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Letter to the Office of the High Representative

Working Group for Bosnia and Herzegovina

Mr. Christian Schmidt September 25, 2021

High Representative

The Office of the High Representative Sarajevo, Bosnia and Herzegovina

Your Excellency,

We are writing to you about a matter of grave concern. Within the entity of Republika Srpska, convicted perpetrators and others who committed atrocities are routinely glorified while survivors are prohibited or strongly discouraged from installing memorials to the victims. It is crucial, as a matter of the rule of law, restorative justice, and reconciliation to defend the human right to the truth [1] and the human right to memorialization. [2]

Survivors of Omarska concentration camp in Prijedor municipality, for example, have not been permitted to install a memorial for the victims. [3] They are only allowed to gather on the site for a few hours on one day each year, for commemorative speeches and to lay flowers at the infamous White House where prisoners were tortured and killed. Their efforts to preserve the White House and surrounding land and create a memorial museum and educational center have been blocked. In the nearby city of Prijedor there is a monument to the Bosnian Serb fighters but family members have been forbidden from installing a memorial for the victims there, including the more than 100 children who were murdered.

Further, at least 122 prisoners of Barutni Magacin concentration camp near Kalinovik were deported for execution on August 5, 1992. 42 of the victims have still not been located or identified. Family members are seeking to preserve the Barutni Magacin facility and install a memorial museum in the main building on the site that was used to detain the prisoners, but their efforts have been frustrated. It should not escape our attention that at the entrance to Kalinovik, just up the road from the camp, visitors are welcomed by a ten-foot mural of a saluting General Mladić, a mural that is carefully protected by an imposing steel fence. [4]

We respectfully request that you support survivors and family members in their efforts to install memorials by availing yourself of your BONN Powers and establishing protected national memorial sites in these "places of pain" [5] where atrocities were committed. We are proposing that you establish these memorial sites at places such as Omarska and at Barutni Magacin in a way that would be similar to the creation of the Srebrenica Memorial Center. The Srebrenica Memorial Center was established between 2000 and 2007 by four decisions taken by three successive High Representatives. [6]

There are many other atrocity sites at Keraterm and Trnopolje (in Prijedor municipality), at Pionirska Street House, Bikavac House, and Stražište Cemetery (in Višegrad), and at various locations in Foča that would also need to be protected according to the wishes of survivor associations.

Another location that needs to be designated and protected is the former Koštana Hospital (now abandoned), the site of a concentration camp in Stolac where a plaque dedicated to the victims has been vandalized. [7] Survivor associations have sought to secure the site as a memorial but have been stymied in their efforts. [8] According to the ICTY Trial Judgement, the HVO [Hrvatsko vijeće obrane] requisitioned Koštana Hospital for use as a place to illegally detain Bosnian Muslims from the community, detainees who were subjected to regular savage beatings, sexual abuse and murder. Six senior Herceg-Bosnia officials were convicted of being part of a Joint Criminal Enterprise to remove the Muslim population from the territory claimed as Herceg-Bosna (as part of "Greater Croatia"). [9] The Koštana Hospital concentration camp in Stolac was part of this eliminationist criminal enterprise.

Today, in spite of the recent law against genocide denial and against the glorification of convicted war criminals, many provocative statues, plaques, posters, murals, and slogans in Republika Srpska continue to suggest that the perpetrators of the genocide and other war crimes were heroes. Statues in Prijedor, Bijeljina and elsewhere, publicly glorify the "Serb defenders" or "Serb fighters". Where a mural to Ratko Mladić was removed in Foča, an accompanying slogan—referring to Mladić— reads: "U vatri i oluji tvoje ime Republikom Srpskom bruji" [Through fire and storm, your name resonates across Republika Srpska"]. [10] Another poster depicting General Mladić is an official and permanent fixture on a municipal building near the above-mentioned slogan in Foča. In addition, on August 25 in Višegrad, a mural appeared depicting Mladić's military cap with the slogan "Tvoja časna borba, naša vječna sloboda" [Your honorable fight, our eternal freedom]. [11]

The glorification of war criminals, the celebration of their crimes, and the suppression of memorials for the victims in Republika Srpska can be seen as a strategy to intimidate and re-traumatize survivors so as to discourage them from returning to the homes and communities from which they were forcibly expelled. In this way, Republika Srpska continues to pursue its founding efforts, begun in 1992, to achieve ethnic homogeneity, heinous efforts that have been judged to be genocide and other war crimes. Such practices are violations of Annex 7 of the Dayton Accords that

insures the right of refugee return. [12]

Further, genocide denial, the glorification of war criminals, and the celebration of the genocide, are clear indicators that the atrocities could be repeated. [13] This is a matter of the greatest urgency. Such denialist practices foreclose the possibility of restorative justice and deny the survivors a future. The protected national memorial sites that we propose would, in their very existence, resist denial and begin to raise awareness and transform social consciousness in Republika Srpska, so as to move toward the possibility of reconciliation.

In your public comments you have alluded to genuine efforts in Germany to come to terms with its past. There has indeed been a public consensus concerning the need to provide for memorials for the victims of the Holocaust and against fascism. From the "Memorial to the Murdered Jews of Europe" in Berlin, to the "Monument against Fascism" in Hamburg-Harburg, to the "Stolpersteine," Germany has embraced profoundly meaningful modes of memorialization. With your use of your BONN powers we trust that protected national memorial sites recognizing the persecution and the suffering of the victims of the genocide will soon become a reality in Bosnia.

Thank you for your consideration.

Sincerely,

The Working Group for Bosnia and Herzegovina

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Notes

1. "Right to the truth: Report of the Office of the High Commissioner for Human Rights," United Nations General Assembly, Human Rights Council, 21 August 2009. https://undocs.org/A/HRC/12/19 ↩
2. See "With the recognition that civilians bear the main brunt of atrocities, memorialization has become a political and sociocultural imperative in reconciliation processes." "Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed: Memorialization processes," Human Rights Council Twenty-fifth session, UN General Assembly, January 23, 2014. Also See "World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance," (2001), https://www.un.org/WCAR/durban.pdf: "106. We emphasize that remembering the crimes or wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity." ↩
3. "Survivors of Bosnian Serb Camp Mark Omarska's Closure," *BalkanInsight*, August 5, 2019, https://balkaninsight.com/2019/08/05/survivors-of-bosnian-serb-camp-mark-omarskas-closure/ ↩
4. For background information see Vesna Bešic, "Obilježena godišnjica zločina nad stanovnicima Kalinovika, AA, June 23, 2019, https://www.aa.com.tr/ba/balkan/obilježena-godišnjica-zločina-nad-stanovnicima-kalinovika/1513429. Also see "Džaferović u Kalinoviku Mural Ratku Mladiću je

civilizacijska sramota," *Klix*, June 27, 2021, https://www.klix.ba/vijesti/bih/dzaferovic-u-kalinoviku-mural-ratku-mladicu-je-civilizacijska-sramota/210627047. ↩

5. This phrase–"places of pain"—is borrowed from the title of Hariz Halilovich's book, *Places of pain: Forced displacement, popular memory and trans-local identities in Bosnian war-torn communities* (New York: Berghahn, 2013). ↩
6. The four decisions were: Wolfgang Petritsch High Representative, "Decision on the location of a cemetery and a monument for the victims of Srebrenica," OHR, 25 October 2000, http://www.ohr.int/?p=67588; Wolfgang Petritsch High Representative, "Decision establishing and registering the Foundation of the Srebrenica-Potocari Memorial and Cemetery," OHR, 10 May 2001, http://www.ohr.int/?p=67761; Paddy Ashdown, High Representative, "Decision ordering the transfer of ownership of the Battery Factory "AS" a.d -Srebrenica to the Foundation of the Srebrenica-Potocari Memorial and Cemetery and establishing an ad hoc Battery Factory "AS" a.d.- Srebrenica compensation Commission," OHR, 25 March 2003, http://www.ohr.int/?p=65883; Dr. Christian Schwarz Schilling, High Representative, "Decision Enacting the Law on the center for the Srebrenica-
Potocari Memorial and Cemetery for the Victims of the 1995 Genocide," OHR, 25 June 2007, http://www.ohr.int/?p=64715

   The enactment of the Law followed the Judgement of the International Court of Justice that genocide had occurred at Srebrenica: "§297. The Court concludes that the acts committed at Srebrenica falling within Article II (a) and (b) of the Convention were committed with the specific intent to destroy in part the group of the Muslims of Bosnia and Herzegovina as such; and accordingly that these were acts of genocide, committed by members of the VRS in and around Srebrenica from about 13 July 1995." *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007.* https://www.icj-cij.org/files/case-related/91/091-20070226-JUD-01-00-EN.pdf. ↩

7. Igor Spahic, "Bosnia's 'Bone Hospital' Still Haunts its Victims," *BalkanInsight*, Sept 25, 2017, https://balkaninsight.com/2017/09/25/bosnia-s-bone-hospital-still-haunts-its-inmates-09-22-2017/ ↩
8. "Bivšim logorom upravljat će Općina Stolac, Bošnjaci ogorčeni," *Dnevni Avaz*, Dec. 1, 2017, https://avaz.ba/vijesti/bih/327536/bivsim-logorom-upravljat-ce-opcina-stolac-bosnjaci-ogorceni ↩
9. See The Prosecutor v. Prlić et.al., (Trial Judgement) IT-04-74-T, J *International Criminal Tribunal for the former Yugoslavia* (ICTY), May 29, 2013, https://www.icty.org/x/cases/prlic/tjug/en/130529-3.pdf; also see https://www.icty.org/x/cases/prlic/tjug/en/130529-4.pdf. ↩
10. "U Foci oslikan novi mural s likom Ratka Mladica uz sramne parole," *Klix*, April 19, 2021, https://www.klix.ba/vijesti/bih/u-foci-oslikan-novi-mural-s-likom-ratka-mladica-uz-sra

mne-parole/210419123. ↩

11. "U Višegradu novo veličanje ratnih zločinaca, uz poruku Mladiću: 'Tvoja časna borba, naša vječna sloboda'" ProporadInfo, August 26, 2021, https://www.preporod.info/bs/article/25411/u-visegradu-novo-velicanje-ratnih-zlocinaca-uz-poruku-mladicu-tvoja-casna-borba-nasa-vjecna-slobod ↩

    Annex 7 guaranteed the right of refugee return "without risk of intimidation, persecution, or discrimination." The parties agreed to create "social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons, without preference for any particular group." "The General Framework Agreement for Peace in Bosnia and Herzegovina," *OHR*, http://www.ohr.int/dayton-peace-agreement/annex-7-2/ ↩

13. Gregory Stanton, "Ten Stages of Genocide," genocidewatch.net, http://genocidewatch.net/genocide-2/8-stages-of- genocide/ ↩

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