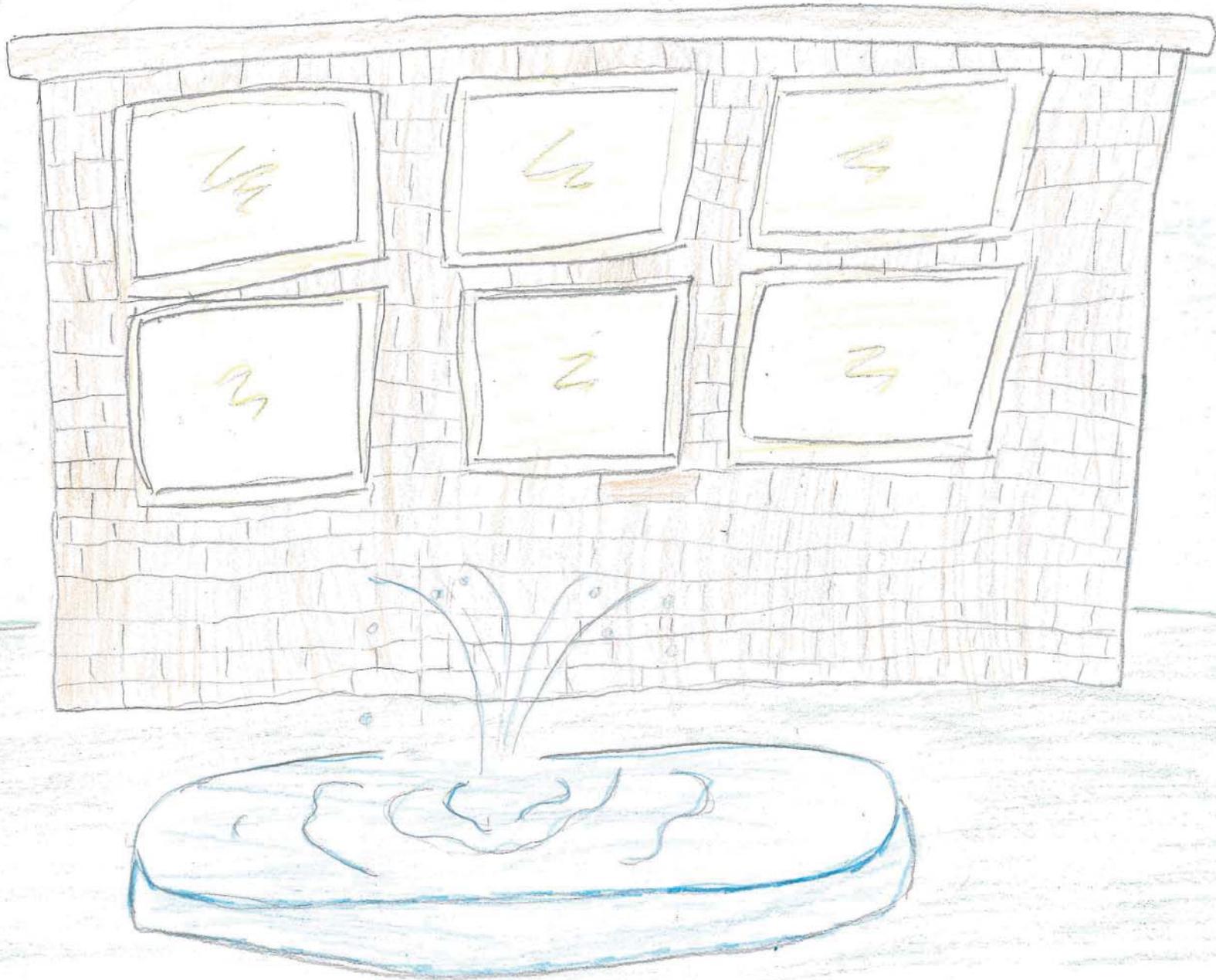


Marko Bulajić,
honourable mention,
Mostar Gymnasium, Mostar





UN ICTY



“We are all responsible for our deeds. The fact that as members of a society we have the basic right to a life, freedom and property, does not mean that we have the right to violate these same rights of others. Each and every one of those violations needs to be punished by law. This is very important because it allows us to establish order and balance in our lives and the life of our community.”

Nejra Kulović, *Meša Selimović* Gymnasium, Tuzla

“The international and local courts should continue with their work. They should punish everyone who committed crimes. That is the only way forward. That is the path of justice and the truth. That is the path of reconciliation and normal life. So that we can look into each other’s eyes without fear and shame. For the victims who survived to know that there is justice and that in some way justice has been served. So that the perpetrators of the crimes are punished and for them to repent. Only when all of us can live normally in any part of our country, regardless of ethnicity or religion, only then will we know that the war crimes courts have done their job.”

Šejla Sefić, Gymnasium, Bosanska Krupa

“Bosniak, Serb, Croat, whoever you are, if you have committed a crime, you have to be punished for those crimes, because the suffering of all mothers is the same, whether they are Croat, Serb or Bosniak. War criminals should be tried and punished for the crimes they committed. Although not a single punishment will be equal to the pain experienced by mothers who lost their children.”

Lejla Čardžić, Gymnasium, Konjic

“There is a maxim that one should help those who are being wronged, but also the wrong-doers. If we ask ourselves 'How can we help the wrong-doers?' The maxim says, by preventing them from wronging.”

Melika Jelovac, *Second Gymnasium*, Mostar

“It’s enough to look into the eyes of a mother who’s lost her sons and brothers, her father and mother, her home... There is nothing in those eyes. Nothing but the emptiness and a desire for it never to happen to anyone else and for those responsible for their pain and suffering to get the severest penalties in the toughest prisons for all the horrors they have done.”

Edina Redžić, Gymnasium, Bugojno

“And then people, people in power, ask me: 'Should they be tried?!' And I ask them back a question they will never understand: 'Should my mother cry? Should my brother and I feel this longing for our father?!'”

Amina Mehmedagić, Medical High School, Sarajevo

“Although, in theory, we live within the boundaries of one country, we are too far away from each other. The wounds are too deep and they are not healing very well, however, justice must be served. It is because of the Tribunal in The Hague, that those of whom it is widely known that they are guilty of crimes and inhumane deeds are in the dock. This time behind the same iron doors, in the same room, in the same prison canteen eating breakfast, hopefully aware of their responsibility and the crimes they had committed, but also aware that for many of them this is the last station in life, former powerful warlords. This time stripped of their masks, completely bare.”

Dina Bijedić, Meša Selimović Gymnasium, Tuzla

“A convicted criminal would serve as an example that there is right and justice, law and legality. We are all struggling and striving to live a normal life and we all want peace, without crimes, in the entire world.”

Ajdin Hodžić, Vocational Railworker Training School, Sarajevo

“The sanctions for war crimes, which must not lapse, are headstones over the graves of victims, moral satisfaction for the survivors, the resounding refusal of human civilisation to accept divisions along national, religious or political lines.”

Teo Raspudić, Third Gymnasium, Sarajevo

“For me the term 'war crime' is pretty wide. This does not necessarily have to mean taking of life, because a life is not taken by death only. The lives of four and a half million people who then lived in Bosnia and Herzegovina have been taken.”

Aida Salić, Third Gymnasium, Sarajevo

“It somehow seems to me that 'everybody' supports prosecution of war criminals declaratively, but when 'the turn comes' for 'our' crimes and criminals; well, that's where law and justice end. In that sense, I don't think there is any difference among countries - be they the most democratic or non-democratic, the strongest or the weakest - crimes and criminals in 'one's own ranks are somehow always protected'.”

Mubera Hafizović, Musa Ćazim Ćatić Gymnasium, Tešanj

“Well, ask that pot they threw into the bushes; the dewy meadows and gentle fields they ploughed up with grenades; and that forest riddled with shrapnel; and the branches hiding many bodies; and those women robbed of the flower of their youth and innocence, who still today roam the streets of our town distraught, mainly unprepared to forget the past or cope with the cruel reality; also ask those nocturnal vagabonds and dreamers they killed from a distance with grenades, shattering their dreams of a better tomorrow; and those boys and girls who had no childhood, as it was torn apart.”

Sumejja Alibegović, First Gymnasium, Zenica



UNITED NATIONS - NATIONS UNIES
International Criminal Tribunal for the former Yugoslavia
Tribunal Pénal International pour l'ex-Yougoslavie

The Youth Outreach project is generously supported
by the Ministry of Foreign Affairs of Finland



The ICTY Outreach Programme is generously
supported by the European Union



www.icty.org

Follow ICTY





UNITED NATIONS - NATIONS UNIES
International Criminal Tribunal for the former Yugoslavia
Tribunal Pénal International pour l'ex-Yougoslavie

The Youth Outreach project is generously supported
by the Ministry of Foreign Affairs of Finland

The ICTY Outreach Programme is generously
supported by the European Union

