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Balkan PERSPECTIVES

A magazine on dealing with the past



COVER: DCK/HLC KOSOVO

Hide and Seek: The politics of searching for our Missing

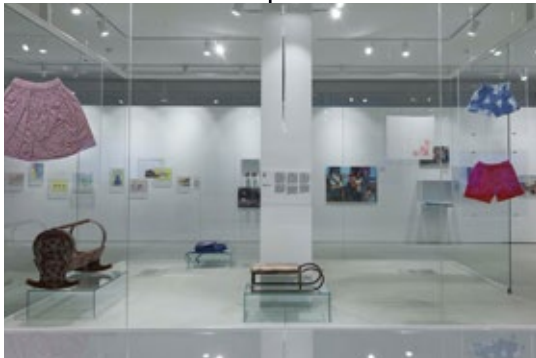
Please note: Some readers may find the content of this issue of Balkan.Perspectives disturbing.

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EDITORIAL

Issue: 12

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DEAR READERS,

On 30 August 2019, the Day of the Disappeared did not go unnoticed in the former Yugoslavia. Marches were organized to bring attention to the more than 10,000 people who are still missing from the recent wars here. For their families, “missing” is not an abstract term, rather it is deeply personal, raw and unresolved. In most cases, missing is equated with war crime, and for many families who are still without answers, the search for justice is an alienating one.

Investigating these missing persons cases has been marked by questionable political agendas, imprecise identification methods, legal hurdles, secrets and mythology. Tense relations between the governments has hampered efforts in recent years. Bosnia and Herzegovina (BiH), Serbia and Croatia many have since signed agreements to cooperate in the search, but results have been ‘slow’.

In this issue of *Balkan.Perspectives*, authors critique the politics of the region and lack of political will to put missing persons on the agenda in regional and bilateral talks.

Jelena Grujić Zindović expresses concerns about handing over the responsibility of the search to state institutions. Political tensions have limited the exchange of information between leaders, and access to state archives and mutual sites of interest. The Kosovo state does little to memorialize its citizens in general, as Dea Dedi remarks in interview. An exhibition to disappeared and killed children from the Kosovo war has brought families from different communities together in their shared grief. Civil society is pushing the state for a permanent memorialization space.

Zoran Andonov writes about the efforts of families of persons missing from the 2001 conflict in North Macedonia to seek justice. Hopes were dampened when the Parliament dismissed the related war crimes cases in adopting the new Amnesty laws.

Elda Jahić comments on contradictions in the BiH criminal code that hinder an effective search for the missing. Police and state prosecutors’ hands are tied when it comes to incentivizing or protecting witnesses who may be able to locate mass burial sites. These witnesses are often perpetrators or accomplices to the preceding war crimes; to come forward would be to self-incriminate.

Edin Ramulić finds the BiH institutes tasked with finding missing persons to lack both expertise and capacity. War crimes are seemingly collective efforts, from concealing the crimes and protecting the criminals, to misleading the public. The media went so far as to invent a mass grave near Banja Luka, which continued to be sold as ‘news’.

Arsim Gerxhaliu speaks of unexpectedly starting his career in forensics during the Kosovo war. In the last 20 years, bearing the news to families about finding the remains of their missing loved ones, has been the hardest part of this work. For most, the news is unbearable, and some refuse to believe it.

Milica Kostić reflects on the changing political agendas that affect the search for the missing. In 2001, Serbian institutions were willing to question the right people (internally), which led to several mass graves being uncovered. During the ICTY investigations, however, the state gave orders to relocate bodies to new locations in Serbia, in an effort to hide evidence. Contributors to this 12th edition of *Balkan.Perspectives* call for governments to collaborate with each other, in an effort to seek answers and justice for families, and to establish public and permanent memorials.

Balkan.Perspectives aims to exemplify and encourage critical thinking and constructive debates on Dealing with the Past. We hope you find it a valuable resource. Your feedback is welcome.

Warm regards,

Vanessa Robinson-Conlon / Editor in Chief

HOW COMMITTED IS YOUR GOVERNMENT TO INVESTIGATING WHAT HAPPENED TO MISSING PERSONS?

VOX POPULI

NORTH MACEDONIA

In the past few years, I cannot recall the government ever mentioning missing persons in any context or putting transitional justice as a topic on their political agenda. I guess this would be seen as unnecessarily opening old wounds. We should also keep in mind that politicians often leave transitional justice to the already fragile multiethnic party coalitions. **B. V. (36)**

Unfortunately, so far, not a single government has tried enough to reveal the fate of missing persons. Even though the conflict lasted for a short period of time, it left deep wounds in our society. Sometimes I wonder whether the government 'forgot' about these people in order to "keep the peace in the house". Probably that is one reason, but a lack of political will from our leaders and the weak capacity of our institutions also contribute to the inability to find a solution for this problem. I am for multicultural coexistence in society, but I also believe that the families of the missing deserve to know the truth. **F. F. (65)**

I think our country has progressed a lot since the conflict ended. Looking at the current situation in neighboring countries, I think we managed to build a multiethnic society here, even though there are still problems. One problem is the inability to solve the cases of missing persons. None of the governments, including North Macedonia's, have ever tackled the issue seriously – we can only guess why. We do not have impartial institutions here that will investigate what really happened. Everything depends on the political will of the parties, which is not always in line with the best interests of the people. **I. F. (26)**

KOSOVO

The governments in Kosovo and Serbia are not interested to find missing persons because they were involved in their disappearance. Once the bodies are found, the next question is who is accountable. This is the essence of the issue that nobody talks about. Each government fears justice, because they are implicated in one way or another. **D. B. (35)**

Although I do not know a lot about the persons who went missing during the war, I think that not enough has been done to find and identify them. Twenty years after the end of the war there are still many families that have no idea where their loved ones are. Maybe there is a lot more that the governments of Kosovo could have done since the end of the war. One thing that comes into my mind is that, maybe during the dialogue, Kosovo should have conditioned Serbia on revealing the whereabouts of missing persons, just as the EU has often conditioned Kosovo on various matters. **J. M. (22)**

I think Serbia knows where our missing persons are, but because we don't have good communication with them, they won't tell us. And, politically-speaking it's not in Serbia's interest to uncover more mass graves, because then they will have to answer for that and bring the parties responsible for the crimes to account. **A. D. (26)**

BOSNIA AND HERZEGOVINA

Our government(s) are committed to finding out where the final resting places of our missing persons are. In many cases, bodies were moved to secondary locations, so they are not only in one but in several places. Uncovering what actually happened to them when they went missing is another story. All sides have a unique interpretation of the period from '92 to '95. Hence, the process of searching for the truth about actual events is frequently tarnished by political interests. This is partly because civil servants, who should be impartial and non-partisan, are often clients of the political elites.

S. H. (45)

In my personal opinion, they [politicians] are absolutely not committed to finding missing persons. I feel that the main reason for that is to maintain the status quo, which allows them to remain in power and to satisfy their own interests, not the interests of the citizens of the country that they represent. As long as this issue remains open, or rather, until these missing persons are found, Bosnia and Herzegovina will not be able to move on in any respect. We are basically prisoners of their political interests.

N. M. (46)

It has been 24 long years since the end of the war in Bosnia and Herzegovina (BiH). Addressing the issue of missing persons is vital in the quest for truth and justice for society and for families of the missing. Long term, it is a necessary precondition for sustainable peace. With almost 7,000 people still unaccounted for in BiH, our government is mainly talking, not acting. It is individuals and families of the missing persons who are the ones trying to find their relatives, quite often paying huge sums of money for information about burial sites. Meanwhile, government institutions are entangled in a web of politics, counting "their" (own) missing persons, and neglecting areas where "others" might still be missing. There is an urgent need to start a new era of accountability and to begin to build the foundations of trust among citizens and between citizens and the state, as this issue will not simply disappear with the deaths of surviving family members.

G. B. (47)

SERBIA

Unfortunately, not much is known about the missing persons from the wars of former Yugoslavia. If it wasn't for several NGOs who persistently make the numbers public using available data and the Hague archive, we wouldn't even know how large the number of missing persons is and that the burial sites for the majority of victims are still unknown. This is always a topic of discussion during important anniversaries, but at other times it is not. State commissions and bodies don't deal with the issue the way they should. They only have a populist approach, and their story never changes: "all the missing persons will be found, and their exact number will be determined". Nothing has come of that in all these years, and that speaks volumes about the attitude of the state toward missing persons and their responsibility in general toward important questions about the past.

R. I. (54)

The disinterest of state institutions, when it comes to missing persons, gets worse each year. Serbia has no interest in answering the questions or in making the number of people who lost their lives in the wars of the 90s public. The locations of the bodies, the number of victims – they would never tell us this. But I believe they know everything all too well. Serbia has fewer and fewer trials for war crimes, which is an indicator of its approach to missing persons. Instead of dealing with this serious issue in a professional way, the War Crimes Tribunal keeps trying to annul the trials and thus show that missing persons don't really exist.

S. P. (40)

I belong to the younger generation, and I don't remember the wars. I found out a lot thanks to my parents, and, as I grew older, my own interest developed. I did a lot of research and watched clips on YouTube, I couldn't believe what these people had been through. Suffering, suffering and more suffering in every territory. Recently, I listened to a TV program about some reports on missing persons. The more I paid attention, the more I realized that the "official" data that they were discussing wasn't correct at all. The institutions that ought to deal with this topic don't even have insight into the number of people killed in the wars. I was shocked by mass graves, the very idea that they exist. It's horrifying. But, nobody from the government has ever spoken out about them.

I. S. (29)

A LIFETIME OF SEARCHING FOR THE MISSING

ARSIM GERXHALIU

In 1994, I decided to study forensics in Prishtina, unaware that I would live through a war. Since 1989, Kosovo had been suffering from Serbia's violent measures, and all Albanians were excluded from public institutions, including schools and colleges. We taught students in a parallel system, in private homes using slides. This lasted until 1999.

The NATO bombing started on the 24th of March 1999. For 79 days, we were locked in our apartments.

In June of 1999, I looked out and saw troops approaching on foot. They were KFOR, Gurkhas of the British Army. We went outside to meet them. I gave them water – they had walked here from Macedonia. That night they slept outside our apartments, on the ground, in sleeping bags.

The next day, they left Prishtina. I followed them, as they walked towards Llukare village and the front line.

As we walked, we saw bodies on the right side of the road. Putrefied. We saw shallow graves, so quickly dug that some had body parts sticking out of them.

On the left side of the road, we came across a garage. Apparently, it had been used by Serbian police. There was a circular saw inside, and blood everywhere. We could only imagine what had happened there. I remember a Czech TV crew was on site, trying to interview us. I avoided them.

• • •

Back in Prishtina, we were finally able to recommence work at the Institute of Forensics (IF). People started to arrive in large numbers. Every day, families would come by - five to ten family members at once - checking again and again for news of their relatives. This was the beginning of an emotional



relationship with the families, especially with those who didn't want to believe that their relatives were dead, even if they had been identified already.

At the IF, we had bodies in the basement. The media would mention a newly uncovered burial site, and hundreds of people would show up the following day.

One family asked me to go to Serbia, after the graves at Batajnica, Petrovo Selo, and Perućac Lake were discovered. It was difficult to say no, but it was even more difficult to set out on the road to Serbia knowing that 40 members of my own family had been murdered in the Studime village massacre. On 2 May 1999, in just one hour, 117 civilians – children, women, men and the elderly – were violently killed in Studime.

In the past 20 years, I've been to Serbia 255 times to assess suspect areas, uncover graves, and meet with the working group for the missing. I completed 22 body transfers from Batajnica and Petrovo Selo, bringing over 1,000 bags of mortal remains to Kosovo.

In 2006, Serbia officially confirmed that there were no missing persons from Kosovo left alive in Serbia.

Some families refused to believe it. They wouldn't give blood samples for DNA matching. Communicating with them was difficult. They believed their relatives were alive in secret prisons in Serbia. This belief is still fed by middlemen - agents



Credits: Arsim Gerxhalii

"It was difficult to say no, but it was even more difficult to set out on the road to Serbia knowing that 40 members of my own family had been murdered in the Studime village massacre."

of suffering - who give false hope to families by passing on 'messages' from missing relatives.

Now, most family members are starting to believe that their relatives are no longer alive. They "rejoice" at the return of their remains. They've waited 20 years. They are tired. They "rejoice" because many others are still waiting, fearing that they will die without burying their sons, brothers, fathers, mothers, sisters, daughters, cousins, grandparents...

These past 20 years, I've visited 22 family associations and their members.

We've dealt with 8,000 families.

Telling families that we have found their relatives, no longer alive, is the hardest part. After the waiting, the anticipation, the hope - all of the emotions built up over 20 years - they explode. As the messengers, we face the reaction. We listen. After 20 minutes they are kissing us.

• • •

Searching for missing persons is complicated. Alongside the IF, many international organizations have been involved in finding and identifying missing persons, including the Office on Missing Persons and Forensics (OMPF), the UN Mission in Kosovo (UNMIK), the International Commission for Missing Persons (ICMP), and EULEX, amongst others.

Directly following the war, there was no centralized system. Further impeding the process, alleged "NGOs" went from village to village, collecting information, photos, and items from families of missing persons. We later went to do the same and were told "we gave that away". To whom? To this day, we still don't know who these "NGOs" were or where the collected belongings lie.

• • •

Now we face the "end" of the process.

Over 4,000 cases have been closed by the Tribunal teams using a "classic model" that does not rely on DNA analysis. Family members identified bodies by sight only. Some 300 have now been buried. Perhaps they were wrongly identified. We still have more than 300 mortal remains in the morgue whose DNA does not match that of the blood samples provided by family members of missing persons.

To do it right, we would need to start all over.

We have a lot of work ahead of us.

Dr. Arsim Gerxhalii is the director of the Institute of Forensics in Kosovo. His career spans more than 20 years, starting from before the most recent war in Kosovo.

ONCE UPON A TIME AND NEVER AGAIN:

Commemorating the missing and killed children from the war in Kosovo

Interview with Dea Dedi

Once Upon a Time and Never Again is currently being exhibited at the Documentation Centre of Kosovo (DCK) in Prishtina, Kosovo. DCK is a project of the Humanitarian Law Center (HLC) Kosovo, a local organization that has been collecting data on human rights violations since 1997. Established in 2017, DCK is an exhibition and educational space, created to engage the public in HLC's research and findings, and to serve as an accessible transitional justice resource.

What led to the conception of Once Upon a Time and Never Again?

Little has been done to memorialize the past in Kosovo. The state has not given priority to the commemoration of civilian victims of war in general. Particularly concerning is that one of the most sensitive topics, the death of children, has been the most neglected. Until now, there is no symbolic day of commemoration for this category of victims.

Over many years, HLC has collected information on the victims of war crimes, fallen soldiers, and those who were abducted and went missing in Kosovo before and during the war. Referring to this extensive research, conducted over many years, HLC published The Kosovo Memory Book, which serves as a commemoration to those who fell victim to the war in Kosovo during 1998. The book includes short, personalized narratives about these individuals, so as to give life to the memories of people who often have been referred to only as a number.

The high number of child victims from the Kosovo war, also relative to the overall number of victims, and the lack of attention given to them and their stories, led us to initiate Once Upon a Time and Never Again. 1,024 children were killed and 109 are still missing during that time. We saw a need to commemorate those young victims. Everyone agrees that these children were victims. There is no room to argue this point - the kidnapping and killing of children is a crime. We wanted to tell their stories.

What was the process of collecting the children's items and stories?

Using the data we had collected over the years, we started to contact families of the missing and killed children. We interviewed them and hoped to gather any belongings and photographs to exhibit alongside their stories. After contacting the families, however, we realized that the vast majority didn't have anything (items), as most of the houses had been burned. Families sometimes did not even have a photo of their children.

What we did see was a great willingness from the families to cooperate, even from families who no longer had any of their children's belongings. They were supportive of the idea and still wanted to have their stories heard. This was the first time something was being done to publicly remember their children.

What did you include in the exhibition?

Of the total 1,133 killed or missing children, 100 were non-Albanian, including 50 from the Serb community. Using the space available at DCK, we worked with what we had, which was around 20 different physical items of killed or missing children from different parts of Kosovo, plus some photographs. We exhibited these along with their stories. Most children in the exhibition were from the Albanian community. Two of the items we collected belonged to a brother and sister from a Serb community. Finding families from Serb and non-Albanian communities was particularly difficult, as many have left Kosovo. We are continuing to search for these families, as we want to include as many children's stories as possible. These stories need to be told.

How did families react to the exhibition?

This project relied on the collaboration of the families, to work with us and share their stories.

The readiness of the families to cooperate with us and with



Credits: Majlinda Hoxha

each other, showed us how communities can unite in grief. The exhibition was, in a way, a symbol of reconciliation. Families were happy to have their children commemorated alongside children from different communities. The parents had a chance to meet and connect with each other. The large turnout at the opening, which included the general public, CSOs, and the international community, showed a high level of interest in the topic.

During the opening of the exhibition, each family took turns to bring other families to the items and photos of their children and explain their stories. It was very emotional. People were hugging, even those who were not involved. It was an atmosphere of both sorrow and gratitude. It was overwhelming.

What was the impact of the exhibition on visitors?

The way the stories are told – we put the focus on the children's lives. We give visitors a sense of the everyday lives of these children. Generally, stories tell of a simple childhood, which reminds each visitor of their own childhood.

We then present the ways in which these children lost their lives. This way of connecting with visitors has had an impressive impact. We have seen that it invokes a sense of empathy for the victims and a greater awareness about what happened during the war in Kosovo. As there is no graphic content presented, it is suitable to be visited by youngsters. Parents in particular saw the exhibition as a good way to

open the topic of our past and to discuss what happened in Kosovo during the war with their children.

What else is planned for Once Upon a Time and Never Again?

We aim to expand the exhibition to include the stories of more children. There are now more families approaching the center, wanting to share their stories. We want to make space for all of them.

At some point we'd like to make it a traveling exhibition, to give it visibility across the region and to encourage more families to come forward.

We are working towards creating a permanent space for the exhibition. We have the families' support for this. For this to materialize, however, we would need the state institutions to step in and support us.

Dea Dedi is the manager of the Documentation Centre Kosovo (DCK), a project of the Humanitarian Law Centre Kosovo (HLCK). DCK, operating since 2017, serves as a centralized data center, with the general public able to request data relating to transitional justice and dealing with the past in Kosovo. It also plays a central role in HLC's outreach and information activities and is a sanctuary for fact-based collective memory.

THE CHALLENGES OF SEARCHING FOR MISSING PERSONS IN BOSNIA AND HERZEGOVINA

ELDAR JAHIC

Around 35,000 people went missing during the war in Bosnia and Herzegovina. Most were civilians or soldiers who were captured and killed as victims of war crimes. Since the war ended, institutions in Bosnia and Herzegovina (BiH) have found and identified nearly 28,000 of the missing. This provided families with some clarity on the circumstances surrounding the disappearances, deaths and burials of their family members. The justice system was then able to prosecute those responsible for these crimes. According to the data from the Missing Persons Institute of Bosnia-Herzegovina (MPI), 80% of the missing have been found and identified but 7,000 people are still unaccounted for. Their families cannot find peace until they lay to rest the remains of their loved ones, which are still scattered in mass graves throughout the country. As these families slowly lose hope, trapped between expectation and reality, the institutions in charge of searching for the missing are increasingly struggling to obtain information that would lead to the discovery of mass grave sites.

Witnesses are growing fewer each day and many are inaccessible to the institutions in BiH. Often, information provided by witnesses is intentionally or unintentionally inaccurate, and documentation is unavailable. Institutions are spending hundreds of thousands of Bosnian marks to follow up each lead.

The Law on Missing Persons, one of the first laws of its kind in the world, has many advantages. However, it contains certain restrictions that prevent a more efficient search for missing

persons. One is that the MPI investigators responsible for searching for the missing are given “modest” powers. Lacking the authority to enforce the law, investigators, when talking to potential witnesses, rely solely on their goodwill and readiness to cooperate. Witnesses have no legal obligation to share information with the investigators, no matter how crucial it may be to an investigation. Witnesses are often excavators, truck drivers, or direct perpetrators and therefore avoid talking about crimes to which they are linked. Rarely has a mass grave been uncovered thanks to a witness who, on their own volition, approached the institutions to provide information or to help.

Another restriction which I find to be an obstacle in the search for missing persons is Article 231a of the Criminal Code of BiH. Article 231a states that anyone who knows and fails to report the location of a mass grave shall be punished by imprisonment for up to three years. The aim of this article is to encourage those with information about mass graves to report this knowledge to the authorities. In practice, the article has been ineffectual and even problematic. No one has been prosecuted or convicted for this crime, because it is very difficult to prove someone's knowledge of a war crime without also proving that they were a perpetrator or accomplice to the crime. Moreover, Article 231a may have in fact undermined the aim of incentivizing witnesses to reveal information about mass graves. Individuals who might, with some financial compensation, be able to provide information that could lead to the discovery of a mass grave may be hesitant to do so if contacted by investigators or authorities



Credits: Eldar Jahić

from the State Investigation and Protection Agency (SIPA) or Prosecutor's Office, as this would incriminate the individual and demonstrate that they were previously in violation of the law. Because of this law, these institutions cannot provide money in exchange for information. Other non-public institutions or individuals/families who are able to offer a monetary award in exchange for information formally sign a legal agreement with the "executor" of the criminal offense.

These restrictions aside, there is still room for improving the process of searching for missing persons. We must direct resources toward DATA GATHERING and ANALYTICS in an effort to uncover the truth and find the remaining 7,000 missing persons. For every missing person, we should determine the circumstances surrounding their disappearance, including the precise or approximate time of disappearance and where they were last seen. In this regard, the help of their families is priceless. Families often have useful insights, as the families of missing persons were usually the last to see their loved ones. It could then be possible to group missing persons based on the area, date, and circumstances of their disappearances, as well as on demographic criteria including sex, age, appearance, etc. Opening the war archive and analyzing court rulings could help to determine the circumstances that preceded disappearances. It is also necessary to determine the circumstances and dates of disappearances of people from the same area who have already been found and identified. This information will help in identifying patterns of

disappearances in particular areas. Mass graves have often been found near previously exhumed graves, which were dug in the same area during the same period of time. Once we collect, assemble, and analyze this data, we will be better able to identify people, accomplices or witnesses, who may know the locations or information leading to the discovery of mass graves. Witness hearings should be planned accordingly, and material documentation for the critical period (wartime working schedules, logbook for vehicles/machines, gasoline usage, etc.) should be prepared and used in these hearings.

***Eldar Jahić** is an investigator for the Prosecutor's Office in Sarajevo. He holds a Bachelor's Degree in Criminology and a Master of Laws. He has worked at the Research and Documentation Center in Sarajevo, managing projects in the field of transitional justice and dealing with the past. Since 2010, he has been employed at the BiH Prosecutor's Office, where he worked first as an analyst and later as an investigator for the War Crimes Department. He has spent many years investigating war crimes and finding gravesites in the Prijedor area, while for the past five years he has investigated events and prosecuted those responsible for the genocide in Srebrenica. As an authorized representative of the BiH Prosecutor's Office, he has assisted in locating numerous graves and exhuming and identifying hundreds of individuals. He has worked on the gravesites at Tomašica and Jakarina Kosa in Prijedor, as well as Branjevo and Kozluk in the Zvornik area, where the victims murdered in Srebrenica in July 1995 were found.*



Credits: Samir Sinanović, Mass grave in Tomatica

GRAVESITES FAR AWAY FROM THE COURTROOMS

EDIN RAMULIĆ

Nothing paints a clearer picture of war than images of a freshly opened grave with human remains emerging from layers of earth and gravel. Mass gravesites are places where we come face to face with death, and they are more horrifying than any living testimony or documentary. They are more gruesome than graveyards, because they offer us an intimate view of the decomposing human body and skeleton. In these parts, mass gravesites are at the core of every nationalistic narrative and every political campaign aimed at placing blame on the enemy.

It's somewhat of a paradox that the existence of mass graves has a useful dimension in the search for missing persons. Had the perpetrators of mass executions on conquered territories of Bosnia and Herzegovina (BiH) chosen some other method for disposing of the bodies, it would have been nearly impossible to find out what happened to most of the victims who have so far been identified. They could have burned the bodies, as they did during the Holocaust, since they had the factory plants, acids, mills, and smelters at their disposal. Instead, they decided on the cheapest method – mass graves.

Figuring that nobody would ever come looking for what they were hiding, they were careless. They dug graves near major roads, leaving trails of witnesses and evidence. The perpetrators of mass murders and executions generally had no obligation to actually bury the bodies themselves. The process of disposing of bodies in mass graves was often conducted by people from the civil protection, working units, local construction, utility or transport companies, sometimes even firefighters; police officers, occasionally soldiers, provided cover. All these years, nobody has asked these people about the process or where they hid the bodies. There was nobody to ask them.

Winston Churchill once said that if you don't want a problem solved, you should form a committee. The authorities in BiH did just that. To uncover the fates of over 35,000 missing people, they formed not one but three national committees. The three committees comprised of fewer than 40 people and not a single forensic expert, anthropologist or criminologist. These committees were then rebranded as the Missing Persons Institute of BiH, which currently employs around

19 investigators. These investigators are tasked with shedding light on the fates of over seven thousand people who are still missing from BiH, but they have no official authorization to conduct interviews or carry out investigations in the field.

Members of the police force are the only ones who have the authorization, the capacity, as well as the legal duty, to carry out field investigations for missing persons. However, they neither conduct these kinds of investigations nor are they expected to. By some absurd logic, police officers watch over exhumations, conduct forensic investigations, and participate in identifying the bodies, but they are excluded from gathering information on new locations of mass graves, the part where they are needed most.

We can also notice a paradox in the approach of the judicial system. Hundreds of mass graves and thousands of collective and individual gravesites have been uncovered so far, and as yet, not a single person has been convicted for disposing of the bodies. A precise inventory of missing persons was never conducted. Anyone with any sense would first make some kind of list of missing persons in order to know who to look for. But no, here they first searched for mass graves and bodies, and then registered individuals only after the graves had been exhumed and the bodies identified. The result is that hundreds of unidentified bodies are still lying in ossuaries.

Due to the existence of mass graves, the government of BiH can pride itself on having helped achieve relatively positive results in solving missing persons cases. However, without the International Commission on Missing Persons, which opened and operated laboratories for DNA analysis, mass graves would have become mass ossuaries or “John Doe” cemeteries, rather than a resource for exhuming and identifying missing persons.

Nothing can contribute to the collectivization of victimhood like mass graves. The thing that becomes most important is the victim's ethnicity or religion, rather than the victim's individual identity as someone's father, brother or daughter, a good football player or lawyer. People become numbers in some bizarre competition over which communities suffered the greatest losses. The Tomašica mass grave near Prijedor, where 435 bodies were found, was proclaimed the “largest in Europe after WWII,” even though 628 bodies were exhumed from the Crni Vrh mass grave near Zvornik in 2003. But that wasn't the largest mass grave found in the territory of

former Yugoslavia. The largest, containing 705 bodies, was discovered in Batajnica near Belgrade. The public doesn't usually remember any of the names of those found.

The extent of the public's callousness toward the existence of mass graves is illustrated by an almost unbelievable fact. In 2012, the Anadolujia¹ agency published the following information: “The International Court of Justice states that a mass grave with 540 bodies was discovered in the vicinity of the Manjača concentration camp. The bodies were probably from Manjača.” Bosnian media and public authorities, as well as some prominent regional TV stations, repeated this statement at every Manjača commemoration day. The thing is, a mass grave was never discovered in the vicinity of the Manjača concentration camp, near the city of Banja Luka. The International Court of Justice had nothing to do with the statement. The Anadolujia agency invented a mass grave larger than Tomašica in the territory of Banja Luka and this fiction continues to pass as news. Does no one wonder who these people are, where their families are, or where they're buried? Associations of concentration camp survivors who organize commemorations for Manjača do not mention a mass grave, and state officials who did not exhume such a grave since it was never discovered, also keep quiet, but perhaps the most compelling silence comes from the city of Banja Luka itself, where the invented mass grave is allegedly located.

Mass graves are products of collective criminal endeavors, which include more people than only those responsible for planning and executing the killings. Their discovery (and concealment) in our homeland is a deeply disturbing and alarming phenomenon, especially when it's a known fact that those involved in creating and concealing the mass graves are still free. The humanitarian approach used so far – to find the bodies, identify them and rebury them – is not enough. The story of mass graves should end in court, not underground.

Edin Ramulić is a human rights activist from Prijedor, former journalist, and editor of three editions of a book on missing persons entitled “Ni krivi, ni dužni”. Offering support for witnesses and victims of war crimes and gathering information on missing persons is his permanent preoccupation. Through his work, he aims to contribute to the processes of building a culture of memory and dealing with the past. He is the President of the Foundation for Building a Culture of Memory in Prijedor and is currently engaged in establishing a documentation and information center in Prijedor.

¹ Source: https://www.aa.com.tr/ba/arhiva/obilje%C5%BEeno-20-godina-od-zatvaranja-logora-manja%C4%8Da/355520?fbclid=IwAR3LjW_v1wtN-1vNOirMXKQIKF63dMI-mj-QW5ijozcfJt9XM0biJIMlqfA

18 YEARS LATER

The cases of kidnapped **Macedonians** and **Albanians** during the **2001** conflict in Macedonia remain unresolved

"It's been 18 years since my father, Krsto, was kidnapped and killed. My soul still hurts when I remember what occurred on 24 July 2001. They say time heals all wounds, and perhaps it does, but for my family and I, the pain is ever-present, especially knowing the criminals responsible still haven't been found or punished" said Vojo Gogovski, of Neproshteno, a village near Tetovo.

The conflict in Macedonia, between the National Liberation Army (NLA), a paramilitary organization of Albanian rebels, and the Police and Army of the Republic of Macedonia (ARM), began in Tetovo on 14 March 2001.

"On the evening of 23 July, the situation worsened in the area near Neproshteno, and the Macedonian population was evacuated to the neighbouring village of Ratae. My family was among them. The next day, my father, extremely worried about our house and property in Neproshteno, said: "I'm going home. Everything I've earned in my life is there. I've done nothing wrong to anyone and there is no reason to fear anyone".

Around 5:30pm, he called us on the phone and said he was fine and not to worry. That was his last phone call to us. According to the information we were given later, my father, Krsto Gogovski, was kidnapped from our house by uniformed members of the NLA on the afternoon of 24 July 2001. We still don't know what really happened to him that day," Vojo Gogovski continued.

The fates of other Macedonians kidnapped in July and August 2001 were similar. Some were abducted from their homes, or while working in the fields, in Tetovo and surrounding villages. In other cases, no one can confirm what happened. They simply disappeared.

ZORAN ANDONOV

According to official state data, 12 men of Macedonian origin were abducted in the Tetovo region, from July to August 2001. The remains of Krsto Gogoski (*1934), Vasko Mihajlovski (*1963), Dimitrie Dimovski (*1941), and Simeon Jakimovski (*1941) were found in a mass grave near the village of Trebosh. The fates of Andre Ristovski (*1967), Cvetko Mihajlovski (*1949), Boban Jeftimovski (*1972), Vasko Trajchevski (*1953), Ilko Trajchevski (*1953), Gjoko Sinadinovski (*1954) Boshko Dimitrievski (*1945) and Slavko Dimitrievski (*1952) remain unknown, although it is assumed that they were also kidnapped and killed.

On 13 August 2001, the signing of the Ohrid Framework Agreement ended the conflict. A few months later, in October 2001, Macedonian security forces exhumed a mass grave near the village of Trebosh, which was believed to contain the bodies of missing persons. When forensic teams

arrived at the scene, it was clear that excavators had dug up the bodies to remove evidence of the crime. However, the forensic teams managed to exhume the nearly intact body of one person and the partial remains of three persons from that gravesite.

In the laboratory of the Macedonian Academy of Sciences and Arts (MANU), a DNA analysis was performed on the remains to determine the identities of the individuals found in Trebosh. Although the Institute of Forensic Medicine asserted that the findings were 99 percent accurate, the families of the kidnapped did not accept the results. The remains were then sent to Bosnia and Herzegovina, to the Institute in Tuzla, where the DNA analyses were fully confirmed. Despite confirmation, the families refused to receive and bury the remains.

"I saw the remains of my husband Dimitrie, but only 30% of his bones were found. The other parts of the body were missing. So, what should I do? Have a funeral for a few bones of my husband? What if, after we bury him, other body parts are found? Will we have another funeral? How many funerals should we have - one, two, five? This would be a huge trauma for my family and I after all that we have survived," said Vena Dimovska, the wife of kidnapped and murdered Dimitrie Dimovski, with bitterness in her voice.

The family of Vojo Gogovski refused to collect the remains of Krsto Gogovski until many years later.

"My father's body was found at the very bottom of the Trebosh mass grave, so when the criminals exhumed the grave, they did not reach his body. For a long time, though, we didn't want to collect the remains, mostly because of my mother. Until the last moment of her life, she believed her husband was alive and that one day he would return to her. We organized my father's funeral only last year, after my mother died," explained Vojo Gogovski.

In 2014, a memorial park was built in Neproshteno, dedicated to victims of the 2001 conflict. 17 years after the remains of Krsto Gogoski and Vasko Mihajlovski were found, they were buried in the village cemetery in Neproshteno. The few bones of Simeon Jakimovski and Dimitrie Dimovski, found 18 years ago in 2001, remain in the refrigerators of the Institute of Forensic Medicine in Skopje.

"What if, after we bury him, other body parts are found? Will we have another funeral? How many funerals should we have - one, two, five?..."

Excavations were also carried out near Neproshteno a few years after the conflict, but the search did not yield any results. Since then, authorities have conducted no further searches for the bodies of the 8 still missing Macedonians.

The families of the missing have been engaged in a long battle with state institutions to learn the fate of their loved ones. They are still seeking answers from the police, military, politicians, and foreign officials who resided in Macedonia during the conflict, but nobody is providing them with information.

"There is no one in this country with whom we didn't speak. We argued, we cried, and we pleaded. We spoke with the then President, Boris Trajkovski, and his then assistant, Stevo Pendarovski, who is now the President here; also with the leaders of the Internal Macedonian Revolutionary Organization-

Democratic Party for Macedonian National Unity (VMRO-DPMNE), with the Socialist-Democratic Party (SDSM), and with the Albanian party leaders, but we got no answers," recalled Vena Dimovska, visibly upset.

The families of the missing Macedonians tried to seek justice through the courts. This was a long and difficult process. The first legal blow for the families came in 2002, when the Parliament passed an Amnesty Law, which pardons ethnic Albanian paramilitary fighters (NLA) who fought Macedonian security forces in 2001. The second and most severe blow came in July 2011, exactly 10 years after the abductions and murders. The Macedonian Parliament adopted an authentic interpretation of Article 1 of the Amnesty Law, voting to dismiss four war-crimes cases returned from the Hague and thereby providing amnesty to



Credits: Zoran Andonov, Monument in Neproshteno

the NLA leadership and fighters accused of orchestrating and carrying out the kidnapping and killing of 12 ethnic Macedonians (and one Bulgarian) in the Neproshteno region.

“ We brought two lawsuits before the courts for the Macedonians who were kidnapped during the 2001 conflict. One was a civil lawsuit against the state, named ‘Neproshteno’, which sought damages for endangerment by terrorism. In 2005, the lawsuit resulted in the courts ordering the state to award families of the abducted persons appropriate amounts of compensation. We also initiated criminal proceedings for the ‘Neproshteno’ case and for the second case, ‘NLA leadership’, which sought to bring the parties responsible for war crimes against civilians to trial. These cases were intended for the Hague but were returned to Macedonia. In line with an authentic interpretation of Article 1 of the Amnesty Law, the Macedonian Parliament voted to dismiss the returned war crimes cases, and all NLA members were thereby pardoned. But, let it be known, that war crimes committed against the civilian population never become obsolete, which means that this case can be re-opened at some point in the future,”

said lawyer Vancho Sehtanski, who represented the families in court.

All Macedonians kidnapped during the 2001 conflict were formally declared dead by the Tetovo court in 2005. Not only Macedonian civilians suffered in the 2001 conflict. Ethnic Albanian communities also suffered casualties and disappearances. Hajredin Halimi from Skopje, Sultan Mehmeti from Struga, and Xhelil Osmani from Gostivar are still missing, while the remains of Ibrahim and Zekirija Veliu from Skopje and Islam Veliu from Struga were found in various locations in 2004. The body of a Bulgarian national, Radoslav Balev, was also found in 2004.

At first, the families of the kidnapped Albanians and kidnapped Macedonians worked together to seek answers from authorities about the fate of their loved ones. But, for reasons still unclear, these families halted their previous cooperation, stopped contacting the authorities, and remain unavailable for comment.

Although 18 years have passed, the wounds of the 2001 conflict have still not healed. The bodies of eight of the kidnapped Macedonians have still not been found, and it remains unclear why the seven Albanians were murdered. Both Macedonians and Albanians continue to mourn their loved ones.

***Zoran Andonov** is a journalist and correspondent from Tetovo. His 30-year career includes working for the newspapers Vecer and Dnevnik, TV stations Kanal 5 and MTV, and, currently, the web portal ‘Сакам да кажам’ (‘I want to say’), an open source platform. Andonov is also a photographer who has held several solo and group exhibitions.*



Credits: RTS, Raska House

HIDE AND SEEK

JELENA GRUJIĆ ZINDOVIĆ

For the last ten years or so, the estimated number of persons still missing from the wars in the former Yugoslavia has remained between 10,000 and 12,000¹. In other words, 70% of persons who went missing during the regional conflict have been accounted for², according to data agreed upon by all former Yugoslav republics.

The International Commission on Missing Persons (ICMP) managed the majority of work on missing persons after the conflicts in the former Yugoslavia and, in doing so, helped solve the most missing persons cases ever recorded in modern world history³. In recent years, however, while the number of international (regional) organizations dealing with missing persons has exploded, the ICMP has focused more on work

outside of the region. Now the task of solving missing persons cases has largely been left to the governments. (Personally speaking, it sounds like a plot from a horror film.)

All states in the region that are dealing with missing persons, more or less refer to the same obstacles that stand in the way of solving cases. Truth be told, I am not aware of any armed conflict ending with all victims being found. But this is 2019, and I wish to believe that further progress is possible.

Key problems identified include finding the graves, identifying the victims, and – since the responsibility has been taken over by state commissions – “the exchange of information relating to sites of common interest, as well

¹ Bomberger, K (2018). “It’s Not Too Late to Find Wartime Missing Persons.” Balkan Insight. <https://balkaninsight.com/>

² Bomberger, K (2018). “It’s Not Too Late to Find Wartime Missing Persons.” Balkan Insight.

³ ICMP. “Berlin Process Poznan Meeting: Missing Persons Group Maintains Effort To Account for Those Still Missing from 1990s Conflicts in Former Yugoslavia” ICMP Press Release, 4 Jul. 2019. <https://www.icmp.int/>

as searching local and international archives to obtain new information” (see, for example, the statement of the Commission on Missing Persons of the Government of Serbia from June 7th, 2019). There is talk of morgues in Zagreb, Sarajevo, Tuzla, Prishtina, and, possibly, Belgrade, where bodies have been kept for years and, for various reasons, cannot be identified. This means that there are hundreds of bodies, a terrifyingly high number of bodies, lying there, waiting to be accounted for. The explanations for not solving these cases or identifying these bodies are numerous – a lack of comparable DNA is one. (There are more, but that would take us into forensics, for which there is no space here.)

I requested explanations, some years ago, from all relevant institutions in the region, using the Law on Free Access to Information of Public Importance. The key challenges cited by authorities in almost all Western Balkan countries, aside from the “usual” problems, were a lack of “capacity” and “funds”.

What surprised me most was the fact that there were, at that time, over one hundred mass graves mapped in Bosnia and Herzegovina, for which there was “no money” to dig. Croatia meticulously marked all graves (or gravesites, as the case may be) in its territory according to International Humanitarian Law and had photographs of all victims before burial. However, a number of gravesites in Croatia remain unexhumed. We can wager that these remaining uncovered gravesites are those with ethnic Serb victims. Croatia never hid the fact that its priority since the war was to uncover graves containing murdered Croats.

Here we come to a crucial problem for Serbia, that is, the Serbian institutions responsible for wartime civilian casualties. Is anyone from Serbia actually fighting to exhume and identify the people who remain in mass graves? Serbia's relationship towards its victims calls for a separate essay.

The “main person” in Serbia in charge of solving missing persons cases is Veljko Odalović. He began serving in Kosovo in 1987 and was the chief of Kosovo County (as it used to be called) from 1997 to 2001. In August 2011, I conducted an interview with him for the weekly newspaper NIN, where he stated that “September will be a very important month for missing persons,” as the authorities were supposedly preparing an investigation of targeted locations. Several months later – nothing new for those of us following the region. It was declared that they had dug up every inch of the land in question and had found nothing. In the NIN

interview, he said that, as far as Serbia was concerned, all demands from Croatia had been addressed. Croatia still maintains, in all of its meetings with officials, that solving the problem of missing persons is the second or third condition for resolving outstanding issues in its relations with Serbia.

What happened a few years later, in 2012? After Odalović declared that everything that could be exhumed in Serbia had been, a gravesite was found in the foundations of a strange house. The house was built directly over a mass grave containing more than 250 bodies. If I remember correctly, Odalović spoke about this as fake news on several occasions. The house, not typical for Raška county, was half-finished. It was perfectly obvious that it was built to cover the evidence. The requests from the government in Prishtina, to review Rudnica in Raška, have been on Odalović's desk since 2004.

And what about Croatia? The mass graves that they insist exist, mainly around Osijek and Vukovar, could easily be discovered if any Serbian authorities wanted to. Former officers, generals, and those who know where they are, walk free in Serbia. Some spoke before the Hague Tribunal as protected witnesses, but only provided information about the system of arrests and killings, not about burial sites. The authorities in Serbia, especially the Serbian “deep state”, know very well where those who can find the unexhumed graves are and what they are doing.

There is little space for opening the extremely important question about registry records, which were taken by the Serbian army from all “lost” territories. After years and years of Odalović's denial – the man is a professional, he was doing his job – the president of Serbia, Aleksandar Vučić, returned the registry records taken from the town of Dvor, during his visit to Croatia in 2018. Many Croatian citizens of Serb ethnicity lost their lives in Dvor.

Jelena Grujić Zindović is the founder of the organization Kardan, which deals with nurturing a culture of memory through art, media and science.

“NEW TIME”

FOR THE **MISSING** FROM KOSOVO

MILICA KOSTIĆ

Twenty years after the war in Kosovo, over 1,600 people are still reported missing. They include more than 1,100 Kosovo Albanians, around 450 Serbs, and over 100 Bosniak and Roma victims. Today, a key obstacle to understanding their fates is the lack of political will to expose the truth about the state actions that led to the disappearance of thousands of civilians.

In March 1999, in an attempt to obstruct the investigation of the International Criminal Tribunal for the former Yugoslavia (ICTY), the leadership of the Republic of Serbia ordered the Serbian military and security services to remove evidence of war crimes committed by Serbian forces during the Kosovo war. Bodies were dug up and moved to Serbia in an attempt to cover up the mass killings of ethnic Albanians in Kosovo. The operations to find these bodies have, so far, resulted in the discovery of four mass graves in Serbia, which contained nearly 1,000 bodies of Kosovo Albanian victims.

A 2001 Serbian police investigation is the most obvious example of how, under the right conditions, a successful search for missing persons can be conducted. In just one month, three mass graves, containing the bodies of around 900 Kosovo Albanians, were discovered in Batajnica, Petrovo Selo and near Lake Perućac. Since then, only one other mass grave has been discovered in Serbia, in 2010, in Rudnica, near Raška. Here, the human remains of just over 50 persons were recovered.

Why was the 2001 investigation so effective? Because there was political will to dig into the past, literally. A working group, set up by the Serbian Ministry of Internal Affairs, questioned the right people during the investigation – those in their own ranks. Statements from police officers who were involved in moving the bodies reveal that they were being asked the right questions, which they answered honestly, aware that a “new time” had come. Based on the results of that investigation, we now know who prepared the bodies for transport, who transported them, who received them, who (re)buried them, and, most importantly, who was in charge of the operation.



Credits: Kossev

That “new time” has now passed.

The wartime political and military elites of the 90s, including war criminals responsible for killing Kosovo Albanian civilians and hiding their bodies in mass graves, are now back in public office. The mainstream media is under their control, today referring to mass graves in Batujnica as “alleged”, for example.

The exhumation of the Rudnica mass grave illustrates the politics of today, our latest “new time”. When the mass grave was discovered (based on information from EULEX and not its own investigative bodies), Serbian officials exhumed the bodies, identified them and sent them to their families, without opening an investigation into who was responsible for their deaths and burial. The Humanitarian Law Center (HLC) then established that the victims found in Rudnica were murdered in four different crimes in the Drenica region. The HLC also found that, at the time of the crimes, this region was controlled by the 37th Army Brigade under the command of Ljubiša Diković, Chief of the General Staff of the Serbian Army at the time of the mass grave’s discovery. The entire “establishment” – the politicians in power, including the then president, the army, the war crimes prosecutor’s office, and the media – stood behind Diković.

It is highly likely that at least some of the remaining 1,000 missing Kosovo Albanian victims remain in undiscovered mass graves in Serbia. Moreover, we can assume that these secret graves are within or near military and police facilities, as was the case for most mass graves found thus far. State authorities, however, systematically block any attempts to find these victims, primarily by denying access to military

and police archives, which contain information on the “sanitization of the terrain”, and by not prosecuting those responsible for war crimes.

The approximately 450 Serbs from Kosovo who remain missing represent the collateral damage from Serbian state policy that prioritizes the protection of individuals and the state structures responsible for war crimes over justice for victims, including Serbian victims. A consequence of the cross-border conflict in the former Yugoslavia is limited success in the search for missing persons, which requires collaboration between countries as information and victims themselves are located in different territories. Thus, a state, like Serbia, that isn’t interested in finding others’ victims cannot expect reciprocity in the search for its own.

It is evident that we won’t see progress in the search for the remaining missing victims, neither for Kosovo Albanians nor Serbs, until there is political will to do so. If that ever happens – if we see an investigation committed to searching for bodies and discovering new mass graves – it will be a clear sign that Serbia has reformed its military, police, judicial and political structures and is thus ready to join the European Union. Until then, we will continue to watch the televised warm receptions for war criminals returning from the Hague, the very people who murdered Kosovo Albanian civilians and moved their bodies from Kosovo to Serbia.

Milica Kostić is the former director of the legal program of the Humanitarian Law Center. She is the current program director for transitional justice at the International Coalition of Sites of Conscience.

NEWS AND UPDATES

KOSOVO

March for Missing Persons “How many more years should we wait?”, 30 August 2019, Prishtina

On the Day of the Disappeared, the Youth Initiative for Human Rights Kosovo (YIHR KS) organized a public protest march through central Prishtina. Starting at the ‘Newborn’ monument, which activists had covered in black fabric, protestors marched towards the Kosovo Government building, each holding a placard with the name of a missing person, demanding to know “how many more years should we wait?”. The march called for the Kosovo government to show their commitment to missing persons and put it at the forefront of their agenda in bilateral talks.

NORTH MACEDONIA

International Cinematographers' Film Festival “Manaki Brothers”, 14 – 21 September 2019, Bitola

In 2019, the International Cinematographers' Film Festival “Manaki Brothers” celebrated its 40th anniversary. The world first and oldest film festival for cinematographers was established in 1979 in honor of brothers Yanaki and Milton Manaki, the first cinematographers from the Balkans. Each year, the festival takes place in the brothers’ birthplace of Bitola, North Macedonia.

BOSNIA AND HERZEGOVINA (BIH)

Exhibition “Peace with a Woman’s Face”, 3 – 31 July 2019, Banja Luka

“Peace with a Woman’s Face” / “Mir sa ženskim licem” opened in July 2019 at the Youth Centre of Banja Luka. Later it travelled to Tuzla, and there are plans to show the exhibition in towns across BiH. This cooperation between the women’s peace movement, Mir sa ženskim licem, and forumZFD BiH, aims to integrate female perspectives into processes of facing the past and peace building in BiH. Twenty women of all ages, from all walks of life and parts of BiH were selected to share their stories from during and after the war: women who survived rape, domestic violence, lost family members,



Image: Soraja Zagic, Visitors explore the "Peace with a Woman's face" exhibition in Banja Luka

rescued neighbours and strangers, and females activists who led campaigns to fight for solidarity and equality. This inserts the important female voice into narratives of war and peace in BiH, which are male-dominated and ethno-centric. Download the exhibition catalogue on: www.dwp-balkan.org or with QR code:



“Dealing with the Past” program at Sarajevo Film Festival (DwP SFF), 17 – 20 August 2019, Sarajevo

The DwP program at SFF aims to open honest discussions about the conflict in the former Yugoslavia and the painful recent past, as a prerequisite to addressing issues today that stem from the wars and continue to burden our societies. forumZFD BiH has worked for a number of years with the DwP SFF program, and in 2019, invited “Challenge History” partners, the War Childhood Museum and the United World College of Mostar (UWC Mostar), to support five (5) “Challenge History” alumni to participate in the DwP SFF program. Participants wrote reflections on their experience within the program and shared these on the forumZFD dealing with the past website: www.dwp-balkan.org.

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forumZFD works with local actors to support conflict-sensitive discourse on issues related to the recent past. Balkan.Perspectives and forumZFD's regional dealing with the past website (www.dwp-balkan.org) are both platforms for local actors to present their activities and highlight alternative approaches to memorialization.

forumZFD is a recognized organization of the German Civil Peace Service, established in 1996. It trains international and local peace experts to work in post-/conflict regions alongside local partners to promote peaceful co-existence and non-violent conflict resolution. The western Balkans program focuses on dealing with the past, culture of remembrance, and establishing dialogue between opposing parties. The program encompasses peace education, supporting civil society, enhancing media capacities, among other activities that promote wider public discourse on the recent past.

forumZFD's strategic partner in the western Balkans is Pax Christi of the Aachen Diocese in Germany. The program is financed by the German Federal Ministry for Economic Cooperation and Development (BMZ).

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